

SPECIAL TOWN MEETING
SATURDAY NOVEMBER 15, 2025

Moderator: George Miller
Attendance: 212

Town Clerk: Heather J. Almy

Called to order 2:33PM

Moderator started the meeting with the Pledge of Allegiance

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

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

Explanation: The report of the Finance Committee serves to begin each Town Meeting as required by the Town of Berkley's bylaws. It serves to inform citizens of the financial implications of several warrant articles. This motion requires a simple majority vote and, unless otherwise stated, the remaining motions will as well.

Report was read by Christopher Sullivan, Chairman of Finance Committee

Town of Berkley
Finance Committee

The Finance Committee has reviewed all articles on today's Special Town Meeting warrant that carry a financial impact. We worked with the Town Administrator to confirm funding sources and understand how each article fits into the town's overall budget.

Article 2 – SAVE Task Force Report

This article asks the Town to accept the SAVE Task Force report. The Committee supports acceptance so residents can review the group's findings and their

assessment of Berkley's long-term financial challenges. **The Finance Committee supports Article 2.**

Article 3 – Treasurer and Collector Compensation

Because the transition to the new appointed Treasurer/Collector has been delayed, the elected Treasurer and Collector have continued doing the work past July 1 without proper compensation.

This article authorizes the Town to pay them for the work already performed and to close out these elected positions correctly. Both individuals kept essential financial operations running throughout this time. **The Finance Committee supports Article 3.**

Article 9 – Perpetual Care Fund Transfer

This article uses interest from the Perpetual Care Fund to support cemetery maintenance. This is a standard and appropriate use of the fund and helps cover a budget gap this year. It ensures essential upkeep continues without interruption. **The Finance Committee supports Article 9.**

Article 10 – PEG Access Transfer

This article transfers cable franchise fees—not tax dollars—to the Cable Advisory Committee. These funds support equipment, technology, and local programming. This is a routine annual action, and unused funds stay in the PEG account for future needs. **The Finance Committee supports Article 10.**

Thank you for your time and participation tonight.

It is an honor to serve the Town of Berkley.

Christopher Sullivan, Member

Andrea Grillo, Clerk

Eric Wu, Chairman

ARTICLE 2. Selectman Vincent made a motion and it was seconded to hear the report of the SAVE Committee, formerly known as the Fiscal Task Force.

Explanation: This article presents the report of the SAVE Committee (Sustainable Actions for a Viable Economy Committee), formerly known as the Fiscal Task Force. The Committee was established to analyze Berkley's long-term fiscal condition and to develop three potential financial pathways for the Town's near-term future.

Selectman Vincent introduced the members of the Save Committee. Chris Sullivan, Chairman had a slide-show explaining the report of the Save Committee. He explained what they have researched for revenue and the financial future of the town. Their goal is to have 3 options. An override is something we need to look into. This is not a town problem it is a state problem. He asked people to stay involved.

Police Chief Newhook provided an overview of the police department. None of these issues are new. He explained how our current police department is running. The Berkley Police Dept. only operates with just 2 officers per shift, should have 16 full-time officers, we currently have 9. This puts a strain on our officers to maintain public safety; it is increasingly challenging. A lot of duties are shared among all the officers. When other duties are being done, it only leaves one officer to respond to emergencies. Police Dept. budget is currently below \$360,000.00 less than the next closest dept. They haven't received funding for a new cruiser since June of 2022. Works on grants as much as they can. Under funding of the department causes higher liability and higher safety risks for the community. Very hard to hire officers, lowest paid in Bristol County. The Berkley Police Dept. currently operates well below Federal standards. Reducing funding or failing to invest in such areas will carry significant consequences for the safety and well-being of our residents.

ARTICLE 3. Selectman Horsfall made a motion and it was seconded to transfer within the FY2026 budget the sum of \$15,617.28 from “Town Treasurer – Salaries” as follows: the sum of \$5,858.95 to “Town Treasurer – Salaries Elected” and the sum of \$9,758.33 to “Town Collector – Salaries Elected.”

Explanation: This article provides for a transfer within the FY2026 budget to properly allocate funds between the salary lines for the appointed Town Treasurer/Town Collector. This article provides for the payment of prorated wages associated with the vacated Elected Collector and Elected Treasurer positions. At Annual Town Meeting, the Town appropriated \$1 for the vacant Collector’s position and a prorated amount for the Elected Treasurer through August.

As the transition process extended into October, compensation for these elected officials during that interim period was not covered by the original appropriation. This article seeks to correct that omission and ensure proper payment for services rendered prior to the reorganization of the offices.

There is no additional appropriation being requested — this is a reallocation of existing funds within the approved budget.

No discussion, Motion carried unanimously.

ARTICLE 4. Selectman McCrohan made a motion and it was seconded to amend the Berkley Zoning By-Law, being Article 21 of the Town’s General By-Laws, by adding a new Section 9.3 thereto, entitled “Residential Development Overlay District (RDOD),” and to amend the “Town of Berkley Zoning Map” referenced in said Zoning By-Law, Section 2.2, to add the RDOD thereto, the complete text of which is included and the Zoning Map amendment shown on the handout entitled “Residential Development Overlay District (RDOD)”

Explanation: This article proposes to amend the Berkley Zoning By-Law by creating a new Section 9.3, establishing a *Residential Development Overlay District (RDOD)* and adding it to the Town's Zoning Map. This article proposes the creation of a Residential Development Overlay District (RDOD) to permit by-right multi-family housing, in compliance with the Commonwealth's MBTA Communities Law (M.G.L. c.40A, §3A). Berkley's deadline to adopt a compliant zoning district is December 31, 2025. The new district is intended to provide flexible zoning options that encourage thoughtfully planned development subject to Planning Board review and standards. The adoption of this bylaw will enable the development of market-rate housing within the overlay district and does not impose affordability requirements. The full text of the proposed by-law is included and the map amendment is shown on the handout entitled "Residential Development Overlay District (RDOD)".

Approval of this article requires a simple majority vote.

Planning Board: Recommends passage of Article 4

Resident Voter: Kristina Baptista requested before the main motion, she wanted to move to make a motion to return back to the PB for further investigation for schools and town oversight. Atty. Adam Costa explained no action would occur, pass over the whole article. Second on the motion was made. K. Baptista further stated the school is at a breaking point, this will impact the schools, draft gives a blank check to the Planning Board to do whatever they want, she explained further, would like to make a proposal to file an action plan to amend and revote in June. Resident Voter: Barbara Miller would like the answer that she got from the state about postponing and the town would not be penalized for taking no action. Selectman Vincent asked for town counsel's opinion on this matter. Atty. Adam Costa explained this is a new state statute, any community served by the MBTA would need to adopt the statute for multi-family housing. He further explained Sec 3A, MBTA Communities Act. In terms of consequences town needs to act by the end of the year 2025, not sure what the Commonwealth, AG's office will do if the town does not comply with the deadline. He does know a number of grants that the town will not be eligible for, but not sure for certain what else could happen. Selectman Vincent explained she was opposed to what was presented, a non-vote today we will lose funding, many other towns have been sued. A school impact clause is illegal in the MBTA Communities Act. There

are no more extensions, we need to move forward. Resident Voter: Edward Harmon asked how many units are we talking about, is there a formula. Selectman McCrohan stated we are only zoning for up to 151 multi-family unit houses, mixed use development. Selectman Vincent also explained the same zoning for up to 151 multi-family units. Resident Voter: Kristina Baptista stated Counsel did not respond to her action plan, asking to rethink through it and come back to vote with provisions and amendments to protect the town. She feels it is scare tactics, need to submit an action plan to the state to postpone it. Asking for a voluntary proposed draft with an action plan to submit. Atty. Adam Costa stated the legislature requires action; he is not sure if an action plan is deemed sufficient to the Commonwealth. He further explained Sec 9.3.9 exemptions. Resident Voter: Jenifer Andrews spoke in opposition of the motion. She stated currently we have quite a bit of school choice students, can reduce if we get more students, if concerned about the impact on schools, listen to the presentation, hear the proposal, need to take action now, vote no on the motion. Resident Voter: Robin Marshall stated to vote no on the motion, everyone should vote for themselves. Every dept. is hurting in this town, if funding is taken away from the town it will hurt the town. Selectman Vincent stated the town has been working on this for the past 3 years, tried other options, people are heard. No further discussion on the motion to vote to postpone Article 4, motion to postpone Article 4 was denied. Move forward with discussion on Article 4. Selectman Vincent had a slide-show on 3A further explained. M. Oliveira Chairmain of the Planning Board stated by a unanimous vote, the Planning Board recommends to pass of both Art 5 & 6. Resident Voter: Barbar Miller stated she is not in favor of being told what to do, but if we vote no, where is the money coming from to fight this, a legal battle will be devastating to the town. The plan is our opportunity to comply. Resident Voter: William Roosa stated he is in favor of this, asked if there were any questions or concerns of losing control if the plan does not meet the requirements. Selectman Vincent stated they have been working on creating a zoning by law that would be accepted by the state w/ Counsel and SRPEDD. Fire Chief Perry stated as a fire dept. we are being forced into complying with this. We receive \$40,0000 a year in grants. We will lose the money for the fire dept. if we don't accept this. Director of the Library Carol Buote stated this year the library got \$100,000 in grants from the state. The library would lose the grants. We need to keep the burden off the town to build the new library. Resident Voter: Marcilla Couitt asked how big the area is being discussed. Selectman Vincent stated it is 10 acres, behind Camping World going towards Lakeville. No further discussion. Motion carried unanimously.

ARTICLE 5. Selectman Vincent made a motion and it was seconded to amend the Berkley Zoning By-Law, being Article 21 of the Town's General By-Laws, by adding a new Subsection 9.3.5.2(c) thereto, entitled "Special Permit of the Planning Board," to allow the following uses for the purpose of mixed-use development within the Residential Development Overlay District by grant of a special permit from the Planning Board: bar or tavern, for-profit entertainment or recreation facility, medical or dental office, and veterinary office or hospital.

Explanation: This article proposes an amendment to the Berkley Zoning By-Law to allow certain additional uses within the Residential Development Overlay District by special permit from the Planning Board. The amendment would permit a bar or tavern, for-profit entertainment or recreation facility, medical or dental office, and veterinary office or hospital as eligible uses under mixed-use development, subject to Planning Board grant of a special permit. Failure of the Article 4 on this warrant will obviate the need for this article, as it would reference a nonexistent district. If the RDOD is not adopted, this article will be passed over at Town Meeting.

Approval of this article requires a two-thirds vote.

Planning Board: Recommends passage of Article 5

Resident Voter: Gerald Laliberte asked if it is the area only on the map. Selectman Vincent stated, yes. Resident Voter: Paula Dugan asked why a special permit was needed due to it already being zoned a business district. Planning Board Chairman Marc Oliveira explained that it is because of the special overlay zoning, part of a mixed-use development. Selectman Vincent also explained. P. Dugan asked where would the businesses be, bottom floor of a condo or free-standing buildings. M. Oliveira stated it would be part of a mixed-use development, commercial on the bottom floor & residential on the top floor, not individual buildings. Ms. Dugan then asked if it would be enough for the town to tax businesses. M. Oliveira stated, no it would not, we need 16% of our revenue to have a commercial tax base, we are at about 4%. Resident Voter: Richard Moroff asked if this would allow the Planning Board to have a say in what could be built, as far as adult entertainment or what

they can build. M. Oliveira asked Town Counsel. Atty. Adam Costa answered yes, it would be up to the Planning Board. It is by the bylaw not by right. Resident Voter: Marcilla Couitt asked if anyone has approached the town for any of these businesses as of yet. M. Oliveira stated no one has approached the town or Planning Board as of yet for any businesses. He explained that this is for zoning only at this time. M. Oliveira Chairman of the Planning Board stated at a Planning Board public Hearing on Nov. 12, 2025, by a unanimous vote the Planning Board voted 4-0 to recommend this Article to pass.

No further discussion, Motion carried unanimously.

ARTICLE 6. Selectman Horsfall made a motion and it was seconded to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth in Article 6 of the Special Town Meeting warrant, to increase the membership of the Board of Selectmen; provided, however, that the General Court may make any clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, it being authorized hereunder to do so, which are within the scope of the general public objectives of the petition.

Explanation: This article seeks authorization for the Board of Selectmen to petition the State Legislature (the General Court) for special legislation to increase the size of the Berkley Board of Selectmen from three members to five. The change would allow for broader representation and shared workload among board members. If approved by Town Meeting and subsequently enacted by the Legislature, two additional selectmen would be elected at the next annual town election occurring at least 64 days following passage of the act—one for a three-year term and one for a two-year term—to establish a staggered election cycle.

Selectman Vincent had a slide-show and explained the reasoning for the request for the five-member selectboard. She stated the Dept. of Revenue recommended this to the town. It is an investment for improvement.

Resident Voter: Marc Oliveira said he has lived here since he was 4yrs old. He feels we need to expand to a five-member board, need to have more people

to expand the work. Resident Voter: Richard Spada stated we should approve this. No further discussion, Motion carried unanimously.

ARTICLE 7. Selectmen McCrohan made a motion and it was seconded to pass over Article 7

Explanation: This article authorizes the Board of Selectmen to accept, at no cost to the Town, an easement over a portion of property located at 52 Anthony Street. The easement area has been determined to be unique and is being acquired for general municipal purposes related to the health, safety, or welfare of the community. This article will be passed over at Town Meeting, as the conditions of the proposed easement plan may change prior to the Town reaching an agreement with the current property owner. Consideration of the easement will be deferred until a final plan and terms acceptable to both parties are established.

No discussion, Motion carried unanimously

ARTICLE 8. Selectman Vincent made a motion and it was seconded to authorize the Board of Selectmen to acquire by gift, meaning for nominal consideration, the property, determined to be unique, known as 2 Riverside Drive (Map 8, Lot 92-1), or any interest or interests therein, said acquisition(s) having been determined to be necessary for the health, safety and/or welfare of the inhabitants of Berkley, for general municipal purposes.

Explanation: This article authorizes the Board of Selectmen to accept, at no cost or for nominal consideration, the property located at 2 Riverside Drive. The property has been determined to be unique and is proposed for acquisition for general municipal purposes related to the health, safety, or welfare of the Town. This action would allow the Board of Selectmen to take ownership or interest in the property without the expenditure of public funds.

Approval of this article requires a simple majority vote, where no appropriation is required.

Resident Voter: David Patrick, also Chairman of Conservation Commission but he is speaking for himself. This property of land has a long history, the town had an opportunity to acquire this land a long time ago, but chose not to. The land is very important, convergence of two rivers. He highly recommends that the town accepts this piece of land. Resident Voter: Emily Mann asking for a motion for the article to be tabled, still a lot of issues that go with the property. They need more time to work with the developer. Their dock has to be finished; it has already been paid for. Called for a vote to accept the motion to table the article, motion was defeated. T. McCrohan explained the situation further about the article- Riverside and all the ongoing projects. When this article was first put together there was no HOA, now just been notified about an HOA. The Board is completely willing to sit down and discuss this further. J. Vincent in good faith will work with everyone.

Resident Voter: Stacy Malloy-Pray asked if the beach goes back to the town, is the town going to maintain it, clean it, a lot of trash there now. Selectman McCrohan stated if the town does take it over then the town will maintain it, it will be the towns responsibility. Resident Voter: William Roosa as far as the HOA the developer did not meet all of their requirements to form the HOA, so if this motion passes, they have no further ability to influence the decision. Selectman McCrohan said as of right now only in talks with the owner's atty. he is not willing to gift the town the beach until things are settled with the residents. Mr. Roosa stated if the owner changes his mind, then they have no further ability to stop this. Selectman Vincent asked Mr. Roosa if the developer doesn't finish the work what is the HOA going to do, go after the developer is it something they are further looking into. Mr. Roosa stated the HOA is exploring legal options for that and if the town does take possession, then the town will be party to that lawsuit as well. There is a piece of property in legal flux right now, avoid accepting this now and should bring it back to the next meeting. Resident Voter: Joseph Botelho stated we should vote yes on this, Berkley needs a place to enjoy. The last town meeting there was no HOA to take care of that, now they are saying there is an HOA.

Resident Voter: Patricia Sittig said she helped write the Open Space plan back in the 1990s anything that can be owned publicly or accessed, something the town should accept it. Everyone should be able to enjoy it; everyone can help keep it clean. David Patrick Conservation Commission Chairman said as far as permitted, the permits have expired, no permits to legally to do work on anything on this property. Resident Voter: William Roosa stated he is aware

there are no permits but if they can't build a dock where can we put a police boat. David Patrick Conservation Commission Chairman stated if the town owns it, they will have to go through all permitting for this. Mr. Roosa stated that is all he has heard is for the police boat, this is contractually supposed to go to their neighborhood, very disappointing. Resident Voter: Manny Coelho he is for the beach, it is theirs, he paid a premium for it, it belongs to us. The town is going to vote on it, it was very wrong for the Selectman in doing this to even present it, should have been resolved legally with them first. If the vote passes, town receives as a gift, can he amend that the Pierces point HOA be dissolved. Selectman McCrohan stated the town does not have the authority to dissolve an HOA. The vote will not give them the rights to the beach right now, M. Coelho stated they want to table it and they want to keep the beach. Moderator Miller asked if they have legal paperwork that they own the beach. M. Coelho said they own the beach don't need to show anything, it's part of the definitive plan, we own the beach came with the property, part of the purchase and sales. Selectman Vincent stated she has spent a lot of time on researching this, no HOA at that time. No conversations about the beach at the time of the road acceptance. The HOA was formed in August the Board of Selectman was just informed 2 weeks ago. There is a lot of miscommunications. She doesn't want to take away what someone owns, shew wants to work everything out with everyone. M. Coelho stated this whole development has been a failure with the Town. Selectman Vincent stated she will accept that. Selectman McCrohan made a motion to withdraw Article 8. Motion to withdraw Article 8 carried unanimously.

ARTICLE 9. Selectman Horsfall made a motion and it was seconded to transfer from the income earned on the Cemetery Perpetual Care Fund the sum of \$3,000 to the General Fund for the purpose of funding Cemetery Department operations.

Explanation: This article authorizes the transfer of \$3,000, or another specified amount, from the income earned on the Cemetery Perpetual Care Fund to the Town's General Fund. These funds will be used to support the ongoing operations and maintenance of the Cemetery Department. No new appropriation of tax dollars is required.

No discussion, Motion carried unanimously.

ARTICLE 10. Selectman McCrohan made a motion and it was seconded to vote to transfer from the Special Revenue Fund established under Massachusetts General Laws, Chapter 44, Section 53F½, known as the PEG Access and Cable Related Fund, the sum of \$85,000, to the General Fund for the purpose of funding Cable Department operations in FY2026.

Explanation: This article authorizes the transfer of funds from the PEG Access and Cable Related Special Revenue Fund to the Town's General Fund to support Cable Department operations in FY2026. These funds come from cable franchise fees and are used to finance public, educational, and government access programming, with no impact on the tax levy.

No further discussion, Motion carried unanimously.

ARTICLE 11. **Citizen Petitioner- Selectman McCrohan** move to accept 42nd Street, located within Chapter 40B affordable housing development, as a public way and to dissolve the associated Homeowners Association (HOA) thereby transferring responsibility for road maintenance, snow removal and related infrastructure to the Town. This action ensures equity and compliance with the intent of Chapter 40B by eliminating financial burdens on residents who already pay full property taxes; corrects an existing inequity where some households benefit from services without contributing HOA dues; aligns with the Town's acceptance of other neighborhood roads: and serves the public interest by standardizing maintenance, safety, and access under municipal oversight.

Explanation: This article's explanation will come from the citizen or group of citizens in support of the article.

Town Counsel recommends that Article 11 be ruled out-of-order; or, alternatively, that action thereon be indefinitely postponed. Street acceptances in Massachusetts require strict compliance with statutory prerequisites that have not yet been satisfied. Among other things, the process requires submittal of a layout plan to the Board of

Selectmen; referral to the Planning Board for review and a report; a Board of Selectmen vote to lay out the way as public; and, thereafter, the filing of the aforementioned layout plan with the Town Clerk no later than 7 days prior to Town Meeting. Failure to comply with these preconditions voids, or renders ineffectual, any Town Meeting vote to accept a way as public.

Additionally, but separately, Article 11 omits any authorization to acquire a fee or easement interest in the referenced roadway; and any appropriation of funds to effect such acquisition by purchase, eminent domain or otherwise.

Finally, notwithstanding the language of Article 11, the Town has no legal authority, with or without a Town Meeting vote, to dissolve a private homeowners' association.

Resident Voter: Kathleen Strozyk stated she is against taking this as a public way, we have already seen what has happened accepting the last one. This will be additional funds to the town. Selectman McCrohan further read the explanation, need to postpone the article. No further discussion, Moton carried unanimously.

A motion was made to adjourn and it was seconded.
Time adjourned 4:17PM

A True Copy Attest

Heather J. Almy
Town Clerk