



2024 SPECIAL 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 **THURSDAY, the Fourteenth day of NOVEMBER 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 accept as public ways the roadways known as Ridge Street, from its intersection with Shore Road to its intersection with Dillingham Avenue, and Shore Road, from its intersection with Bayview Avenue to its intersection with Ridge Street, and Cross Road, from its intersection with Ridge Street to its intersection with Dillingham Avenue and Dillingham Ave, from its intersection with Cross Rd. and Riverside Dr. as shown on a plan for Pierce's Point Estates entitled "Pierce's Point Estates Residential Definitive Subdivision Plan," prepared by Pilling Engineering Group, Inc. and dated May 31st, 2012 on file with the Town Clerk; and, further, to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, the fee to and/or easements in said roadways and any appurtenant construction, utility, drainage and/or other temporary and/or permanent easements related thereto, as determined by the Board to be appropriate, said acquisitions having been determined to be necessary for the health, safety and/or welfare of the inhabitants of Berkley, for all purposes for which public ways or appurtenances are used in the Town of Berkley, or for other associated municipal purposes; or to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to amend the General Bylaws of the Town of Berkley by adding a new Article 36 thereto, entitled "Right to Farm," comprised of Sections 1 through 6, entitled "Legislative Purpose and Intent," "Definitions," "Right to Farm Declaration," "Disclosure Notification," "Resolution of Disputes" and "Severability Clause," respectively, the complete text of which is contained in a document entitled "Right to Farm," as revised through October 9, 2024, on file with the Town Clerk; or to take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to combine the positions of treasurer and collector and to change said positions from elected positions to a position appointed by 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; or to take any other action relative thereto.

An Act Relative to the Position of Treasurer-Collector in the Town of Berkley

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding section 1B of chapter 41 of the General Laws or any other general or special law, bylaw, rule or regulation to the contrary, there shall be in the Town of Berkley the appointed office of treasurer-collector, which office shall have all the powers, duties and responsibilities of and be subject to the liabilities and penalties conferred and imposed by law on the offices of treasurer and collector under the General Laws.

Section 2. The treasurer-collector shall be appointed and may be removed, after opportunity for a hearing, by the board of selectmen. The board of selectmen may establish an employment contract for a period of up to three (3) years, subject to annual appropriations, with the treasurer-collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 3. Upon the effective date of this act, the positions of elected treasurer and collector shall be abolished and the term of the incumbents of such offices terminated. Notwithstanding the foregoing, the elected incumbents holding and performing the duties of the offices of treasurer and collector may continue to serve, either until the expirations of the terms for which they were elected, unless they sooner vacate such offices, or until a new treasurer-collector is appointed by the board of selectmen in accordance with section 1 of this act, whichever first occurs.

Section 4. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected offices of treasurer and collector and consolidation of certain financial functions of the town as provided in this act, and the appointed office created in this act, shall, in all respects, be the lawful successor of the elected offices so abolished. All records, property and equipment of the offices of the elected treasurer and collector shall be assigned to the office of the appointed treasurer-collector.

Section 5. This act shall take effect upon its passage.

ARTICLE 5: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee to pay costs of designing, constructing, equipping and furnishing a new Berkley Community School, located at 59 South Main Street, Berkley, Massachusetts, and for the payment of all other costs incidental and related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-seven and ninety-two one hundredths percent (57.92%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or to take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to accept General Laws Chapter 44, Section 53F½, and establish a special revenue fund to be known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, such fund to be effective for fiscal year FY2026, which begins on July 1, 2025, or take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to revoke the dedication of funds to the Opioid Settlement Stabilization Fund pursuant to G.L. c. 44, s. 53, Clause 4, as voted by Article 9 of the November 13, 2023 Special Town Meeting, and to place all statewide opioid settlement receipts previously received and received in the future into a special revenue fund as allowed by Chapter 77 of the Acts of 2023; or to take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen on behalf of the Town to sell, transfer, or otherwise dispose of damaged, obsolete or unneeded tangible personal property or equipment owned by the Town as described in the handout "Vehicles and Items for Auction 2024"; or take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to amend Article 6 of the General Bylaws, entitled "Town Contracts," as follows:

1. In Section 2, by deleting the phrase "twenty-five thousand dollars (\$25,000)" and substituting the phrase "ten thousand dollars (\$10,000)" therefor; and, further, by deleting the phrase "before executing any such contract shall invite" and substituting "for contracts that exceed fifty thousand dollars (\$50,000) inviting" therefor; and
2. By deleting Section 4 thereof in its entirety and substituting the following therefor:
SECTION 4: No personal property of the town shall be sold by any officer or board unless by vote of the town, except, if its resale or salvage value is ten thousand (\$10,000) dollars or less, by authorization of the Board of Selectmen. Such authorization shall in each case be in writing, certify that the proposed selling price is fair and be filed with the Town Treasurer. ;or take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to amend the Berkley Zoning By-Law, being Article 21 of the Town's General Bylaws, as follows:
(i) by deleting from the Section 3.2 thereof, entitled "Table of Use Regulations," Item A.2, which presently states:

USE	R	GB	SB
A. RESIDENTIAL USES			
...			
2. Two or three family dwelling	N	BOS	BOS

and substituting the following therefor:

USE	R	GB	SB
A. RESIDENTIAL USES			
...			
2. Two-family dwelling	BOS	BOS	BOS

and

- (ii) by deleting from Section 4.2, entitled "Special Lot Area Regulations," the entirety of Subsection 4.2.2, which presently reads:

"4.2.2 Minimum Lot Area; Multifamily Dwellings. Any dwelling with two units, but not more than four units, shall be located on a lot with at least 65,340 square feet per dwelling unit";

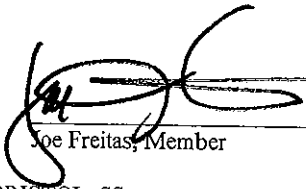
and substituting the following therefor:

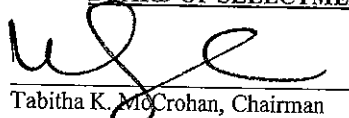
"4.2.2 Minimum Lot Area; Two-family and Multifamily Dwellings. Any two-family or multifamily dwelling shall be located on a lot with at least 65,340 square feet of area per dwelling unit"; or to take any other action relative thereto.

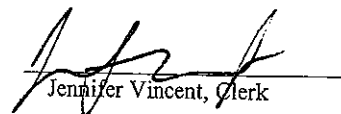
...and you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Old Town Hall, Public Library, Common Crossing – 11 North Main St., and the Public Safety Building Lobby, Fire Station #2 at 6 Grove Street, in addition to The Town Hall, all in said Berkley fourteen 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 9th day of October, in the year two thousand twenty four.

BOARD OF SELECTMEN:


Joe Freitas, Member


Tabitha K. McCrohan, Chairman


Jennifer Vincent, Clerk

BRISTOL, SS:

Berkley, 10/10, 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.

Constable of Berkley



STM WARRANT FY25