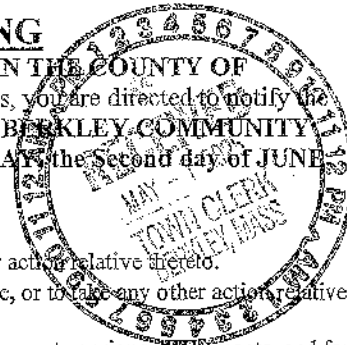




## 2025 ANNUAL TOWN MEETING

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 Second day of JUNE 2025 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 FY25 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, 2025 through June 30, 2026, 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; Berkley Community School 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 FY26 of 3,013,899 and raise and appropriate or transfer said sum from the Somerset/Berkley Regional School District stabilization fund; 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, 2025, 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 100% of said exemption for which they qualify in FY26, 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 agent(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 per 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 amend Article 27 of the General Bylaws, entitled "Capital Improvement Planning Committee," as follows:
1. In Section 1, by deleting in its entirety the sentence "No member may hold any other elective or appointed town position during his term of office";
  2. In Section 3, by deleting the phrase "cost over \$5,000" and substituting the phrase "cost over \$10,000" therefor
  3. In Section 3, by deleting in its entirety the sentence "No appropriation shall be voted for a capital improvement required by a department, board of [sic] commission, unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Finance Committee explaining the omission";
  4. In Section 3, by deleting the phrase "or to take any other action relative thereto"; and
  5. By relocating the following sentence from Section 3 thereof to the end of Section 4 thereof: "No report is required if the committee does not have a quorum to conduct business";
- or to take any other action relative thereto.
- ARTICLE 14:** 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 create a process for the recall of elected Town of Berkley officials; provided, that the General Court may make 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 Authorizing the Town of Berkley to recall elected officials

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.** Any holder of elective office in the Town of Berkley may be recalled and removed therefrom by qualified voters of the Town as herein provided. An initial recall affidavit shall not be filed against an officer within 6 months after the officer takes office or within the last 6 months of such officer's term.

**Section 2:** Twenty Five (25) registered voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Once the names that appear on the affidavit are certified by the Board of Registrars of Voters, the Town Clerk shall thereupon deliver to the voter first named on such affidavit a sufficient number of copies of petition blanks demanding such recall. The petition blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal of the Town attached thereto. They shall be dated and addressed to the Board of Selectmen; shall contain the name of the person to whom they are issued, the number of petition blanks so issued, the name of the person whose recall is sought, and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to such office. The affidavit shall be kept with the Town records in the office of the Town Clerk.

**Section 3:** The recall petition shall bear the signatures and residential addresses of at least fifteen percent of registered voters of each precinct eligible to vote in the most recent Town Election. The recall petition shall be returned to the Town Clerk within twenty (20) business days after the Clerk issues the petition. The petitions containing the signatures requesting a recall election need not all be submitted at the same time. A copy of each petition shall be maintained with the records of the subject recall election.

**Section 4:** The Town Clerk shall within five business days of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within seven business days certify thereon the number of signatures which are names of registered eligible voters.

**Section 5:** If the Town Clerk determines that the certified petitions meet the requirements as described in the previous sections, he/she shall give notice without delay, in writing, by certified mail to the elected officer whose recall is sought by sending to said officer a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the Town Clerk who signed the recall petition forms and the total number of qualified voters in the Town as of the most recent Town election.

If the officer to whom notice is directed by the Town Clerk does not resign the office within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk shall give notice in writing to the Board of Selectmen not later than two (2) business days following the expiration of the foregoing five days. The Board of Selectmen shall order a special election to be held not more than ninety days after receipt of the notice from the Town Clerk as aforesaid, and not less than sixty-four days from the date of the order. If, however, any Town election is to be held within one-hundred days of receipt by the Board of Selectmen of notice from the Town Clerk, the recall election shall be postponed and shall be held at such time in conjunction with such other election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as provided herein.

**Section 6:** An officer whose recall is sought may be a candidate to succeed himself/herself and, unless he/she requests otherwise in writing to the Town Clerk, said Town Clerk shall place his/her name on the official ballot without nomination. The nomination of other candidate(s), publication of the warrant for the recall election and conduct of same shall be in accordance with the provisions of law of the Commonwealth relating to elections, unless otherwise provided in this act.

**Section 7:** The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except as provided in section nine. If not re-elected in the recall election, he/she shall be deemed removed upon qualification of his/her successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within seven days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

**Section 8:** Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (x), may vote either of the said propositions. Under the propositions shall appear the word "Candidates," the directions to voters required by section forty-two of chapter forty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates shall not be counted.

**Section 9:** No person who has been recalled from an office in said Town, or who has resigned from office while recall proceedings were pending against him/her, shall be appointed to any Town office within two years after such removal by recall or resignation.

**Section 10:** This act shall take effect upon its passage.

**ARTICLE 15:** 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 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	CB	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.

**ARTICLE 16:** To see if the Town will vote to amend the "Town of Berkley Zoning Map," as referenced and incorporated in Section 2.2 of the Berkley Zoning By-Law, being Article 21 of the Town's General By-Laws, by rezoning the following Lots as part of and to be included in the General Business District: 33 Padelford St. (Map 10 Lot 36-01); 35 Padelford St. (Map 10 Lot 60); and 35R Padelford St. (Map 10 Lot 61); or to take any other action relative thereto.

**ARTICLE 17:** To see if the Town will vote to file a Home Rule Petition with the General Court for a special law authorizing the Town to grant an additional five (5) licenses for the sale of all alcoholic beverages to be drunk on the premises The proposed Special Act would read as follows:

# **AN ACT AUTHORIZING THE TOWN OF BERKLEY TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES**

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Berkley may grant up to five (5) additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 15 of said chapter 138 to establishments located within the Town of Berkley's General Business District, as identified on the "Town of Berkley Zoning Map", as may be amended from time to time. The license shall be subject to all of said chapter 138 except said section 17, with such conditions and restrictions as the licensing authority shall deem appropriate.

(b) If a license granted pursuant to this act is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant.

**SECTION 2.** This act shall take effect upon its passage.

Or to take any other action relative thereto.

**ARTICLE 18:** To see if the Town will vote to exclude, as provided for in Chapter 135 of the Acts of 2024, its 'municipal administrative buildings and Town property from being defined as "prohibited areas" under Chapter 269, Section 10, thereby allowing possession of a firearm, loaded or unloaded, as defined in Section 121 of Chapter 140 in said buildings, or to take any other action relative thereto.

**ARTICLE 19:** To see if the Town will vote to amend Article 1 of the General Bylaws, entitled "Validity of Bylaws," Section 2, by deleting therefrom, in its entirety, the sentence "A public hearing shall be held by the Board of Selectmen on any such changes at least ten days prior to presentation at any town meeting for acceptance," or to take any other action relative thereto.

**ARTICLE 20:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 60, Section 3D, authorizing the establishment of a Property Tax Relief Fund, so-called, for the purpose of defraying the real estate taxes of elderly and disabled persons of low income; the creation of a Taxation Aid Committee, consisting of the Town Treasurer/Collector, the Chair of the Board of Assessors, the Director of the Council on Aging, one member of the Board of Selectmen, and one citizen-at-large appointed by the Board of Selectmen, to identify recipients of aid; and acceptance by the Town Treasurer/Collector of voluntary donations to the aforementioned Fund from residents and other sources, or to take any other action relative thereto.

**ARTICLE 21:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Chapter 5K, authorizing the establishment of a program through which the property tax liability of persons over the age of 60 may be reduced in exchange for volunteer services, to be effective for FY26, beginning on July 1, 2025, or to take any other action relative thereto.

**ARTICLE 22:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Chapter 5N, authorizing the establishment of a program through which the property tax liability of veterans may be reduced in exchange for volunteer services, to be effective for FY26, beginning on July 1, 2025, or to take any other action relative thereto.

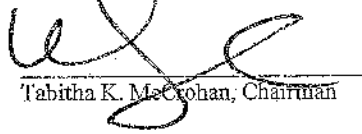
**ARTICLE 23:** To see if the Town will vote to adopt a certain citizens' petition submitted in writing by ten or more registered voters of the Town, entitled "*Berkley Noise Law*," the complete text of which is on file with the Town Clerk; or to take any other action relative thereto.

**ARTICLE 24:** To see if the Town will vote to discontinue as a public roadway a portion of the roadway known as Cotley St., from its intersection with the railroad crossing bounded southerly by 17 Cotley St. (Map 15 Lot 19-03), westerly by 18 Cotley St. (Map 15 Lot 10) and extending northeasterly roughly five hundred eighty feet to the border of the City of Taunton, or 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 30th day of April, in the year two thousand twenty five.

BOARD OF SELECTMEN:

  
Tabitha K. McCrohan, Chairman

  
Jennifer Vincent, Clerk

BRISTOL, SS:

Berkley, May 1, 2025

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 Gault

Poland	5
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# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

FY2025

ACTUAL

Level Services

Selectmen

APPROP

FY2025

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	102	102	102
Expense	3,200	3,200	3,200
Total	3,302	3,302	3,302

## DEPARTMENT NAME

## SELECTMEN

ACCOUNT NAME

Salaries Elected	12,000	12,000	12,000
Salaries	110,434	106,611	88,589
Expense	10,600	12,350	12,350
Total	133,034	130,961	112,939

## DEPARTMENT NAME

## FINANCE COMMITTEE

ACCOUNT NAME

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

## DEPARTMENT NAME

## TOWN ACCOUNTANT

ACCOUNT NAME

Salaries	84,500	91,272	75,368
Expense	36,600	47,600	47,600
Capital Outlay	0	0	0
Total	121,100	138,872	122,968

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

FY2025  
 ACTUAL      Level Services      Selectmen  
 APPROP      FY2026      RECOMM

**DEPARTMENT NAME**

**ASSESSORS**

ACCOUNT NAME

Salaries Elected	12,240	12,546	12,546
Salaries	46,353	58,608	76,736
Expense	51,315	39,180	44,015
Capital Outlay	0	0	0
Total	109,908	110,334	133,297

**DEPARTMENT NAME**

**TOWN TREASURER**

ACCOUNT NAME

Salaries Elected	35,198	5,866	5,866
Salaries	50,342	114,096	114,096
Expense	20,200	20,200	20,200
Capital Outlay	0	0	0
Total	105,740	140,162	140,163

**DEPARTMENT NAME**

**TOWN COLLECTOR**

ACCOUNT NAME

Salaries	35,198	1	1
Salaries	26,500	35,456	35,456
Expense	16,500	16,500	16,500
Capital Outlay	1,000	1,000	0
Total	79,198	52,957	51,957

**DEPARTMENT NAME**

**TOWN COUNSEL**

ACCOUNT NAME

Expense	55,000	75,000	65,000
Total	55,000	75,000	65,000

**DEPARTMENT NAME**

**DATA PROCESSING**

ACCOUNT NAME

Salaries	0	0	0

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
Expense	90,618	96,794	98,618
Capital Outlay	8,000	8,000	3,000
Total	98,618	104,794	101,618

## DEPARTMENT NAME

## TOWN CLERK

### ACCOUNT NAME

Salaries Elected	35,198	50,000	40,000
Salaries	27,100	31,000	31,307
Expense	8,250	9,750	8,000
Capital Outlay	0	1,000	0
Total	70,548	91,750	79,307

## DEPARTMENT NAME

## ELECTIONS & REGISTRATIONS

### ACCOUNT NAME

Salaries	7,500	13,500	11,500
Expense	9,600	15,700	14,700
Capital Outlay	0	0	10,000
Total	17,100	29,200	36,200

## DEPARTMENT NAME

## PLANNING BOARD

### ACCOUNT NAME

Salaries Elected	1,200	1,200	1,200
Total	1,200	1,200	1,200

## DEPARTMENT NAME

## TOWN BUILDINGS

### ACCOUNT NAME

Salaries	18,305	18,305	18,305
Expense	29,760	31,386	30,336
Total	48,065	49,691	48,641

## DEPARTMENT NAME

## PUBLIC SAFETY BUILDING

### ACCOUNT NAME



# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
Expense	77,400	83,000	79,400
Capital Outlay	0	0	0
Total	77,400	83,000	79,400

## DEPARTMENT NAME

## POLICE DEPT.

### ACCOUNT NAME

Salaries	1,438,402	1,493,951	1,492,492
Expense	116,072	133,297	112,630
Capital Outlay	0	2,145	2,145
Total	1,554,474	1,629,393	1,607,267

## DEPARTMENT NAME

## FIRE DEPARTMENT

### ACCOUNT NAME

Salaries	186,577	192,270	191,270
Expense	83,760	89,260	82,760
Capital Outlay	12,000	17,000	14,000
Total	282,337	298,530	288,030

## DEPARTMENT NAME

## EMERGENCY MEDICAL SERVICES

### ACCOUNT NAME

Salaries	696,528	778,400	709,600
Expense	89,500	101,100	92,600
Capital Outlay	4,000	4,000	39,000
Total	790,028	883,500	841,200

## DEPARTMENT NAME

## BUILDING DEPARTMENT

### ACCOUNT NAME

Salaries	48,340	52,629	52,629
Expense	1,790	1,790	1,790
Capital Outlay	1,000	1,000	1,000
Total	51,130	55,419	55,419

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

FY2025

ACTUAL

Level Services

Selectmen

APPROP

FY2026

RECOMM

## DEPARTMENT NAME

## COMMUNICATIONS DEPT.

### ACCOUNT NAME

Salaries	389,528	396,837	396,837
Expense	18,681	22,431	22,431
Capital Outlay	0	0	0
Total	408,209	419,268	419,268

## DEPARTMENT NAME

## ANIMAL CONTROL/DOG OFFICER

### ACCOUNT NAME

Salaries	24,990	25,242	25,242
Expense	2,723	2,777	2,777
Total	27,713	28,019	28,020

## DEPARTMENT NAME

## FORESTRY

### ACCOUNT NAME

Salary Elected	4,000	4,200	4,120
Expense	21,000	25,000	21,000
Total	25,000	29,200	25,120

## DEPARTMENT NAME

## HIGHWAY DEPARTMENT

### ACCOUNT NAME

Salaries Elected	81,000	85,000	85,000
Salaries	564,000	627,590	610,790
Expense	391,550	426,230	376,950
Capital Outlay	5,000	5,000	4,000
Total	1,041,550	1,143,820	1,076,740

## DEPARTMENT NAME

## VETERANS GRAVES

### ACCOUNT NAME

Expense	1,750	1,750	1,750

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
Total	1,750	1,750	1,750

## DEPARTMENT NAME

## STREET LIGHTS

### ACCOUNT NAME

Expense	4,000	4,000	4,000
Total	4,000	4,000	4,000

## DEPARTMENT NAME

## CEMETERY

### ACCOUNT NAME

Salaries	600	600	600
Expense	8,500	8,500	3,000
Total	9,100	9,100	3,600

## DEPARTMENT NAME

## HEALTH DEPARTMENT

### ACCOUNT NAME

Salaries Elected	3,000	3,000	0
Capital Outlay	0	0	0
Total	3,000	3,000	0

## DEPARTMENT NAME

## COUNCIL ON AGING

### ACCOUNT NAME

Salaries	31,954	44,770	34,034
Expense	10,115	10,115	10,115
Capital Outlay	0	0	0
Total	42,069	54,885	44,149

## DEPARTMENT NAME

## VETERANS DEPARTMENT

### ACCOUNT NAME

Salaries	8,487	8,487	8,487
Expense	4,500	4,500	4,200
Veterans Benefits	40,000	40,000	40,000

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
Total	52,987	52,987	52,687

## DEPARTMENT NAME

## LIBRARY DEPARTMENT

### ACCOUNT NAME

Salaries	134,152	140,055	140,411
Expense	40,132	48,547	33,873
Capital Outlay	0	0	0
Total	174,284	188,602	174,284

## DEPARTMENT NAME

## CELEBRATIONS 6692

ACCOUNT NAME	ACTUAL EXPEND	ACTUAL EXPEND	ACTUAL APPROP
Expense	1,500	1,500	0
Total	1,500	1,500	0

## DEPARTMENT NAME

## HISTORICAL COMMISSION

### ACCOUNT NAME

Expense	200	200	0
Total	200	200	0

## DEPARTMENT NAME

## MISCELLANEOUS

### ACCOUNT NAME

Town Fuel	100,000	100,000	100,000
SRPEDD	1,399	1,434	1,434
In-LINE OF DUTY INJURY FUND	3,000	3,000	3,000
Unfunded Liability	20,000	20,000	20,000
Stormwater Reporting	1,000	25,000	25,000
Total	125,399	149,434	149,434

## DEPARTMENT NAME

## PENSIONS

### ACCOUNT NAME

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
BRISTOL COUNTY RETIREMENT	891,595	1,015,532	1,015,532
MEDICARE	195,000	200,000	200,000
Total	1,086,595	1,215,532	1,215,532

## DEPARTMENT NAME

## HEALTH INSURANCE

### ACCOUNT NAME

BLUE CROSS/ BLUE SHIELD HEALTH	476,833	546,497	546,497
FLEXIBLE BENEFIT PLAN	0	0	0
Total	476,833	546,497	546,497

## DEPARTMENT NAME

## LIABILITY INSURANCE

### ACCOUNT NAME

INS. PR. DIS.-FIRE-POL. ACC. H	67,556	69,000	69,000
LIABILITY INSURANCE	84,545	91,515	91,515
Total	152,101	160,515	160,515

## DEPARTMENT NAME

## WORKERS COMPENSATION

### ACCOUNT NAME

FRINGE BENEFIT/CHARGES	20,000	21,000	21,000
Total	20,000	21,000	21,000

## DEPARTMENT NAME

## UNEMPLOYMENT COMPENSATION

### ACCOUNT NAME

UNEMPLOYMENT INSURANCE	75,000	75,000	60,000
Total	75,000	75,000	60,000

## DEPARTMENT NAME

## RETIREMENT OF DEBT

### ACCOUNT NAME

Bristol Plymouth High School	20,434	18,923	18,923
Berkley Community School	0	0	0
Multiple Use of Equipment	250,000	250,000	250,000

# FY 2026 OPERATING BUDGET (BY DEPARTMENT)

	FY2025 ACTUAL APPROP	Level Services FY2026	Selectmen RECOMM
TOWN OFFICE BLDG	170,000	175,000	175,000
SBRSD HIGH SCHOOL	354,634	387,878	387,878
Total	795,068	831,801	831,801

## DEPARTMENT NAME

## INTEREST

### ACCOUNT NAME

Bristol Plymouth High School	219,348	543,148	543,148
Berkley Community School	0	245,839	245,839
Multiple Use of Equipment	14,963	4,988	4,988
TOWN OFFICE BUILDING	69,600	64,500	64,500
SBRSD HIGH SCHOOL	169,585	166,234	166,234
Total	473,496	1,024,709	1,024,709

## DEPARTMENT NAME

## SCHOOL DEPARTMENTS 3325

### ACCOUNT NAME

Berkley School	8,715,624	9,793,385	9,180,000
Salaries Elected	1,200	1,200	1,200
K-8 Out of District Special Education	325,310	190,702	190,702
K-8 Transportation and Insurances	1,803,448	1,971,505	1,971,505
S/B/ High School Assessment	2,747,558	3,013,899	3,013,899
B.P. Regional High School	1,332,200	1,353,780	1,353,780
Bristol Aggy. Assesment	139,953	176,743	176,743
SBSRD Taxation	79,040	0	0
Total	15,144,333	16,501,214	15,887,829

GRAND TOTAL	23,764,698	26,366,427	25,521,173
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Town of Berkley

Annual Town Meeting

June 2, 2025

Motions Book



MOTIONS FOR THE MONDAY, JUNE 2, 2025  
ANNUAL TOWN MEETING, HELD AT 7:00 P.M.

**Selectman McCrohan**

ARTICLE 1. I move 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 helps inform citizens as to the meaning of the budget articles to follow. This motion requires a simple majority vote and, unless otherwise stated, the remaining motions will as well.

**Selectman Vincent**

Article 2. I move to pass over Article 2.

Explanation: The Capital Improvement Planning Committee lacks quorum and the report required by the Town of Berkley's bylaws doesn't need to be produced.

## Selectmen McCrohan

ARTICLE 3. I move that the Town transfer and appropriate from available FY25 funds the following amounts:

Appropriate from Free Cash to:

1. Snow and Ice Account	\$190,697
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**Totaling; \$190,697**

Transfer from the Post Retirement Buyout Account to:

1. Salaries – Fire Chief (01-220-510-5122) \$60,000

Explanation: This article appropriates available FY25 funds to cover the Snow and Ice deficit only. In prior years, similar articles have also been used to fund capital expenditures or address outstanding obligations from prior fiscal years. In addition to the Snow and Ice appropriation, this article includes a transfer from the Post-Retirement Buyout account



to the Fire Chief Salary line. This transfer supports the implementation of a previously negotiated retirement arrangement between the former Fire Chief and the Town. The adjustment ensures that the appropriate funding source is utilized in accordance with the terms of the agreement, while maintaining clarity and consistency within the Town's financial records.

### **Selectman Vincent**

ARTICLE 4. I move that the Town fix salaries and compensation of elected officials, appointed officers and employees and that the Town raise and appropriate, and transfer from available funds, or otherwise provide for, the payment of said salaries and compensation, a reserve fund, and for the charges, expenses and outlays of the several Town departments for the twelve (12) month period from July 1, 2025 through June 30, 2026, all as set forth in the budget presented by the Finance Committee, and summarized as follows:

from taxation	\$ 7,025,820
from General Stabilization	\$ 266,014
from Ambulance User Fees	\$ 485,000
<b>Totaling</b>	<b>\$ 7,776,834</b>

Explanation: This article will fund all town departments, boards and commissions, for the upcoming fiscal year.

***Vote Required: TWO-THIRDS MAJORITY***

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

### **Selectman McCrohan**

ARTICLE 5. I move that the Town raise and appropriate the outlays of the following Town governmental accounts for Debt Service for the twelve (12) month period from July 1, 2025 through June 30, 2026, all as set forth in the budget presented by the Finance Committee, and summarized as follows:

RETIREMENT OF DEBT

Town Office Building	\$175,000
SBRSD High School	\$387,878
Bristol Plymouth High School	\$18,923
Multiple Use of Equipment	\$250,000
<b>TOTAL</b>	<b>\$831,801</b>

#### INTEREST

Town Office Building	\$ 64,500
SBRSD High School	\$ 166,234
Bristol Plymouth High School	\$ 543,148
Berkley Community School	\$ 245,839
Multiple Use of Equipment	\$ 4,988
<b>TOTAL</b>	<b>\$ 1,024,709</b>

**from taxation           \$ 1,856,510**

**Totaling                 \$ 1,856,510**

Explanation:           This article will fund the obligation of the Town's borrowing debt, and interest.

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

#### **Selectman Vincent**

ARTICLE 6.           I move that the Town raise and appropriate, and transfer from available funds, the payment of the outlays of the following Town School related costs and expenses for the twelve (12) month period from July 1, 2025 through June 30, 2026:

#### **School, Departments**

**Berkley School Spending                   \$   9,180,000**  
**Salaries Elected School Committee     \$   1,200**  
**K-8 Out of District Special Education   \$  190,702**

<b>K-8 Health Insurance</b>	<b>\$ 1,067,362</b>
<b>K-8 Transportation</b>	<b>\$ 770,411</b>
<b>K-8 Workers Compensation Insurance</b>	<b>\$ 51,000</b>
<b>K-8 Liability Insurance</b>	<b>\$ 82,732</b>
<b>Bristol Plymouth Reg. Voc. H.S.</b>	<b>\$ 1,353,780</b>
<b>Bristol Aggie. H.S. Assessment</b>	<b>\$ 176,743</b>

<b>For a total from Free Cash of</b>	<b>\$ 279,053</b>
<b>For a total from General Stabilization of</b>	<b>\$ 440,365</b>
<b>For a total from taxation of</b>	<b>\$12,154,512</b>
<b>Totaling</b>	<b>\$12,873,930</b>

Explanation: This article provides the funding necessary for the Berkley K-8, Bristol Plymouth H.S., and Bristol Aggie H.S. for the upcoming fiscal year.

***Vote Required: TWO-THIRDS MAJORITY***

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

### **Selectman McCrohan**

ARTICLE 7. I move that the Town approve and transfer funds for its assessed share of the Somerset/Berkley Regional School District Budget for fiscal year 2026, as follows:

<b>From High School Stabilization</b>	<b>\$ 3,013,899</b>
<b>Totaling</b>	<b>\$3,013,899</b>

Explanation: This article will provide funding for the Somerset Berkley Regional High School District for the upcoming fiscal year. For the first time in many years, this appropriation from the Special Purpose Stabilization Fund will include support for out-of-district special education expenses, which in turn helps ease financial pressure on the Berkley K-8 district's operating budget.

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

### **Selectman Vincent**

ARTICLE 8. I move that the Town authorize expenditure limitations for the following revolving funds pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2025, 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; and School Department, \$60,000.

Explanation: This article provides for the authorization of expenditure limits for the listed department accounts for the upcoming fiscal year.

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

### **Selectman McCrohan**

ARTICLE 9. I move that the Town 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.

Explanation: The article allows for the Board of Selectmen to accept and enter into contracts for any funds received from the Commonwealth and or any federally aided programs for the construction, reconstruction, and improvement of town roads. The town regularly receives Ch 90 funding for roads which the Selectmen need to accept.

Select Board Recommendation: RECOMMENDED

Finance Committee Recommendation: RECOMMENDED

### **Selectman Vincent**

ARTICLE 10. I move that the Town authorize the Board of Assessors 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.

Explanation: The article will allow the Assessors to appoint one or more of its members to do the annual tax maintenance on real and personal property that needs to be completed during the year.

### **Selectman McCrohan**

ARTICLE 11. I move that the Town 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 100% of said exemption for which they qualify in Fiscal Year 2026.

Explanation: This article provides for an increase in property tax exemptions for certain qualifying individuals, including surviving spouses, low-income elderly residents, individuals who are blind, and disabled veterans. These additional exemptions must be reauthorized annually and have traditionally appeared on the Annual Town Meeting Warrant. For the first time, this article has been amended to authorize the maximum increase allowed by state law—up to 100% of the base exemption for which an individual qualifies.

### **Selectman Vincent**

ARTICLE 12. I move that the Town authorize the Board of Health to appoint one or more of its members as agent(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.

Explanation: This will set the rate of pay for each inspection that the Board of Health Inspectors are required to complete.

### **Selectman McCrohan**

ARTICLE 13. I move that the Town amend Article 27 of the General Bylaws, entitled "Capital Improvement Planning Committee," as set forth in the 2025 Annual Town Meeting Warrant.

Explanation: This article makes several updates to the bylaw governing the Capital Improvement Planning Committee. It removes the restriction preventing members from holding other town positions, increases the project cost threshold for capital planning review from \$5,000 to \$10,000, and eliminates a procedural requirement that previously

limited appropriations for projects not reviewed by the Committee. It also relocates a sentence clarifying quorum requirements for better organizational flow.

These changes would allow a broader cross-section of Town government and residents—particularly those already serving on minor boards and committees—to participate in the CIPC, strengthening collaboration and representation in capital planning.

Select Board Recommendation: RECOMMENDED

### **Selectman Vincent**

ARTICLE 14. I move that the Town authorize the Board of Selectmen to petition the General Court for special legislation, as set forth in the 2025 Annual Town Meeting Warrant, to create a process for the recall of elected Town of Berkley officials; provided that the General Court may make 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 for special legislation establishing a formal recall process for elected officials in the Town of Berkley. Currently, Berkley has no mechanism by which voters may recall an elected official prior to the end of his or her term, leaving the citizenry without recourse in cases of misconduct, incapacity, or loss of public confidence.

The proposed legislation outlines a structured process:

A recall effort begins with an affidavit signed by 25 registered voters, identifying the official and stating grounds for recall.

Once certified, petition forms are issued by the Town Clerk. To advance, the petition must gather valid signatures from at least 15% of registered voters in each precinct, submitted within 20 business days.

If the petition is certified, the official is given 5 days to resign. If no resignation is tendered and the Town Clerk so reports, the Board of Selectmen must call a recall election within 90 days (or align it with a regular election if one is already scheduled within 100 days).

The ballot includes two questions: (1) whether the official should be recalled, and (2) who should succeed them. The official may appear on the ballot as a candidate unless they decline.

If the recall succeeds and a successor qualifies, the recalled official is removed. If the successor does not qualify, the seat is deemed vacant. Additionally, any recalled or resigning official may not be reappointed to any Town position for two years.

While the language of this proposed act is modeled on similar legislation adopted in other Massachusetts towns, it represents an effort to establish a tested and legally sound process rather than to create a wholly original one. It reflects standard practices that have been upheld elsewhere, ensuring administrative clarity and legal durability.

Select Board Recommendation: RECOMMENDED

### **Selectman Vincent**

ARTICLE 15. I move that the Town amend the Berkley Zoning By-Law, being Article 21 of the Town's General Bylaws, as set forth in the 2025 Annual Town Meeting Warrant.

Explanation: The passage of this article will correct clerical errors or inconsistencies within the Zoning By-Law's Table of Use Regulations, in Section 3.2, and in the language of Section 4.2.2. In the current Table of Use Regulations, a "multifamily dwelling, not to exceed 4 dwelling units" could be granted a special permit by the Board of Selectmen in the Residential zone, but two and three family dwellings are prohibited in all circumstances. Passage of this article will require a 2/3rds majority.

***Vote Required: TWO-THIRDS MAJORITY***

Select Board Recommendation: RECOMMENDED

Planning Board Recommendation: RECOMMENDED

### **Selectman McCrohan**

ARTICLE 16. I move that the Town amend the “Town of Berkley Zoning Map,” as referenced and incorporated in Section 2.2 of the Berkley Zoning By-Law, being Article 21 of the Town’s General By-Laws, by rezoning the following Lots as part of and to be included in the General Business District: 33 Padelford St. (Map 10 Lot 36-01); 35 Padelford St. (Map 10 Lot 60); and 35R Padelford St. (Map 10 Lot 61).

Explanation: This article proposes to amend the Town’s official Zoning Map to rezone three properties located at 33, 35, and 35R Padelford Street from their current zoning designation to the **General Business District**. This change would allow for a broader range of commercial uses on these parcels in accordance with the General Business zoning regulations.

***Vote Required: TWO-THIRDS MAJORITY***

Select Board Recommendation: RECOMMENDED

Planning Board Recommendation: RECOMMENDED

### **Selectman Vincent**

ARTICLE 17: I move that the Town file a Home Rule Petition with the General Court, as set forth in the 2025 Annual Town Meeting Warrant, for a special law authorizing the Town to grant an additional five (5) licenses for the sale of all alcoholic beverages to be drunk on the premises.

Explanation: This article seeks approval to petition the State Legislature for a special law allowing Berkley to issue up to five (5) additional all-alcohol, on-premises liquor licenses within the General Business District. Under the state’s license quota system (based on population), Berkley is currently limited in the number of licenses it may issue. While there is not currently a surge in demand, proactively securing these licenses would support economic development and make the Town more attractive to new restaurants and hospitality businesses.



Select Board Recommendation: RECOMMENDED

**Citizen's Petitioner**

ARTICLE 18: I move that the Town exclude its municipal administrative buildings and Town property from being defined as “prohibited areas” under Chapter 269, Section 10, of the Massachusetts General Laws, thereby allowing possession of a firearm, loaded or unloaded, as defined in Section 121 of Chapter 140, in said buildings.

Explanation: This article seeks to opt the Town out of a provision in state law (Chapter 135 of the Acts of 2024) that would otherwise classify municipal administrative buildings and Town-owned property—including places such as Town Hall, libraries, community centers, and other municipal facilities—as “prohibited areas” for firearm possession. If approved, the Town would allow lawful firearm possession, in accordance with state law, on these properties.

**Selectmen McCrohan**

ARTICLE 19: I move that the Town amend Article 1 of the General Bylaws, entitled “Validity of Bylaws,” Section 2, by deleting therefrom, in its entirety, the sentence “A public hearing shall be held by the Board of Selectmen on any such changes at least ten days prior to presentation at any town meeting for acceptance.”

Explanation: This article proposes to remove the requirement that the Board of Selectmen hold a public hearing at least ten days before presenting changes to the General Bylaws at Town Meeting. The change would streamline the bylaw amendment process while maintaining Town Meeting as the final approving authority, consistent with state law.

Select Board Recommendation: RECOMMENDED

**Selectmen Vincent**

ARTICLE 20: I move that the Town accept the provisions of Massachusetts General Laws Chapter 60, Section 3D, authorizing the establishment

of a Property Tax Relief Fund, so-called, for the purpose of defraying the real estate taxes of elderly and disabled persons of low income; the creation of a Taxation Aid Committee, consisting of the Town Treasurer/Collector, the Chair of the Board of Assessors, the Director of the Council on Aging, one member of the Board of Selectmen, and one citizen-at-large appointed by the Board of Selectmen, to identify recipients of aid; and acceptance by the Town Treasurer/Collector of voluntary donations to the aforementioned Fund from residents and other sources.

Explanation: This article seeks to establish a Property Tax Relief Fund under state law to assist low-income elderly and disabled residents with their real estate taxes. A Taxation Aid Committee would be created to identify eligible recipients. All donations to the fund would be **segregated from the general fund** and could be used **only for the express purpose** of providing property tax relief to qualified residents.

Select Board Recommendation: RECOMMENDED

### **Selectmen McCrohan**

ARTICLE 21: I move that the Town accept the provisions of Massachusetts General Laws Chapter 59, Chapter 5K, authorizing the establishment of a program through which the property tax liability of persons over the age of 60 may be reduced in exchange for volunteer services, to be effective for Fiscal Year 26.

Explanation: This article proposes to adopt a state law allowing the Town to implement a senior property tax work-off program beginning in FY26 (July 1, 2025).

Under Massachusetts General Laws Chapter 59, Section 5K, the senior property tax work-off program allows residents aged 60 and older to reduce their property tax bills by volunteering for the Town. The value of the tax reduction is based on the number of hours worked, calculated at no less than the state minimum wage. By default, the maximum benefit a participant can receive is \$1,500 per year, unless the Town votes to raise that cap. Volunteer roles

typically include tasks such as clerical assistance in municipal offices, support at the library, or helping at the Council on Aging. The program is designed to provide meaningful tax relief for seniors while offering the Town valuable support from experienced residents.

Municipalities **may set income guidelines** or prioritization criteria, but it is not required by the statute.

Select Board Recommendation: RECOMMENDED

### **Selectmen Vincent**

ARTICLE 22: I move that the Town accept the provisions of Massachusetts General Laws Chapter 59, Chapter 5N, authorizing the establishment of a program through which the property tax liability of veterans may be reduced in exchange for volunteer services, to be effective for Fiscal Year 26.

Explanation: This article proposes to adopt a state law allowing the Town to implement a veterans property tax work-off program beginning in FY26 (July 1, 2025).

Under **Massachusetts General Laws Chapter 59, Section 5N**, the veterans property tax work-off program allows eligible veterans to earn a reduction in their property tax bills in exchange for volunteer service to the Town. Like the senior work-off program, the value of the reduction is calculated at no less than the state minimum wage and is typically capped at **\$1,500 per year**, unless increased by local vote. There are **no income requirements** under the statute, though the Town may establish guidelines or priorities. Volunteer work may include tasks such as office assistance, maintenance, or helping with public events or services, depending on departmental needs. The program is typically **administered by the Town's Veterans' Services Officer (VSO)** in coordination with the Town Administrator and Treasurer/Collector, ensuring veterans are matched with appropriate roles and that earned credits are applied to tax bills.

Select Board Recommendation: RECOMMENDED

## **Citizen's Petitioner**

ARTICLE 23: I move that the Town adopt a certain citizens' petition submitted in writing by ten or more registered voters of the Town, entitled "*Berkley Noise Law*," the complete text of which is printed on the handout entitled "Berkley Noise Law."

Explanation: The following explanation as approved by the citizen's petitioner:  
The Berkley Noise Bylaw (§95) establishes a framework for addressing concerns related to excessive or continuous noise within the Town. The bylaw applies to both stationary and mobile sources of sound and is intended to define when noise may rise to a level that interferes with the reasonable quiet, comfort, or health of others.

Under the bylaw, it is considered a violation to generate noise that is plainly audible from a distance of 300 feet from the property line of its origin or that otherwise causes a disturbance. Examples of regulated activity include loud music, amplified sound systems, or repeated operation of motor or recreational vehicles. Specific examples of prohibited acts are provided, but the list is not exhaustive.

There are several exemptions built into the bylaw, including agricultural and forestry activities, construction work, domestic tools such as lawnmowers and leaf blowers, public safety responses, snow removal, alarm systems, and noise associated with municipal or religious uses. These exemptions reflect activities considered necessary, customary, or legally protected.

Enforcement authority is vested in the Select Board and the Berkley Police Department. When a potential violation occurs, the process typically involves a written notice of violation, followed by a public hearing if necessary. The Select Board may issue a cease-and-desist order if a violation is found. Continued or repeated violations may result in fines ranging from \$200 to \$300 per offense, and violations may be pursued through both criminal and noncriminal channels as allowed under state law.

The bylaw also includes provisions for determining responsibility in cases where the source of the noise cannot be directly identified. In such instances, the person in lawful custody or control of the property—such as the owner, tenant, or occupant—may be deemed responsible.

The full text of the Noise Bylaw has been included in the packet for tonight's meeting for reference and transparency.

### **Selectmen McCrohan**

ARTICLE 24: I move that the Town discontinue as a public roadway a portion of the roadway known as Cotley St., from its intersection with the railroad crossing bounded southerly by 17 Cotley St. (Map 15 Lot 19-03), westerly by 18 Cotley St. (Map 15 Lot 10) and extending northeasterly roughly five hundred eighty feet to the border of the City of Taunton.

Explanation: This article proposes to formally discontinue a portion of Cotley Street as a public roadway, from the railroad crossing near 17 Cotley Street to the Taunton city line. This action would formalize the closure of the Cotley Street rail crossing and allow for the elimination of routine train horn use in the area, except during maintenance or when trains are passing one another. Emergency access for Berkley Public Safety personnel will be preserved.

Select Board Recommendation: RECOMMENDED

**Zoning By-Law Amendments for Two-Family and Multifamily Dwellings  
Town of Berkley  
ATM 2025**

**ARTICLE 15**

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
<b>A. RESIDENTIAL USES</b>			
...			
2. Two or three family dwelling	N	BOS	BOS

and substituting the following therefor:

USE	R	GB	SB
<b>A. RESIDENTIAL USES</b>			
...			
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.



<p><b>Property Information</b></p> <p><b>Property ID</b> 027/010.0-0061-0000.0</p> <p><b>Location</b> 35 R PADELFORD ST</p> <p><b>Owner</b> BFR REALTY TRUST</p>	<div data-bbox="747 1491 876 1617"> </div> <p><b>MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT</b></p> <p>Town of Berkley, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.</p> <p>Geometry updated 9/18/2024 Data updated 9/18/2024</p>	<p>Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.</p>
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# Berkley Noise Law

## § 95-1 Purpose and applicability.

- A. Whereas excessive, continuous sound is a serious hazard to the public health, welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive, continuous sound may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive, continuous sound, it is the policy of the Town of Berkley to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.
- B. This bylaw shall apply to the control of sound originating from stationary and mobile sources, as described herein, within the limits of the Town of Berkley.

## § 95-2 Unlawful noise prohibited.

It shall be unlawful for any person or persons to create, assist in creating, continue, or allow to continue any excessive, continuous, unnecessary, or unusually loud noise that is plainly audible at a distance of 300 feet from the property line of its origin, or which otherwise annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, health, or safety of others within the Town of Berkley. The acts set forth in § 95-3 are declared to be loud, disturbing, injurious, unnecessary, and unlawful noises in violation of this bylaw; however, this enumeration shall not be exclusive of other noises that meet the criteria outlined herein.

Each such act, which constitutes a violation of this section, which either continues or is reported more than 30 minutes after the issuance of a warning or citation to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

## § 95-3 Specific prohibited acts.

No person shall cause, suffer, allow, or permit the following acts in such a manner so as to annoy or disturb the reasonable quiet, comfort or repose of persons across a residential real property line:

- A. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, amplified instruments or similar device that reproduces or amplifies



sound for a sustained duration, in such a manner as to create a noise disturbance, if outside the parameters of any license or permit;

- B. Using or operating any loudspeaker, public address system, or similar device for a sustained duration, such that the sound therefrom creates a noise disturbance;
- C. The operation of a motor vehicle(s) or recreational vehicle(s) that frequently and for a sustained duration generates sound that creates a noise disturbance.

#### § 95-4 Exemptions.

None of the terms or prohibitions of § 95-3 shall apply or be enforced against any of the following activities:

- A. Agricultural activities. Noise caused by agricultural, farm-related, or forestry-related activities as defined by G.L. c. 128, § 1A, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, and noises from farm animals.
- B. Construction activities. Noise from construction or business vehicles and equipment, provided that all motorized equipment used in such activity is equipped with functioning mufflers.
- C. Domestic power equipment. Noise from domestic power tools, lawn mowers, chain saws, leaf blowers, wood splitters, air compressors and other similar equipment.
- D. Emergency vehicles. Any police, fire, ambulance or other emergency response vehicle while engaged in necessary emergency situations.
- E. Highway and utility maintenance and construction. Necessary excavation or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.
- F. Public address. Noncommercial public speaking and public assembly activities subject to federal and state constitutional protection.
- G. Alarm systems. Any sound generated from a device used in an alarm system.
- H. Religious/Municipal uses. Any bell or chime or other sound generated from a school, municipal facility or place of worship.
- I. Municipal events. Noise generated from municipally sponsored or approved celebrations or events.
- J. Snow removal activities. Noise from snow blowers, snow throwers, and snow plows.

§ 95-5 Enforcement procedures.

- A. Enforcement of this bylaw is through the Berkley Select Board and the Berkley Police Department. The municipal enforcement officer shall initially determine the extent and nature of any violations of the bylaw, and having determined that such violations have occurred or are continuing to occur, shall serve a written notice of violation on the offender. A notice of violation is deemed served on the day it is received, if served by hand or by certified mail, return receipt requested, and is deemed served on the third day after mailing, if served by first class mail, postage prepaid.
- B. Each notice of violation shall state that the Select Board shall hold a public hearing, at which the offender shall be allowed to appear and present evidence on his behalf, to determine if the violation(s) set forth in the notice constitutes a violation of the bylaw. The municipal enforcement officer responsible for issuing the initial notice of violation shall also be present at the hearing. After listening to the evidence presented, the Select Board shall determine whether or not to issue a cease and desist order. If the cease and desist order is violated, the offender shall be subject to the fines set forth in § 95-6 below and/or referred to the appropriate court. Notice of such public hearing shall be served on the offender in the manner set forth for the above service of a notice of violation, such hearing to be held no later than 25 days from the date that such notice is served.

§ 95-6 Violations and penalties.

The first violation of this bylaw shall be punished by a fine of \$200. The second violation of this bylaw shall be punished by a fine of \$250. Further violations shall be punished by a fine of \$300. Each such act which either continues or is repeated more than 1/2 hour after issuance of a written notice of violation of this bylaw shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property where there is a nonresident owner, the owner must also be notified in writing that the violation has occurred. This bylaw may be enforced by any means available at law or in equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D.

§ 95-7 Other remedies.

If the person or persons responsible for an activity which violates § 95-2 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

#### **§ 95-8 Severability.**

If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.

#### **§ 95-9 Definitions**

As used in this by-law, the following terms shall have the meanings indicated:

##### **AMBIENT**

Ambient is defined as the lowest one-hour background A-weighted sound pressure level that is exceeded 90 percent of the time measured during equipment operating hours

##### **MOTOR VEHICLE**

Any vehicle which is propelled by machinery which is permitted to operate on a public way including, but not limited to, passenger cars, trucks, buses, truck-trailers, semitrailers, campers, or racing vehicles, including motorcycles.

##### **RECREATIONAL VEHICLE**

Any motor vehicle designed or modified for use over unimproved terrain used for recreation or pleasure, whether or not requiring motor vehicle registration, including, without limitation, all-terrain vehicles, motorized dirt bikes, dune buggies, and go-carts; all legally registered motor vehicles when used off a public way, including, without limitation, mopeds, motorcycles, and four-wheel drive vehicles; all motor vehicles designed to travel over ice or snow supported in whole or in part by skis, belts, or cleats, including, without limitation, snowmobiles; and all vessels propelled by machinery and designed to travel over water, including, without limitation, jet skis, surf jets, wetbikes, and motorboats as those terms are defined in General Laws Chapter 90B, § 20.

##### **PROPERTY LINE**

That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from a public right-of-way.

#### **PLAINLY AUDIBLE**

Any sound from a source regulated by this by-law that can be detected above routine or normal ambient background noise by unaided human hearing.