

ANNUAL TOWN MEETING
MONDAY, JUNE 7, 2021

Moderator: John Blake
Attendance: 240

Town Clerk: Deborah Pereira

Called to order 7:14 PM

Moderator started the meeting with the Pledge of Allegiance

Moderator, John Blake made a motion and it was seconded to read the warrant as printed in its entirety, so moved

Article 1 Selectman Miller made a motion and it was seconded to hear the report of the Finance Committee.

Report was read by Joe Freitas, Chairman of Finance Committee

Finance Committee

Town of Berkley Annual Report

This Fiscal Year 2022 Budget has been a very challenging process with the continued COVID-19 pandemic and all its challenges. Trying to maintain the current level of service to the community and our stakeholders the taxpayer. This years budget does that with an infusion of available funds as it was done with the Fiscal Year 2021 budget but with a smaller amount.

The total proposed budget for **FY22 is 20,559,530 an increase of 535, 106 or a 2.67% increase from FY 2021.**

Summary of the Finance Committee's budget recommendation for Fiscal Year 2022 include:

1. Overall the Budget increased by 2.67% or 535,106 from FY 2021.
2. Revenue for FY 22 is proposed at 21,509,491 an increase from 21,460,171 from FY2021 a difference 49,320.
3. Fully fund the Somerset Berkley Regional High School District budget request of \$2,552,594 a decrease of 131,871.
4. K-8 Budget is 8,206,952 from 8,086,312 an increase of \$120,640 or a 1% increase.
5. Bristol Plymouth Regional Technical High School assessment increased from 805,960 to 991,871 an increase of 185,911 or 23%.
6. Bristol County Agriculture High School assessment increased from 26,587 to 72,451 and increase of 45,864 or 173%
7. Funding for additional Fireman/Paramedic
8. Library fully funded, 4th year in a row.

9. Contractual Obligations and 2% increase to all elected officials.
10. Removed funding for Assessors Clerk.
11. No Police Cruiser for this fiscal year.

The Financial Advisory Committee met and approved the following items from available funds, also known as Free Cash. (1,667,516.00)

1. Snow and Ice account	55,500
2. OPEB Contribution	510,000
3. Contract Funding	250,000
4. FY22 Budget	305,730
5. MSBA (Community School)	220,000
6. Outside Vendor Assessors	8,000
7. Fire Truck (Tanker)	318,286

The Finance Committee feels we have addressed the needs that this community deserves from the Municipality, Police, Fire, Highway our Veterans and our seniors. We have invested in our K-8 education, Bristol Plymouth Regional Technical High School, Bristol County Agricultural High School and Somerset Berkley Regional High School are funded. There are some areas of concerns as the town of Berkley moves forward. This was the 2nd straight year that available funds were used to supplement our budget. FY 2021 a total of 368,093 was used and in FY22 a total of 305,530 was used a difference of 62,563. This can be attributed to the following factors, minimal increases to Chapter 70 state aid (schools), minimal increase to state aid, marijuana mitigation monies that haven't materialized during the Covid-19 period, slower increase of new growth through the assessor's office and continued collective bargaining increases and municipal modernization. This also includes state mandated unfunded mandates such as OSHA requirements and Police Reform. The future will have some Capitol Projects that the taxpayer must be aware of such as, improvements to the Community School, future renovations at Bristol Plymouth Regional Technical High School and the continued improvements to the Bristol County Agricultural High School. The Finance Committee members in attendance at the May 25, 2021 meeting unanimously voted to support Articles, 2,3,4,5,6,7,8,9,10,11,12,13, and14 on this year's warrant.

Joe Freitas, Chairman

Michelle Hamilton, Secretary

Nancy Gajoli, Member

Melinda Paine-Dupont, Member

Tabitha McCrohan, Member

Matthew Chabot, Member

Article 2 Selectman Larabee made a motion and it was seconded that the Town transfer and appropriate from available FY21 funds the following amounts:

1. Snow and Ice Account	\$ 55,500.00
2. OPEB Account	\$510,000.00
3. Post Retirement Buy-Out Account	\$250,000.00
4. MSBA Account	\$220,000.00
5. Assessor Dept Outside Services	\$ 8,000.00
6. Fire Truck Replacement E1	\$318,286.00

Totaling \$1,361,786.00

No discussion, Motion carried unanimously

Article 3 Selectman Cochrane made a motion and it was seconded that the Town vote to accept the fourth paragraph G.L c. 41, §111F, to create a special fund to be known as the Injury Leave Indemnity Fund, to be expended by the Board of Selectmen without further appropriation for payment of injury leave compensation or medical bills incurred under G.L. c. 41 §111F or §100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided further that said Board may, if the amounts therein are not immediately necessary or required in the foreseeable future, release specific amount to the General Fund.

Some discussion from the floor asking why this is going into a general fund and not a trust fund.

Call for vote, Motion carried unanimously

Article 4 Selectman Miller made a motion and it was seconded that the Town vote to approve the Somerset Berkley Regional District Amended Regional Agreement, as presented by the School Committee, dated April 27, 2021, on file at the Berkley Town Clerk's Office, Superintendent of Schools' Office and Berkley Public Library, and posted on the Town's website and the District's website (www.somersetberkley.org) , where the adoption of such Amended Agreement is subject to approval by both member towns as well as the Commissioner of Elementary and Secondary Education.

Amended, Jennifer Andrews, Somerset-Berkley School Committee read the changes to the amendment as follows:

The Somerset Berkley Regional Agreement was first adopted on June 21, 2010. In October 2020, a Regional Planning Board was established to review the agreement in its entirety and to make recommendations for amendments. The Amended Agreement language, including the Alternative Assessment Methodology described therein, has been developed by the members of said Regional Planning Board in consultation with DESE officials and was approved by the Regional School Committee at its meeting on May 14, 2021. A summary of the proposed amendments along with the Amended Regional Agreement in its entirety has been made available to the public for their review on file at the Town Clerk's Office, Superintendent of Schools Office and the Berkley Public Library as well as being posted on the Town's website and the District's website (www.somersetberkley.org).

The proposed amendments include general updates to the original Regional Agreement that delete references to the Transition Plan and Interim Period which are no longer relevant; the deletion of references to staggered terms for elected officials used at the start of the region which are no longer relevant; the deletion of references to the former Somerset High School building and sale of the land to the District; updating language relative to the Budget Development process to be line with M.G.L. and State Regulations, including adding language relative to amendments to approved budgets. The Amended Agreement also details both the Statutory and the Alternative Assessment Methodologies which may be used to allocate the annual operating and capital expenditures between the two member towns.

The Alternative Assessment Methodology or formula detailed in the Amended Agreement is based on the State-determined Minimum Local Contribution for each member town and apportionment of all the costs in excess of the Minimum Local Contribution allocated on a per pupil basis, with the exception of the Net Out-of-District Special Education Tuition costs which are assessed to each member town based on the actual costs incurred on behalf of all current and incoming high school students who are residents of said member town for the year for which the budget is being prepared. This Alternative Assessment Methodology more fairly allocates the expenses associated with costly Out of District Special Education Tuitions to the members based on the costs incurred on behalf of students residing in their respective towns while allocating all other costs in excess of the state determined Minimum Local Contribution on a per pupil basis. Upon approval by both member towns, the Amended Agreement will then be submitted to the Department of Elementary and Secondary Education for approval by the Commissioner.

Called for vote, motion carried unanimously

Article 5 Selectman Larabee made a motion and it was seconded that the Town vote to raise and appropriate, and transfer from available funds, or otherwise provide for the payment of the outlays of the following town departments for the ensuing twelve (12) month period through June 30, 2022 all as set forth in the budget presented by the Finance Committee:

FY 2021 OPERATING BUDGET (BY DEPARTMENT)

FY 2021

ACTUAL

REQUEST

FINCOM

APPROP

FY 2022

RECOMM

DEPARTMENT NAME

RESERVE FUND

ACCOUNT NAME

Expense	25,000	25,000	25,000
Total	25,000	25,000	25,000

DEPARTMENT NAME

MODERATOR

ACCOUNT NAME

Stipends	100	100	100
Expense	1,100	2,200	2,200
Total	1,200	2,300	2,300

DEPARTMENT NAME

SELECTMEN

ACCOUNT NAME

Salaries Elected	9,650	11,374	11,374
Salaries	80,000	88,892	88,892
Expense	5,586	5,586	5,586
Total	95,236	105,852	105,852

DEPARTMENT NAME

FINANCE COMMITTEE

ACCOUNT NAME

Expense	1,190	1,330	1,330
Total	1,190	1,330	1,330

DEPARTMENT NAME

TOWN ACCOUNTANT

ACCOUNT NAME

Salaries	85,250	88,750	88,750
Expense	29,750	29,750	29,750
Capital Outlay	0	0	0

Total	115,000	118,500	118,500
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DEPARTMENT NAME

ASSESSORS

ACCOUNT NAME

Salaries Elected	11,151	11,374	11,374
Salaries	45,763	41,450	30,615
Expense	22,480	25,980	36,815
Capital Outlay	0	0	0
Total	79,394	78,804	78,804

DEPARTMENT NAME

TOWN TREASURER

ACCOUNT NAME

Salaries Elected	30,616	31,229	31,229
Salaries	39,464	44,628	44,628
Expense	18,965	18,965	18,965
Capital Outlay	0	0	0
Total	89,045	94,822	94,822

DEPARTMENT NAME

TOWN COLLECTOR

ACCOUNT NAME

Salaries	30,616	31,229	31,229
Salaries	27,708	29,892	29,892
Expense	11,965	11,965	11,965
Capital Outlay	0	0	0
Total	70,289	73,086	73,086

DEPARTMENT NAME

TOWN COUNSEL

ACCOUNT NAME

Expense	50,000	40,000	40,000
Total	50,000	40,000	40,000

DEPARTMENT NAME

DATA PROCESSING

ACCOUNT NAME

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Salaries	0	0	0
Expense	79,500	82,950	82,950
Capital Outlay	0	0	0
Total	79,500	82,950	82,950

DEPARTMENT NAME

TOWN CLERK

ACCOUNT NAME

Salaries Elected	31,615	31,229	31,229
Salaries	19,528	20,455	20,455
Expense	5,700	5,700	5,700
Capital Outlay	1,000	1,000	1,000
Total	57,843	58,384	58,384

DEPARTMENT NAME

ELECTIONS & REGISTRATIONS

ACCOUNT NAME

Salaries	7,500	3,950	3,950
Expense	9,600	6,050	6,050
Capital Outlay	0	0	0
Total	17,100	10,000	10,000

DEPARTMENT NAME

PLANNING BOARD

ACCOUNT NAME

Salaries Elected	924	924	924
Total	924	924	924

DEPARTMENT NAME

TOWN BUILDINGS

ACCOUNT NAME

Salaries	15,000	13,400	13,400
Expense	39,747	39,747	39,747
Total	54,747	53,147	53,147

DEPARTMENT NAME

PUBLIC SAFETY BUILDING

ACCOUNT NAME

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Expense	59,766	63,573	63,573
Capital Outlay	6,000	6,000	6,000
Total	65,766	69,573	69,573

DEPARTMENT NAME

POLICE DEPT.

ACCOUNT NAME

Salaries	1,185,021	1,241,045	1,241,045
Expense	92,092	105,028	105,028
Capital Outlay	56,560	0	0
Total	1,333,673	1,346,073	1,346,073

DEPARTMENT NAME

FIRE DEPARTMENT

ACCOUNT NAME

Salaries	93,866	99,985	99,985
Expense	47,935	59,733	59,733
Capital Outlay	6,000	10,000	10,000
Total	147,801	169,718	169,718

DEPARTMENT NAME

EMERGENCY MEDICAL SERVICES

ACCOUNT NAME

Salaries	429,450	477,816	477,816
Expense	57,600	65,900	65,900
Capital Outlay	3,500	6,000	6,000
Total	490,550	549,716	549,716

DEPARTMENT NAME

BUILDING DEPARTMENT

ACCOUNT NAME

Salaries	38,577	43,086	43,086
Expense	1,750	1,750	1,750
Capital Outlay	0	0	0
Total	40,327	44,836	44,836

DEPARTMENT NAME

COMMUNICATIONS DEPT.

ACCOUNT NAME

Salaries	317,694	322,245	322,245
Expense	12,915	12,915	12,915
Capital Outlay	0	0	0
Total	330,609	335,160	335,160

DEPARTMENT NAME

ANIMAL CONTROL/DOG OFFICER

ACCOUNT NAME

Salaries	13,310	10,924	10,924
Expense	2,570	2,570	2,570
Total	15,880	13,494	13,494

DEPARTMENT NAME

FORESTRY

ACCOUNT NAME

Salary Elected	3,300	3,366	3,366
Expense	8,000	8,250	8,250
Total	11,300	11,616	11,616

DEPARTMENT NAME

HIGHWAY DEPARTMENT

ACCOUNT NAME

Salaries Elected	65,895	67,213	67,213
Salaries	458,188	465,178	465,178
Expense	341,900	358,995	358,995
Capital Outlay	5,000	5,000	5,000
Total	870,983	896,386	896,386

DEPARTMENT NAME

VETERANS GRAVES

ACCOUNT NAME

Expense	1,250	1,250	1,250
Total	1,250	1,250	1,250

DEPARTMENT NAME

STREET LIGHTS

ACCOUNT NAME

Expense	3,000	3,000	3,000
Total	3,000	3,000	3,000

DEPARTMENT NAME

CEMETERY

ACCOUNT NAME

Salaries	366	366	366
Expense	7,500	7,500	7,500
Total	7,866	7,866	7,866

DEPARTMENT NAME

HEALTH DEPARTMENT

ACCOUNT NAME

Salaries Elected	2,258	2,258	2,258
Capital Outlay	0	0	0
Total	2,258	2,258	2,258

DEPARTMENT NAME

COUNCIL ON AGING

ACCOUNT NAME

Salaries	26,000	26,000	26,000
Expense	8,790	9,190	9,190
Capital Outlay	0	0	0
Total	34,790	35,190	35,190

DEPARTMENT NAME

VETERANS DEPARTMENT

ACCOUNT NAME

Salaries	8,361	8,361	8,361
Expense	4,500	4,500	4,500
Veterans Benefits	40,000	40,000	40,000
Total	52,861	52,861	52,861

DEPARTMENT NAME

LIBRARY DEPARTMENT

ACCOUNT NAME

Salaries	111,391	113,647	113,647

Expense	35,543	38,165	38,165
Capital Outlay	0	0	0
Total	146,934	151,812	151,812

DEPARTMENT NAME

CELEBRATIONS 6692

ACCOUNT NAME	ACTUAL EXPEND	ACTUAL EXPEND	ACTUAL APPROP
Expense	1,000	1,000	1,000
Total	1,000	1,000	1,000

DEPARTMENT NAME

HISTORICAL COMMISSION

ACCOUNT NAME			
Expense	100	100	100
Total	100	100	100

DEPARTMENT NAME

MISCELLANEOUS

ACCOUNT NAME			
Town Fuel	120,000	100,000	100,000
SRPEDD	1,231	1,231	1,231
In-LINE OF DUTY INJURY FUND	0	60,000	60,000
Unfunded Liability	75,000	30,000	30,000
Total	196,231	191,231	191,231

DEPARTMENT NAME

PENSIONS

ACCOUNT NAME			
BRISTOL COUNTY RETIREMENT	622,818	720,691	720,691
MEDICARE	155,000	160,000	160,000
Total	777,818	880,691	880,691

DEPARTMENT NAME

HEALTH INSURANCE

ACCOUNT NAME			
BLUE CROSS/ BLUE SHIELD HEALTH	383,921	430,000	430,000

FLEXIBLE BENEFIT PLAN	0	0	0
Total	383,921	430,000	430,000

DEPARTMENT NAME

LIABILITY INSURANCE

ACCOUNT NAME

INS. PR. DIS.-FIRE-POL. ACC. H	51,450	54,023	54,023
LIABILITY INSURANCE	77,175	76,705	76,705
Total	128,625	130,728	130,728

DEPARTMENT NAME

WORKERS COMPENSATION

ACCOUNT NAME

FRINGE BENEFIT/CHARGES	15,435	14,970	14,970
Total	15,435	14,970	14,970

DEPARTMENT NAME

UNEMPLOYMENT COMPENSATION

ACCOUNT NAME

UNEMPLOYMENT INSURANCE	15,000	5,000	5,000
Total	15,000	5,000	5,000

For a total from taxation of	\$ 5,789,628.00
From Ambulance User Fees	\$ 300,000.00
Totaling	\$ 6,089,628.00

No discussion, motion carried unanimously

Article 6 Selectman Cochrane made a motion and it was seconded that the Town vote to raise and appropriate, or otherwise provide for the payment of the outlays of the following town governmental accounts for Debt Service for the ensuing twelve (12) month period through June 30, 2022 all as set forth in the budget presented by the Finance Committee:

RETIREMENT OF DEBT

ACCOUNT NAME	
SCHOOL RENO DEBT 2	10,000
TOWN WELL	20,000
MULTI-USE LAND	70,000
TOWN OFFICE BLDG	160,000
SBRSD HIGH SCHOOL	358,581
TOTAL	618,581

INTEREST

ACCOUNT NAME	
SCHOOL RENO INT. 2	300
TOWN WELL	600
MULTI-USE LAND	2,100
TOWN OFFICE BUILDING	84,150
SBRSD HIGH SCHOOL	223,414
Total	310,564

For a total from taxation of \$929,145.00
No discussion, motion carried unanimously

Article 7 Selectman Miller made a motion and it was seconded that the Town vote to raise and appropriate, and transfer from available funds, or otherwise provide for the payment of the outlays of the following Town School related expenses for the ensuing twelve (12) month period through June 30, 2022 all as set forth in the budget presented by the Finance Committee:

SCHOOL DEPARTMENTS

Berkley School Spending	\$ 8,043,952
Salaries Elected School Com.	924
K-8 Out of District Special Education	163,000
K-8 Health Insurance	918,685
K-8 Transportation	530,413
K-8 Workers Comp. Insurance	52,463
K-8 Liability Insurance	69,071
B/P Reg.Voc. High School	991,871

Bristol Aggy Assessment	72,451
For a total from free cash of	\$ 305,730.00
For a total from taxation of	\$ 10,537,100.00
Totaling	\$ 10,842,830.00

No discussion, motion carried unanimously

Article 8 Selectman Larabee made a motion and it was seconded that the Town approve the Somerset/Berkley Regional School District its assessed share of the Somerset/Berkley Regional School District Budget for fiscal year 2022.

For a total from High School Stabilization of	\$ 2,552,594.00
For a total from taxation of	\$ 145,333.00
Totaling	\$ 2,697,927.00

No discussion, motion carried unanimously

Article 9 Selectman Cochrane made a motion and it was seconded that the Town vote to authorize expenditure limitations for the following revolving funds pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2021, to be expended in accordance with Article 35 of the General Bylaws: wiring inspector, \$10,000; gas inspector, \$10,000; plumbing inspector, \$10,000; Board of Appeals, \$5,000; Planning Board, \$10,000; Soil Conservation Board, \$5,000; Board of Health, \$60,000; Police Department, \$200,000; School Department, \$60,000.

No discussion, motion carried unanimously

Article 10 Selectman Miller made a motion and it was seconded that the Town vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allocated by the Commonwealth and/or federally aided programs for the construction, reconstruction and improvements of Town Roads.

No discussion, motion carried unanimously

Article 11 Selectman Larabee made a motion and it was seconded that the Town vote 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.

No discussion, motion carried unanimously

Article 12 Selectman Cochrane made a motion and it was seconded that the Town vote to accept the provisions of Ch. 126 of the Acts of 1988, amending Sec. 4 of Ch. 73 of the Acts of 1986, 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 2022

Moderator, John Blake explained the meaning of this MA General law. No further discussion, motion carried unanimously

Article 13 Selectman Miller made a motion and it was seconded that the Town vote to authorize the Board of Health, in accordance with Chapter 41, Section 4A, to appoint one or more of its members as agents 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, \$75.00 for other miscellaneous inspections when a license or certificate is required.

No discussion, motion carried unanimously

Article 14 Selectman Larabee made a motion and it was seconded that the Town vote to file a Home Rule Petition with the General Court for a special law authorizing the Town to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Berkley Beverage Corp., d/b/a Bristol Country Wine & Spirits, with the text of such proposed Special Act to substantially as printed in the 2021 Annual Town Meeting warrant.

No discussion, motion carried unanimously

Article 15 Selectman Cochrane made a motion and it was seconded that the Town vote to amend Article 23, Personnel Bylaw, to add a new subsection 8 as follows:

SECTION 8. Appointments. Unless the mode of appointment is otherwise provided by law, the Board of Selectmen shall appoint employees of the Town, provided however, a committee consisting of the Board of Selectmen, the Town

Administrator, and the Department Head over whom the employee will be supervised, shall first meet to submit a recommendation to the Board. All such recommended appointments shall become effective as Board of Selectmen appointments on the fifteenth (15th) day following the day on which such notice of recommended appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it;
And further to renumber the existing section 8 and delete section 9.

Town Council, Adam Costa explained the reason for the changes. No further discussion, motion carried unanimously

Article 16 Selectman Miller made a motion and it was seconded that the Town vote to adopt a non-binding resolution supporting the regionalization and integration of the Town's kindergarten through eighth grade, a.k.a. K-8, educational program(s) and curriculum with the Town of Somerset.

Selectman Miller explained that this would just be a study and wanted to give the voters an opportunity to provide input. Jennifer Vincent, Somerset Berkley School Committee supports the study and explained that this was non-binding for the town and would be paid for by a grant received from the Town of Somerset.

Selectman Larabee supported a yes vote. David Patrick, Berkley School Committee member did not support it. It was explained by the Moderator that a yes vote would carry the study and a no vote would not support it. Jennifer Vincent called for a vote, motion was defeated nearly unanimously

Article 17 Cherise Hoak, resident voter, made a motion and it was seconded that the Town vote to Amend the Town's General Bylaws by adding the following as a new section to Article 4 of the General Bylaws:

No member of the Board of Selectmen shall hold any other elected or compensated office with the Town of Berkey during his or her term as Selectmen; nor shall any former Member of the Board of Selectmen hold a position or employment, or compensated appointed office of the Town, within one (1) year following his or her term as Selectman.

Cherise Hoak further explained the reason for the citizen petition and presented a spreadsheet with comparisons from other towns. Selectman Miller was not in support of this and further explained that this would jeopardize a persons right to vote. After much discussion from the floor the article was motioned and seconded

to table. The moderator explained the yes vote and no vote to table the article. Vote needed, simple majority, motion to table passed, nearly unanimously.

Article 18 Cherise Hoak, resident voter, made a motion and it was seconded that the Town vote to Amend the Town's General Bylaws by adding the following as a new section to Article 4 of the General Bylaws:

No person shall serve more than two (2) consecutive three-year terms on the Board of Selectmen. This provision shall apply to the Members of the Board of Selectmen presently serving at the time of adoption of this Bylaw.

Cherise Hoak explained the reason for this petition and added that she thought there should be term limits for the Board of Selectmen both serving now and in the future. Selectman Miller did not support the article and said it would take away a persons right to vote. Town Council also explained that there were some issues as to the way the Bylaw was written that could potentially pose a problem with executing it and that it would need to be approved by the Attorney Generals office for final approval. After much discussion from the floor the article was motioned for a vote and defeated nearly unanimously.

A motion was made to adjourn and it was seconded.
Time adjourned 9:30 PM

Moderator John Blake made a statement on term limits. He stated that his term was up and that he resigned effective immediately.

A True Copy Attest

Deborah Pereira
Town Clerk

