

ANNUAL TOWN MEETING  
TOWN OF BERKLEY  
JUNE 1, 2015

Moderator: John D. Blake  
Berkley Community School

Clerk: Deborah Pereira  
Attendance: 235

The Moderator called the meeting to order at 7:12 p.m.

The Moderator entertained a motion and it was seconded, to dispense with the reading of the warrant in its entirety starting with Art. 2,3,4 and then Art.1 and to take up each article as printed on the warrant. The Moderator declared the motion carried by majority.

**ARTICLE 2:** A motion was made by George Miller and seconded, and it was voted: To hear the report of the Capital Improvement Planning Committee.

**ARTICLE 3:** A motion was made by Gilbert Pontes and seconded, and it was voted: To hear the report of the Town Office Building Project Committee.

**ARTICLE 4:** A motion was made by Wendy Cochrane and seconded, and it was voted: To hear the report of the Finance Committee.

Note: The entire report is attached hereto and made a permanent part of this record.

**ARTICLE 1:** A motion was made by Wendy Cochrane and seconded, and it was voted for FY16: Appropriate from Free Cash the amounts of \$ 188,721 to Snow & Ice; \$150,446 to highway plow sander combo unit; \$35,000 to Public Safety Building Roof/maintenance; \$18,000 to Fire Equipment; \$12,000 to town hall paving; \$10,000 to General Stabilization; \$8,000 to Highway Roof Replacement; \$4,800 to Police Equipment; \$4,000 to Consulting Services; \$2,500 to Public Safety Building Fencing

Total Appropriations: \$433,467

Also to transfer the sums of \$7033.00 from Library Personnel to Library Expense and \$15,359.00 from Ambulance User to Ambulance Expense

**ARTICLE 5:** A motion was made by George Miller and seconded, and it was voted: To raise and appropriate the necessary monies for the following government Public Safety Accounts: Fire Personnel \$136,112; Fire Department Expense \$30,000; Fire Contracted Services \$6,000; Ambulance Personnel \$238,128 by transfer of \$120,000 from Ambulance User Fee and \$118,128 from taxation; Ambulance Expense \$24,233; Ambulance Union Contract \$20,000; Ambulance Contracted Services \$20,000; Police Dept. Personnel \$626,990; Police Expense \$53,460; Police Union Contract \$51,667; Police Contracted Services \$4,445; Critical Incident Training \$5,000; Communication Personnel \$237,184; Communication Expense \$8,000; Communication Union Contract \$16,117; Public Safety Building Expense \$41,256; Highway Surveyor Salary \$63,336; Highway Personnel \$362,175; Highway Expense \$171,292; Highway Contracted Services \$45,423; Highway Union Contract \$14,000; Tree Warden Salary \$3,300; Tree Warden Expense \$3,000; Emergency Tree Work \$5,000; Snow Removal Account \$ 60,000; Storm Water Management \$5,500.

**ARTICLE 6:** A motion was made by Gilbert Pontes and seconded, and it was voted: To authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated by the Commonwealth and/or federally aided programs for the construction, reconstruction and improvements of Town roads or act thereon.

**ARTICLE 7:** A motion was made by Wendy Cochrane and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts for **Debt Service:** *Exempt Debt Service:* Middle School debt service \$885,000; Middle School debt service interest \$200,025; School Renovation Debt 2 \$10,000; School Renovation Debt Interest 2 \$2,045; Town Well Debt Service \$20,000; Well Debt Service Interest \$4,089; Multi-use Land Debt Service \$80,000; Multi-use Land Debt Service Interest \$15,636; Town Office Building Debt \$120,000; Town Office Building Interest \$125,450; Somerset Berkley Regional School District Debt \$242,799; Somerset Berkley Regional School District Interest \$280,500; Fire Tanker Truck Debt \$134,000; Fire Tanker Truck Interest \$2,000

**ARTICLE 8:** A motion was made by George Miller and seconded and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Bristol County Retirement \$657,245; Employee Insurance \$212,298; Medicare \$135,000; ; Public Water Supply \$750; Municipal Lease \$68,176 by transfer of \$40,000 from Ambulance User Fee and \$28,176 from taxation; Software Maintenance \$23,300 Internet service \$15,000; Town Fuel \$120,000; IMC-CJS Software \$17,305; Sealer of Weights & Measures Expense \$1,000; Town Counsel \$32,500; Town Audit \$30,000; Town Insurance Premiums/Deductibles \$114,468; Street Lights \$2,200; SERPEDD \$1,088; Care of Veterans' Graves \$250; Veterans' Graves – Memorial Day \$700; Historical Commission Expense \$100; Contract negotiations \$500.

**ARTICLE 9:** A motion was made by Gilbert Pontes and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Assessors' Salary \$10,933; Assessors' Personnel \$15,730; Assessors' Expense \$9,500; CAMA software \$3,350; Assessors' Recertification \$7,000; Assessors' Annual Tax Maintenance \$6,000; Accounting Personnel \$51,991; Accounting Expense \$900; Collector of Taxes Salary \$28,850; Collector's Personnel \$16,401; Collector's Expense \$10,430; Moderator Salary \$74; Moderator Expense \$400; Town Clerk Salary \$28,850; Town Clerk Personnel \$15,730; Town Clerk Expense \$4,100; Elections \$15,000; Registrations \$5,100; Treasurer Salary \$28,850; Treasurer Personnel \$ 24,600; Treasurer Expense \$14,000; Tax Title Expense \$7,500; Building Department Personnel \$25,058; Building Department Expense \$ 1,800; Animal Control Salary \$8,240; Animal Control Expense \$2,900; Council on Aging \$6,253; Veterans' Agent Personnel \$7,878; Veterans' Benefits \$40,000; Veterans' Agent Expense \$4,500; Town Office Building Personnel \$34,000 Town Office Building Expense \$28,310; Selectmen Salaries \$9,460; Selectmen Personnel \$52,323; Selectmen Expense \$3,400; Finance Committee Expense \$1,500; Finance Committee Reserve \$2,804.

**ARTICLE 10:** A motion was made by Wendy Cochrane and seconded, and it was voted: To raise and appropriate the necessary monies for: Board of Health Members; Planning Board Members and Cemetery Commissioners; and the following governmental accounts: Board of Health Salary \$ 2,258; Planning Board Salary \$ 924; Cemetery Commissioners' Salary \$ 366; Cemetery Expense \$ 4,000.

**ARTICLE 11:** A motion was made by George Miller and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Library Trustees Salary \$ 605; Library Salary \$ 45,918; Library Personnel \$ 46,716; Library Expense \$ 26,448.

**ARTICLE 12:** A motion was made by Gilbert Pontes and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental school accounts: School Committee Salaries \$ 924; K-8 School Department \$7,470,070; K-8 Health Coverage \$827,579; K-8 Insurance Premiums \$70,351; Somerset Berkley Regional High School District \$ 2,036,312 by transfer of \$ 1,836,312 from High School Stabilization and \$200,000 from taxation; Bristol County Agricultural High School \$ 18,887 and Bristol-Plymouth Regional Technical School District \$ 885,222.

**ARTICLE 13:** A motion was made by Wendy Cochrane and seconded, and it was voted: To hear the report of the Somerset Berkley Regional High School Building Committee. Superintendent Thomas Lynch stated the building is on budget and on point. Site work was slow but it is coming along. Grand opening June 15, 2015

**ARTICLE 14:** A motion was made by George Miller and seconded, and it was voted: To authorize the Board of Assessors, in accordance with Massachusetts General Laws, Chapter 41, Section 4A to hire one or more of its members to do annual tax maintenance on real and personal property and to set the fee paid to said members at \$15.00 per parcel. Said funds to be paid from Annual Tax Maintenance Account or act thereon.

**ARTICLE 15:** A motion was made by Gilbert Pontes and seconded, to accept the provisions of Ch 59 Sec 5 to allow an additional exemption which shall be for all exemptions and none of which shall exceed 25% of said exemption for which they qualify in Fiscal Year 2016.

**ARTICLE 16:** A motion was made by Wendy Cochrane and seconded, and it was voted: To authorize the Board of Health in accordance with Chapter 41, Section 4A to appoint one or more of its members as agents(s) of the Board of Health as well inspectors and sanitation inspectors and to set the dollar amount for said agents Inspector fees as follows: \$75.00 per perc hole, \$100.00 per well inspection, \$150 per sanitation inspection, \$75.00 per food service inspection, \$50.00 per pumper truck inspection, \$50.00 for other miscellaneous inspections when a license or certificate is required.

**ARTICLE 17:** A motion was made by George Miller and seconded, and it was voted: To authorize the following Inspectors to establish revolving funds under MGL, Chapter 44, Section 53E½:

**Wiring Inspector** – limit: \$10,000; source: fees; purpose: salaries/ advertising/ postage/general office expenses & equipment/mileage & training. To be expended by the Building Inspector.

**Gas/Plumbing Inspector** – limit \$10,000; source: fees; purpose: salaries/ advertising/postage/general office expenses & equipment/mileage & training. To be expended by the Building Inspector.

**Board of Appeals** - limit: \$5,000.00; source: fees; purpose: advertisement/ postage/professional fees, excluding legal/general office expense/equipment.

**Planning Board** – limit: \$10,000.00; source: fees; purpose: advertising/postage/ professional fees, excluding legal/general office expenses /Planning Board Clerical / and equipment.

**Soil Conservation Board** - limit: \$ 5,000.00; source: filing fee expense; purpose: advertisement/ clerical/postage/professional fees, excluding legal/general office expense & equipment.

**Board of Health Inspection Account** – limit \$ 48,300; source: all fees and charges received from ANY inspections. Use: salaries, expenses professional services, including ALL inspections.

**Police Department** – limit \$30,000; source: fees; purpose police detail salaries.

**School Department** –limit \$ 90,000; source: Somerset Berkley Regional School District; purpose reimbursement for expenses incurred for transporting special needs students to Somerset Berkley Regional High School.

**ARTICLE 18:** A motion was made by Gilbert Pontes and seconded, and it was defeated:

To see if the town would vote to change the position of Highway Surveyor from an elected position to a position appointed by the Board of Selectmen for a term not to exceed three years, subject to acceptance by the voters at the annual Town elections, provided that the incumbent serving at the time of any such acceptance by the voters shall continue to hold the office and to perform the duties thereof until the expiration of the term for which ne or she was elected or until he or she otherwise vacates the office, the foregoing in accordance with Massachusetts General Laws, Chapter41, Sections 1 and 1B; and to amend Bylaw Article 2, Section 2, by deleting the reference to “Highway Surveyor” as an elected position of the Town, should the aforesaid vote pass or act thereon.

**ARTICLE 19:** . A motion was made by Wendy Cochrane and seconded, and it was defeated:

To see if the town would vote to change the position of Tree Warden from an elected position to a position appointed by the Board of Selectmen for a term not to exceed three years, subject to acceptance by the voters at the annual Town elections, provided that the incumbent serving at the time of any such acceptance by the voters shall continue to hold the office and to perform the duties thereof until the expiration of the term for which he or she was elected or until he or she otherwise vacates the office, the foregoing in accordance with Massachusetts General Laws, Chapter41, Sections 1 and 1B; and to amend Bylaw Article 2, Section 2, by deleting the reference to “Tree Warden” as an elected position of the Town, should the aforesaid vote pass or act thereon.

**ARTICLE 20:** A motion was made by George Miller and seconded, and it was voted: To amend Bylaw ARTICLE 26, Section 2, Flood Plain District Boundaries and replace with the following:

**SECTION 2. FLOOD PLAIN DISTRICT:** Flood Plain District Boundaries

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas designated within the Town of Berkley designated as Zone A, AE, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Berkley are panel numbers, , 25005C0256F, 25005C0257F, 25005C0258F, and 25005C0259F dated July 7, 2009; and panel numbers 25005C0254G, 25005C0261G, 25005C0262G, and 25005C0263G dated July 16, 2014, and panel numbers 25005C0251F, 25005C0253G, dated July 16, 2015. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July

16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

**ARTICLE 21:** To see if the Town will vote to amend ByLaw Article 21, to add Section 14, as follows:

*1. Purpose and Intent:*

The existing development patterns **SECTION 14: VILLAGE OVERLAY DISTRICT**

Around Berkley Common resemble a traditional New England village center. The area contains a mix of commercial, governmental, residential, and recreational uses. The intent of this subsection is to encourage these traditional development patterns and to manage growth around Berkley Common. This will be achieved by creating a "Village Overlay District" that allows a mix of uses and permits moderate sizes and densities that reflect and complement the existing built environment around Berkley Common.

The area designated as the Village Overlay District is an overlay zone. As such, all rules of the existing underlying zoning are still in effect, except when an applicant chooses to apply the alternate requirements of the Village Overlay District, in which case all terms and conditions of the Overlay shall control. That is to say, development must take place under **either** the existing zoning **or** the Village Overlay District at the discretion of the applicant.

*2. Village District Uses Allowed As of Right*

Within the Village District depicted on the Zoning Map dated June 1, 2015, the following uses will be allowed as of right. Size, intensity, and densities of these uses will be determined by the dimensional and design standards presented in Section 14.5, below.

- a. Cafés or coffee shops
- b. Art Galleries
- c. Grocery Stores
- d. Business or Professional Offices
- e. Retail Sales and Services
- f. Personal Services
- g. Banks or Credit Unions
- h. Restaurants
- i. Taverns
- j. Outdoor seating associated with Restaurants or Cafés subject to applicable licensing requirements
- k. Convenience Stores
- l. Pharmacies
- m. Bed and Breakfast establishments
- n. Artist live/work space
- o. Multi-family dwellings above non-residential use (ownership units)
- p. Multi-family dwellings above non-residential use (rental units)

*3. Village District Uses Allowed By Special Permit*

There are no Special Permit Uses within the Village Overlay District. All desired uses are listed above as of right.

*4. Prohibited Uses*

Those Uses not expressly allowed as of right are prohibited.

*5. Dimensional Regulations*

**A. Dimensional Requirements**

The following dimensional requirements are intended to moderate the size, scale, and placement of buildings on lots within the Village Overlay District and to meet the purpose and intent of this subsection.

- a. Minimum Lot Area: 20,000 square feet
- b. Minimum Lot Area per Dwelling Unit: 20,000 square feet
- c. Minimum Width and Frontage: 50 feet

- d. Minimum Setback: 30 feet
- e. Minimum Side Yard: 30 feet
- f. Maximum Building Height: 35 feet
- g. Maximum Building Lot Coverage: 15%

**B. Parking**

Uses in the Village Overlay District shall provide sufficient off-street parking on site, together with safe and convenient access ways, to accommodate all employees, occupants, customers, clients or patrons, and also any supply or delivery trucks, including any needed loading or unloading docks or space as determined by Table D in Section 5, Dimensional Regulations, and by Section 9, Off Street Parking, of this bylaw. However, the Planning Board may waive such parking standards if the purposes of the district are promoted.

**C. Site Plan Review and Design Guidelines**

Section 7.D, Site Plan Review, shall regulate all applicable projects within the Village Overlay District. Additionally, any project proponent is encouraged to **2.**

work collaboratively with the Planning Board to meet the intent and purpose of this subsection with regards to Berkley Common's traditional New England village character. Any new construction or alteration of existing buildings should reflect and complement the existing built environment to the greatest extent possible.

Further, projects should comply with any design guidelines adopted by the Planning Board. By influencing site characteristics such as landscaping and building form, design guidelines encourage development that enhances historical environs and natural features of the area. The general intent is to minimize the visibility of parked cars, to avoid the appearance of commercial strips as well as congestion in abutting ways, and to retain the character and the quality of Berkley Common's traditional New England village character.

**ARTICLE 22: Petitioned Article:** To see if the Town will vote the following: Article 21, Section 14, Off-Highway Vehicle Tracks. Off-Highway Vehicle Tracks are not allowed in Berkley because these tracks disrupt too many households and disturb the town's rural atmosphere. This section stands alone and does not affect the meaning or interpretation of any other sections in Article 21. For the purposes of this section, a track is defined as being a manmade circuit specifically for the operation of Off Highway Vehicles. Such a track/circuit consists of jumps over 4 feet and/or berms over 3 feet. If a question arises as to whether or not a track meets this definition, then the Zoning Enforcement Officer shall make a determination, keeping in mind the intent of this section. This section does not ban these types of vehicles in the Town of Berkley.

**ARTICLE 23:**

A motion was made and seconded, to adjourn.

Adjourned: 8:43 pm

A true record:

ATTEST:

Deborah Pereira  
Town Clerk

