



2024 ANNUAL TOWN MEETING

TO EITHER OF THE CONSTABLES OF THE TOWN OF BERKLEY, IN THE COUNTY OF

BRISTOL, GREETING: In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Berkley qualified to vote in elections to meet at the **BERKLEY COMMUNITY SCHOOL GYMNASIUM**, 59 South Main Street,, in said Berkley on **MONDAY, the Third day of JUNE 2024 AT 7:00 P.M.** then and there to act the following articles viz:

ARTICLE 1: To see if the Town will vote to hear the report of the Financial Committee, or to take any other action relative thereto.

ARTICLE 2: To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, or to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to appropriate and transfer from available FY24 funds a sum of money to various departments, and for capital expenditures and for any unpaid bills of prior years, or to take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to fix salaries and compensation of elected / appointed officers / employees, and to see what sums the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide for the payment of said salaries and compensation, for a reserve fund, and for the charges, expenses and outlays of the several town departments for the twelve (12) month period from July 1, 2024 through June 30, 2025, or to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to raise and appropriate the necessary monies for the following governmental accounts for Debt Service: *Exempt Debt Service*: Somerset Berkley Regional School Debt Service; Mult. Equip. Debt Service; Bristol Plymouth Debt Service; Town Office Building Debt Service; or to take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer the necessary monies for the following governmental accounts: School Committee Salaries; Berkley School Department; Bristol County Agricultural High School and Bristol-Plymouth Regional Technical School District; or to take any other action relative thereto.

ARTICLE 7: To see if the Town will approve the Somerset/Berkley Regional School District budget for fiscal year 2025 of \$2,826,598 and raise and appropriate or transfer from the Somerset/Berkley Regional School District stabilization fund the sum of \$2,747,558 and raise and appropriate or transfer from taxation the sum of \$79,040; or to take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to authorize expenditure limitations for the following revolving funds pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2024, 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; or to take any other action relative thereto.

ARTICLE 9: To see if the Town will vote 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 to take any other action relative thereto.

ARTICLE 10: To see if the Town will 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 the Annual Tax Maintenance Account, or to take any other action relative thereto.

ARTICLE 11: To see if the Town will 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 2025, or to take any other action relative thereto.

ARTICLE 12: To see if the Town will 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, \$150.00 per sanitation inspection, \$75.00 per food service inspection, \$75.00 per pumper truck inspection, \$75.00 for other miscellaneous inspections when a license or certificate is required, or to take any other action relative thereto.

ARTICLE 13: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 53, Section 18B, which requires the Town to print certain information relating to each question that shall appear on the Town ballot, as further specified in said statute, and, not later than seven days before an election at which such question shall be submitted to the voters, send such information to each household wherein a person whose name appears on the current voting list for the Town resides, or to take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to apply for, accept and expend Massachusetts Public Library Construction Program ("MPLCP") grant funds if approved, and vote to raise and appropriate or transfer from available funds or donations, a sum not to exceed \$150,000.00 if said MPLCP grant is approved, said sum to be expended by the Town for library assessment, planning, feasibility and/or design, or to take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to accept Ridge Street, from the intersection of Shore Road to the intersection of Dillingham Ave., as a public way in the Town of Berkley, as shown on the Definitive plan for Pierce's Point Estates; and to see if the Town will vote to accept Shore Road from the intersection of Bayview Ave. to the intersection of Ridge Street, as a public way in the Town of Berkley, as shown on the Definitive plan for Pierce's Point Estates.

ARTICLE 16: To see if the Town will vote to amend the Berkley Zoning By-law as follows:

1. By deleting from Section 3.4.2, entitled "Home Occupation – By Special Permit," and its Subsections, all references to the "Board of Appeals" and substituting therefor references to the "Planning Board."
2. By amending Section 3.2, a.k.a. the Table of Use Regulations, specifically Item F.4 therein, entitled "Building materials and/or contractor's yard," by changing the "B" in the GB column to "BA."
3. By adding the following definition for "Adult Use Marijuana Establishment" to Section 11.0:

Adult Use Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

By amending Section 10.6, entitled "Site Plan Review," Subsection 10.6.2, entitled "Applicability," by (a) deleting the word "and" at the end of Item 1 and substituting the word "or" therefor; and (b) adding the word "or" at the end of Item 2.

ARTICLE 17: To see if the Town will vote to amend the Berkley Zoning By-law to conform with the Office of the Attorney General's recommendations by making the following changes to Section 10.8 thereof, entitled "Request for Reasonable Accommodation":

1. By striking from Section 10.8.5 the words "at an open meeting."
2. By striking from Section 10.8.5 the following language:

"The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation is reasonable;
2. Whether the requested accommodation would require a fundamental alteration of a legitimate City policy; and
3. Whether the requested accommodation would impose undue financial or administrative burdens on the City government."

And substituting the following language therefor:

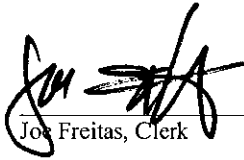
"An accommodation is reasonable when:

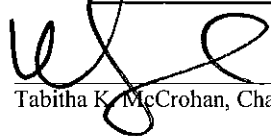
1. it does not cause any undue hardship or fiscal or administrative burden on the municipality; and
2. it does not undermine the basic purpose that the zoning bylaw seeks to achieve."

or to take any other action relative thereto.

...and you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Old Town Hall, Public Library, Common Crossing – 11 North Main St., and the Public Safety Building Lobby, Fire Station #2 at 6 Grove Street, in addition to The Town Hall, all in said Berkley fourteen days at least before the time of holding said Meeting. Said Warrant shall also be distributed by the Board of Selectmen by bulk-rate mailing to every residence in the Town in accordance with the Town of Berkley by-law Article 2, Section 1. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk of the time and place of Meeting as aforesaid.

Given under our hands, this, the 2nd day of May, in the year two thousand twenty four.


Joe Freitas, Clerk

BOARD OF SELECTMEN:

Tabitha K. McCrohan, Chairman

Wendy F. Cochrane, Member

BRISTOL, SS:

Berkley, 5 / 8, 2024

I have served the above Warrant by posting up attested copies, one at each of the above-named places in said Berkley, fourteen days at least before the time of holding said meeting.

ATM WARRANT FY25

Constable of Berkley


Paul Flint