

SPECIAL TOWN MEETING
TOWN OF BERKLEY
NOVEMBER 14, 2016

Moderator: John Blake
Berkley Community School

Town Clerk: Deborah Pereira
Attendance: 111

The Moderator called the meeting to order at 7:37 PM once the quorum was met. He began the meeting with The Pledge of Allegiance and a moment of silence for our Veterans.
The Moderator entertained a motion to dispense with the reading of the warrant articles and it was seconded.

ARTICLE 1: A motion was made by Wendy Cochrane and it was seconded to see if the Town will vote to raise and appropriate or transfer funds for the following governmental departments, or act thereon.

Highway Department: \$10,000.00
Financial Software update: \$25,000.00
Reserve Account: \$7,710.00

Ed Hoak explains the new growth. He explains that The Finance Committee expects a structural deficit and that we need to pay close attention to the report for Article 5 No discussion.
VOTE, PASS, UNANIMOUS

ARTICLE 2: A motion was made by George Miller and it was seconded to see if the Town will vote to authorize the Board of Selectmen to transfer for nominal consideration two (2) parcels of property consisting of approximately 24 acres of land in total and collectively described as "Parcel 2" in a deed from Edmond B. St. Yves and Amelia St. Yves to the Town of Berkley dated August 7, 2007 and recorded with the Northern Bristol County Registry of Deeds at Book 17047, Page 7, said transfer to be made to Richard St. Yves and Ronald St. Yves, successors-in-interest to the aforesaid Edmond B. St. Yves, and Peter J. St. Yves and Nancy J. St. Yves, as successors-in-interest to the aforesaid Amelia St. Yves, for the purpose of rectifying an erroneous transfer of land to the Town; or pass any vote or take any action relative thereto.

Adam Costa, Town Counsel, explains that no changes are being made: Articles 2 and 3 are only meant to correct errors that were made when this land was gifted to the Town.

No discussion. Needs 2/3rd vote

VOTE, PASS, UNANIMOUS

ARTICLE 3: A motion was made by Gilbert Pontes and it was seconded to see if the Town will vote to: (i) authorize the Board of Selectmen to take by eminent domain, in accordance with G.L. c. 79, as amended, (a) a certain parcel of land situated off the easterly side of South Main Street, located along the westerly line of State Highway 24 and designated as Lot 31 on Assessor's Map 13, containing 25 acres, more or less, according to said Assessor's records, and (b) three (3) parcels of property described as "Parcel 1," "Parcel 3" and "Parcel 4" in a deed from Edmond B. St. Yves and Amelia St. Yves to the Town of Berkley dated August 7, 2007 and recorded with the Northern Bristol County Registry of Deeds at Book 17047, Page 7, said Parcels containing approximately 21.60, 25 and 4.55 acres of land, respectively, said acquisitions having been determined to be necessary for the health and/or welfare of the inhabitants of the Town of Berkley and to be used for educational, recreational and other municipal purposes, under the care, custody and control of the Board of Selectmen, the further purpose of which is to rectify, in part, said property's omission from a description of land previously gifted to the Town and, in part, its acceptance without a vote of Town Meeting; and (ii) appropriate the sum of \$1.00 to meet the cost of damages for said acquisitions by eminent domain; or pass any vote or take any action relative thereto. No discussion; needs 2/3rd vote to pass.

VOTE, PASS, UNANIMOUS

ARTICLE 4: A motion was made by Wendy Cochrane and it was seconded to see if the Town will vote to make the following changes to Zoning, Section 13:

SECTION 13

#2b Remove:

The accessory apartment shall not exceed 900 S.F. of gross floor area. Accessory apartments shall contain the following:

Replace with:

The accessory apartment shall not exceed 900 s.f. or fifty percent of the living space of the main dwelling. The apartment shall be built to the smaller square foot dimension. Garages and basements shall not be included in the calculation for the living space. The alterations shall be limited to only one structure on the lot, the principal dwelling. Accessory apartments shall contain the following:

#2f Remove

The alteration shall be limited to only one (1) structure on the lot, the principal dwelling. If the dwelling is located on a lot that does not conform to the dimensional requirement of the Town of Berkley, the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw, by more than 25%, or 500 square feet, whichever is greater. In no case shall an accessory apartment be allowed with less than 30,000 S.F.”

Steve Castellina, member of The Planning Board, explains that there was an announcement in the Taunton Gazette on two separate occasions as well as a posted public hearing in which no one showed up. The Planning Board voted unanimously to approve the change to the Bylaw.

No discussion, needs a 2/3rd vote to pass VOTE, PASS, UNANIMOUS

ARTICLE 5: A motion was made by George Miller and it was seconded to see if the Town will vote will hear a report from Somerset Berkley Regional Planning Committee, or act thereon. Dean Larabee reads report

- The tri-district sub committee of the Somerset Berkley Regional High School was tasked with review of regional agreement
- After review was nearly complete, issues with fy18 budget were projected for Berkley
- Stabilization account nearly exhausted
- Original plan had stabilization fund depleting at some point - that point is now
- Could full regionalization provide savings and continuation of high quality education for both towns
- Tri District committee recommended to the Somerset Berkley Regional High School that a regional planning board be formed to examine financial and structural viability
- This past spring the public was solicited to participate and 6 committee members were selected from both communities. From Berkley - Dan Hebda, Derek Costa, Ellen Bruno, Wendy Cochrane, Kim Hebert and myself, and from Somerset - Julie Ramos Gagliardi, George Kelly, Holly McNamara, Lori Rothwell, Mike Macdonald and Victor Machado. Superintendents Lynch and Schoonover participate as well.
- Three meetings have taken place - 6/22, 7/19, 9/13.
- The first two meetings were an examination of the process and a chance for each district to share information
- The third meeting served as a chance to break into subcommittees - one examining the financial aspects of full regionalization, the other to examine structural and contractual challenges
- I've come to appreciate how complicated a conversation this is, and that it will take a while to complete.
- No recommendations or research is available yet but We will return in June with a full presentation of information available through June
- In the meantime, the high school will examine all other ways to address the deficit
- Since it is the beginning of the budget season, it is too early to quantify the deficit
- It may be necessary to ask you, the taxpayers, for an override
- We will make every effort to communicate information between now and town meeting in June, potentially using both community forums and television.

Close article, no discussion,

ARTICLE 6: A motion was made by Gilbert Pontes and it was seconded to see if the Town will vote to amend Article 12 of the General Bylaws of the Town of Berkley, entitled "Soil Conservation," Section 3, entitled "Members," as follows, where ~~stricken through~~ text is to be deleted therefrom and underlined text is to be added thereto:

A Soil Conservation Board is hereby established in the Town of Berkley for the purpose of regulating the alteration of earth from the land located within the Town and ~~in~~ enforcing the provisions of this Bylaw. ~~Members of the Board shall consist of one member of the Planning Board~~ The Board shall be comprised of the three (3) members of the Board of Selectmen and four (4) two (2) citizens at large, who the latter of whom shall be registered voters of the Town of Berkley, to be appointed by the Board of Selectmen. No person engaged in the business of altering earth shall serve on such Board; and, should any member of the Board of Selectmen so qualify, the other members of the Board shall appoint a substitute member to serve in his or her stead. ~~Appointed members shall serve one to serve for three years, one to serve for two years and one to serve for one year and then annually one for three years.~~ The Board shall elect a chairman and may appoint a secretary. The secretary need not be a member of the Board and shall keep a true record of the proceedings of the Board which shall be public records, or pass any vote or take any action relative thereto.

No questions, no discussion

VOTE, PASS, UNANIMOUS

Moderator makes a motion to adjourn, seconded. Meeting adjourned: 7:59 PM

A TRUE RECORD ATTEST

Deborah Pereira, Town Clerk