

COMMONWEALTH OF MASSACHUSETTS

Worcester, s.s.

To either of the Constables of the Town of Berlin in the County of Worcester:

Greetings: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the Berlin Memorial School in said Berlin on Monday, the second day of May, 2016, next, at 7:30 o'clock in the evening, then and there to act on the following articles; or in relation thereto:

ARTICLE 1 – To see if the Town will vote to fill all vacancies and choose all necessary Town Officers, not required to be chosen by ballot, or take any action relative thereto.

I move that the Board of Selectmen, or any other Board having the proper authority, appoint all necessary Town Officers as may be provided for by statute or other authority and who are not required by law to be chosen by ballot.

ARTICLE 2 – To see what action the Town will take on the printed reports of the officers and committees of the Town for the year 2015; or take any action relative thereto.

I move that the various reports of officers and committees of the Town as contained in the annual town report be accepted by the Town, but without imposing any personal liability on any individuals who are officers of any board for the action taken hereby.

ARTICLE 3 – To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow in anticipation of reimbursement to the Town by the Massachusetts Department of Transportation for the repair of roads and bridges; or take any action relative thereto.

I move to authorize the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of reimbursement to the Town by the Commonwealth Executive Office of Transportation for the repair of roads and bridges. Finance Committee recommends.

ARTICLE 4 – To see if the Town will vote to establish and authorize the use of revolving fund accounts, for FY2017, pursuant to the provisions of M.G.L. Ch. 44, Sec. 53E1/2 for the purposes, maximum expenditure, and authority to expend as outlined in the table below. Expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditure. The authorized departments shall report to the Annual Town Meeting and the Board of Selectmen the total amount of receipts and expenditures for the prior fiscal year and the current fiscal year through December 31. Interest earned on any revolving funds shall be treated as general fund revenue of the Town; or take any action relative thereto.

TITLE	MAX. AMNT. EXPENDABLE	SOURCE OF RECEIPTS AND USE OF FUNDS	AUTHORITY TO EXPEND
Dog Licensing	\$600	Receipts: 50% of dog fees collected. Uses: Cost of licensing and purchase of dog tags	Town Clerk
Library Video Fines	\$1,000	Receipts: Video fines, photocopier fees, fax fees and fees for lost materials. Uses: Purchase of new and replacement material.	Library Trustees/Director of Library
Assessors Maps	\$6,000	Receipts: Planning Board fees charged for map updates, monies collected for the sale of maps, deeds, and reports. Uses: The cost of updating Town maps	Board of Assessors
Recreation	\$20,000	Receipts: Facility rental fees, contributions and other funds. Uses: Purchase services or supplies which are part of Recreation programs	Recreation Committee
Town Hall	\$25,000	Receipts: Contributions, donations, user fees and fundraising activity receipts. Uses: Supplies, part time wages and related benefits, maintenance, general operating expenses & expenses related to fundraisers	Board of Selectmen

Permitting Software	\$30,000	Receipts: 3% atop Building, Plumbing/Gas, and Electrical permit fees. Use: Payment to GeoTMS, Inc. for support for, training on, and right to use its permitting software.	Board of Selectmen
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I move to establish revolving funds for Dog Licensing, the Library Trustees, the Assessors' Office, Recreation Committee, Town Hall and Permitting Software, for FY2017, as permitted under M.G.L. Ch. 44, Sec. 53E1/2, with the stipulations as described in Article 4 of the warrant for this meeting. Finance Committee recommends.

ARTICLE 5 – To see if the Town will vote to authorize the Selectmen to expend from the Highway Department Expense budget, as enacted under Article 8, a sum not to exceed three hundred dollars (\$300) for insect and pest control and a sum not to exceed two thousand dollars (\$2,000) for Dutch Elm disease control, provided that the Tree Warden shall request the expenditure of such funds of the Selectmen; or take any action relative thereto. (Tree Warden)

I move to authorize the Selectmen to expend from the Highway Department Expense Budget, as enacted under Article 8, a sum not to exceed three hundred dollars (\$300) for insect and pest control and a sum not to exceed two thousand dollars (\$2,000) for Dutch Elm Disease control, provided that the Tree Warden shall request the expenditure of such funds of the Selectmen. Finance Committee recommends.

ARTICLE 6 – To hear and act on the reports of any outstanding committees, or take any action relative thereto.

ARTICLE 7 – To see if the Town will vote to accept the provisions of M.G.L. Ch. 73, of the Acts of 1986 to grant additional real estate tax exemptions of 100% for Fiscal Year 2017 to persons who qualify for property tax exemptions under Clause 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C of Section 5 of Chapter 59; or take any action relative thereto. (Assessors) Finance Committee recommends.

ARTICLE 8 - To see if the Town will vote to accept the provision of M.G.L. Ch. 136 Sec. 1 of the Acts of 2005 (M.G.L. Ch. 59 Sec. 5(41A)) to reduce the rate of interest on property taxes deferred by eligible seniors under M.G.L. Ch. 59 Sec. 5, Clause 41A from 8% to 5%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2016, or take any action relative thereto. (Assessors) Finance Committee recommends.

ARTICLE 9 - To see if the Town of Berlin will vote to accept M.G.L. Ch. 59 Sec. 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under M.G.L. Ch. 59 Sec. 5 including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100% of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016, or take any action relative thereto. (Assessors) Finance Committee recommends.

ARTICLE 10 – To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds, or otherwise provide all necessary sums of money to defray the Town's expenses for the fiscal year beginning July 1, 2016 and to determine the salaries of the Town Officers for that period, or take any action relative thereto. Finance Committee to recommend.

ARTICLE 11 – To see if the Town will vote to accept a sum of money for Perpetual Care in the Cemeteries and a sum of money for the Cemetery Flower Fund; or take any action relative thereto. (Cemetery Commission) Finance Committee recommends.

ARTICLE 12 – To see if the Town will vote to appropriate the apportionment of Chapter 90 Transportation Bond Issue monies in the amount certified by the Commonwealth of Mass; or take any action relative thereto. (Highway Supt./Selectmen) Finance Committee recommends.

ARTICLE 13 – To see if the Town will vote to establish and authorize the use of revolving fund accounts, for FY2017, pursuant to the provisions of M.G.L. Ch. 44, Sec. 53E1/2 for the purposes, maximum expenditure, and authority to expend as outlined in the table below. Expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditure. The authorized departments shall report to the Annual Town Meeting and the Board of Selectmen the total amount of receipts and expenditures for the prior fiscal year and the current fiscal year through December 31. Interest earned on any revolving funds shall be treated as general fund revenue of the Town; or take any action relative thereto. (Selectmen) Finance Committee recommends.

TITLE	MAX. AMNT EXPENDABLE	SOURCE OF RECEIPTS AND USE OF FUNDS	AUTHORITY TO EXPEND
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Cable Access	\$20,000	Receipts: Contributions, other funds, Town appropriations, subscriber fees from Charter Communications. Uses: Purchase of services, supplies and electronic equipment, and payroll and related benefits for part time Cable Access employees**.	Cable Access Committee
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***Note: Currently the Cable Access revolving account does not provide for payroll or related benefits. If approved, part time payroll and related benefits may be paid via the Cable Access Revolving Account starting in FY17.*

ARTICLE 14 – To see if the Town will vote to authorize payment of a salary of fifty dollars (\$50) to each member of the Berlin School Committee as provided by M.G.L. Ch. 71, Sec. 52, or take any action relative thereto. (School Committee) Finance Committee recommends.

ARTICLE 15 - To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds seventy thousand dollars (\$70,000) for the purchase of hot top to repair Town roads. (Highway Supt./Selectmen) Finance Committee recommends (4-0) to raise and appropriate \$70,000.

ARTICLE 16 - To see if the Town will vote to transfer from the Highland Commons cultural funds the sum of fifty five thousand two hundred dollars (\$55,200) to be expended under the direction of the Board of Selectmen, for the purpose of renovation work for the Bullard House, or take any action relative thereto. (Selectmen) Finance Committee recommends (4-0) \$55,200 from Highland Commons Cultural Mitigation Fund.

ARTICLE 17 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds fifty-one thousand five hundred seventy five dollars (\$51,575), for the replacement of breathing apparatus and air cylinders, or take any action relative thereto. (Fire and EMS Chief/Selectmen) Finance Committee recommends (4-0) \$51,575 from Highland Commons Public Safety Fund.

ARTICLE 18 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds twenty four thousand dollars (\$24,000) for the purchase of additional personal protection equipment needed due to the consolidation of the Fire and EMS Departments, or take any action relative thereto. (Fire and EMS Chief/Selectmen) Finance Committee recommends (4-0) \$24,000 from Highland Commons Public Safety Fund.

ARTICLE 19 - To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds the sum of twenty-eight thousand dollars (\$28,000) for the purpose of upgrading the security system at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$28,000 from Highland Commons Capital Fund.

ARTICLE 20 - To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds the sum of twenty three thousand three hundred dollars (\$23,300) for the purpose of sealing exterior windows and vents at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$23,300 from Highland Commons Capital Fund.

ARTICLE 21 - To see if the Town will vote to transfer from the Highland Commons cultural funds the sum of fifteen thousand seven hundred forty dollars (\$15,740) for the purpose of installing a weather station at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$15,740 from the Highland Commons Cultural Fund.

ARTICLE 22 - To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds the sum of fifteen thousand dollars (\$15,000) for the purpose of restoring interior/exterior doors to proper operating condition at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$15,000 from the Highland Commons Capital Fund.

ARTICLE 23 - To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds the sum of ten thousand dollars (\$10,000) for the purpose of replacing stair treads and refinishing hand rails at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$10,000 from the Highland Commons Capital Fund.

ARTICLE 24 - To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds the sum of five thousand dollars (\$5,000) for the purpose of upgrades to the fire protection water supply system at Berlin Memorial School, or take any action relative thereto. (School Committee) Finance Committee recommends (4-0) \$5,000 from the Highland Commons Capital Fund.

ARTICLE 25 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds thirty eight thousand dollars (\$38,000) to purchase and equip a new police cruiser, or take any action relative thereto. (Police Chief/Selectmen) Finance Committee recommends (4-0) \$38,000 from the Highland Commons Public Safety Fund.

ARTICLE 26 - To see if the Town will vote to raise and appropriate or transfer from available funds ten thousand dollars (\$10,000) to repave the driveways in the South Cemetery, or take any action relative thereto. (Cemetery Commission) Finance Committee recommends (4-0) \$10,000 from the Highland Commons Capital Fund.

ARTICLE 27 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds the sum of twenty thousand dollars (\$20,000) for the purpose of purchasing new or replacement computers, networking equipment, peripherals and related equipment and for a third party assessment of the computer network for the Public Safety/ Municipal Building; or take any action relative thereto. (Data Systems Coordinator/Selectmen) Finance Committee recommends (4-0) \$20,000 from Free Cash.

ARTICLE 28 - To see if the town will vote to raise and appropriate, borrow or transfer from available funds four thousand dollars (\$4,000) for the purpose of general repairs to the Berlin Public Library, or take any action relative thereto. (Library Trustees) Finance Committee recommends (4-0) \$4,000 from Highland Commons Cultural Fund.

ARTICLE 29 - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds two thousand five hundred dollars (\$2,500) for the purpose of purchasing two computer carrels for the Berlin Public Library, or take any action relative thereto. (Library Trustees) Finance Committee recommends (4-0) \$2,500 from Highland Commons Cultural Fund.

ARTICLE 30 - To see if the town will vote to raise and appropriate, borrow or transfer from available funds three thousand dollars (\$3,000) for the purpose of replacing the copier machine in the Assessor's Office, or take any action relative thereto. (Assessors) Finance Committee does not recommend (1-3).

ARTICLE 31 – To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds five thousand dollars (\$5,000) for the continued development of the Master Plan for the Town of Berlin, said sum to be expended by the Planning Board, or take any action relative thereto. (Planning Board) Finance Committee recommends (4-0) to raise and appropriate \$5,000.

ARTICLE 32 – To see if the Town will vote to appropriate from the PEG Access and Cable-Related Fund established under Article 7 of the Special Town Meeting of May 2, 2016, a sum of money to be expended by the Cable Access Committee, with the approval of the Board of Selectmen, for cable-related purposes consistent with the Town's franchise agreement, as authorized by M.G.L. c. 44, § 53F3/4, or take any action relative thereto. (Cable Access Committee/Selectmen)

ARTICLE 33 – To see if the Town will vote to appropriate three million eight hundred thousand dollars (\$3,800,000) to be used for the construction and equipping of a new Municipal Town Highway Barn to be located on a parcel of land owned by the town identified on the Assessors' Map 14.2 as Parcel 16; and that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow such sum under G.L. c. 44, s. 7, as amended, or any other lawful authority; provided, however that authorization of the debt is contingent upon approval by the voters of an exclusion of such debt pursuant to Proposition 2 ½, or take any other action relative thereto. (Town Barn Planning Committee/Selectmen) Finance Committee recommends (4-1) to borrow \$3,800,000 for this purpose as debt exclusion outside the levy limit.

ARTICLE 34 - To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof, a sum of one million dollars (\$1,000,000) for the purpose of acquiring by gift, purchase or eminent domain the fee interest or a conservation restriction for conservation purposes in certain parcels of land for the creation of wildlife and hiking corridors or take any action relative thereto (Conservation Commission) Finance Committee recommends (4-0) to borrow \$1,000,000 for this purpose as a debt exclusion outside the levy limit.

ARTICLE 35 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds seven hundred thousand dollars (\$700,000) for the purchase or lease/purchase of a Ladder Truck and/or Quint and related equipment; or take any action relative thereto (Fire and EMS Chief/Board of Selectmen). Finance Committee recommends (4-0) \$700,000 of which \$123,933 to be expended from the Highland Commons Public Safety Fund and to borrow the balance (\$576,067) within the tax levy.

ARTICLE 36 - To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds up to nine hundred fifty thousand dollars (\$950,000) to construct an addition to the 1870 Town Hall with an elevator to provide handicapped access to the second floor and stage, together with site work, accessible parking with access routes to the 1870 Town Hall addition and the Bullard House, demolition of the Historical Commission's present curatorial storage building, construction of a replacement curatorial storage building for the Historical Commission, and associated work as shown on the

plans for the project, or as may be required to complete the project, or take any action relative thereto. (Selectmen) Finance Committee recommends (4-1) appropriating \$100,000 from Free Cash and \$426,000 from the Highland Commons Cultural Fund to be used in conjunction with a grant from the Mass. Cultural Council to meet this obligation.

ARTICLE 37 - To see if the Town will vote to create an Economic Development Committee as recommended in the Economic Development section of the Town of Berlin Master Plan. The committee would be charged with the following responsibilities:

- Promote Berlin's businesses, locally and regionally.
- Assist businesses in understanding and complying with town regulations.
- Represent the business community at the town level and increase communication between town officials and businesses.
- Create a forum for the sharing of ideas, resources, and the development of cooperative programs.
- Create opportunities for mentoring and training youth including linking schools and businesses
- Assist the Planning Board in implementing the Economic Development recommendations of the Master Plan
- Participate in regional meetings and forums related to economic development
- Identify programs sponsored by the Commonwealth that would be of benefit to the local business community or municipal government

The Committee will consist of five members preferably, but not necessarily, from financial, retail or commercial backgrounds, jointly appointed by the Planning Board and the Selectmen: Two members for a term of three years; two members for an initial term of two years and a three year term thereafter; and one member for an initial term of one year and a term of three years thereafter. The committee will meet at least four (4) times per year and report to the Planning Board two (2) times per year.

And to raise and appropriate the sum of five hundred dollars (\$500) to cover expenses incurred by the committee, or take any action relative thereto. (Planning Board) Finance Committee recommends.

ARTICLE 38 – To see whether the Town of Berlin will advocate the development of a multi-use, rail trail along the Central Massachusetts branch of the MBTA, now under lease by the Massachusetts Department of Conservation and Recreation, from the Hudson town line to Coburn Road.

That the design and construction of the trail shall be by qualified State or private engineers and shall be in consultation with the town officials and other interested citizens to insure that it is: (a) safe and convenient for both trail users and motorists on intersecting town roads; (b) environmentally sound; (c) economical to maintain; and (d) that and special local circumstances are considered; and assume the responsibility, assisted by citizen volunteer groups, for maintaining and policing the section of the trail within the town's borders after the design and construction are complete.

To authorize the Conservation Commission to seek and accept donations of money, and to apply for and accept federal and/or state grants including LAND Grants to be applied by the town toward financing, and to enter into contracts or agreement with state and/or federal agencies and private businesses for this purpose. (Conservation Commission)

ARTICLE 39 - To see if the Town will vote to amend the General By-Laws of the Town of Berlin by adding a new Article XX, the Berlin Wetlands Protection By-Law, as follows, or take any action relative thereto.

BERLIN WETLANDS PROTECTION BY-LAW

SECTION 1. PURPOSE AND AUTHORITY

- 1.1 Purpose. The purpose of this by-law is to protect the wetlands, water resources, lands subject to flooding, and land adjoining such protected wetland-resource areas in the Town of Berlin by controlling activities deemed by the Berlin Conservation Commission likely to have a significant or cumulative significant effect upon wetland-resource area values, including, but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, shellfisheries, wildlife, wildlife habitat, rare species habitat, agriculture, aquaculture, and recreation values deemed important to the community.
- 1.2. Authority. The Home Rule authority of the Town of Berlin entitles the Town to protect additional resource areas and values with additional standards and procedures stricter than those of the Wetlands Protection Act (Mass. Gen. Laws, Ch. 131, §40, referred to herein as the "Act") and the regulations promulgated thereunder by the Massachusetts Department of Environmental Protection at Title 310, Code Mass. Regs. 10.00.

SECTION 2. JURISDICTION

2.1 Regulation: Except as permitted by the Conservation Commission or as provided in this by-law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: banks; beaches; freshwater wetlands, whether bordering streams and ponds or isolated; land subject to flooding or inundation by groundwater or surface water; land under water bodies and waterways; rivers; seeps; springs; streams; reservoirs; ponds; riverfront areas which are lands within 200 feet of rivers and streams; and vernal pools, including but not limited to state-certified vernal pools; and land within 35 feet of the foregoing wetland-resource areas protected by this by-law--this 35-foot prohibition, however, shall not apply to crossings essential to access upland areas.

Said wetland-resource areas and adjacent protected lands are defined in Section 5 of this by-law.

Where a proposed activity involves work within a resource area, including a 200-foot riverfront area, the Commission shall presume that the area is significant to protect the aforesaid resource areas. The 200-foot riverfront presumption does not apply to the redevelopment of those portions of riverfront areas regarded as "previously developed" or "degraded," as defined by the "Act." "Previously developed" applies only to development that pre-dates legal protection of the resource area. Orders of conditions for redevelopment are granted at the discretion of the Commission.

These presumptions are rebuttable and may be overcome by clear and convincing evidence showing that the resource area does not play a role in the protection of one or more of these interests.

2.2. Enforcement

- A. No person shall alter or cause, suffer, or allow any activity or alteration of any wetland-resource area or its adjoining land protected by this by-law; or leave in place unauthorized fill in a wetland-resource area or its adjoining land protected by this by-law; or otherwise fail to restore to its original condition an illegally altered wetland-resource area or its adjoining land protected by this by-law.
- B. No person shall fail to comply with a wetlands permit or an enforcement order issued by the Conservation Commission pursuant to this by-law.
- C. The Conservation Commission shall have authority to enforce compliance with the conditions of wetlands by-law permits, the regulations authorized by this by-law, and the provisions of this by-law by violation notices; enforcement orders; non-criminal citations under Massachusetts General Laws, Ch. 40 §21D; and civil and criminal court actions, as appropriate. Members of the Conservation Commission and officials and employees of the Commission are empowered to act as "enforcing persons;" provided, however, that any action taken by such enforcing person is ratified by the Conservation Commission at the next scheduled meeting if not previously so authorized.
- D. The Conservation Commission may order any person who alters a wetland-resource area or adjoining protected land in violation of any provision of this by-law and the regulations promulgated thereunder to restore the land and wetland-resource area to its original condition and take other actions deemed necessary to remedy such violation.
- E. The Conservation Commission may issue a fine for the violation of any provision of this by-law and the regulations promulgated thereunder. Such fine may be in addition to any order of the Commission.
 - (1) Any person who violates any provision of this by-law may be penalized by a fine of not more than \$300 per violation per day as provided by Massachusetts General Laws, Ch. 40, §21.
 - (2) Any person who violates any provision of this by-law or the regulations of the Conservation Commission promulgated pursuant to this by-law may be penalized per violation per day by non-criminal citations as provided by Massachusetts General Laws, Ch. 40, §21D, as follows:

Violation occurs before enforcement order issued and received . . .	\$ 50.
Violation continues after enforcement order issued and received ...	\$100.
 - (3) Each day or portion thereof during which a violation continues or unauthorized fill or other alteration remains in place shall constitute a separate violation.

- (4) Each provision of the by-law and regulations violated shall constitute a separate violation.

SECTION 3. EXEMPTIONS AND EXCEPTIONS

- 3.1 Normal Maintenance or Improvement of Land in Agricultural Use. The application for and issuance of a by-law wetlands permit shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act and the regulations promulgated thereunder by the Massachusetts Department of Environmental Protection. Provided, however, nothing contained within this provision shall prohibit the Conservation Commission from exercising its full enforcement powers under this by-law should it determine the activity is not “normal maintenance or improvement of land in agricultural use.”
- 3.15 Maintenance and repair. The application for and issuance of a by-law wetlands permit shall not be required for maintenance and repair of existing structures and improvements, including residential structures, septic systems, appurtenances, existing landscaping and gardens accessory to residential uses, drainage structures, culverts, bridges, driveways, roadways, and maintaining fire protection water holes and ponds. These exemptions shall not include substantially changing, enlarging or adding to existing structures and improvements.
- 3.2 Public Utilities. The application for and issuance of a wetlands by-law permit shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other public telecommunication services, provided that written notice has been given to the Conservation Commission before commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- 3.3. Emergency Projects. The application for and issuance of a by-law wetlands permit shall not be required for emergency projects necessary for the protection of the health and safety of the public.
- A. The project shall only be considered an emergency project under this by-law if: (i) the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; and (ii) advance notice, oral or written, has been given to the Conservation Commission before commencement of work or within twenty-four (24) hours after commencement; and (iii) the Conservation Commission or its designee certifies the work as an emergency project.
 - B. To further qualify as an emergency project, the work must: (i) be performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency; and (ii) the project proponent must file, within twenty-one (21) days of commencement of an emergency project, a by-law wetlands permit application with the Conservation Commission for review as provided by this by-law.
 - C. Upon failure to meet the above and other requirements of the Conservation Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- 3.4 No Other Exceptions to By-Law. Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this by-law.

SECTION 4. DEFINITION OF TERMS

The following definitions shall apply in the interpretation and implementation of this by-law. Except as otherwise provided in this by-law or in regulations of the Berlin Conservation Commission, the definitions of terms in this by-law shall be as set forth in the “Act” (Mass. Gen. Laws, Ch. 131, §40) and regulations (310 CMR 10.00).

- 4.1. Act. The term “Act” means the state Wetlands Protection Act , Mass. Gen. Laws, Ch. 131, §40, and regulations promulgated by the Department of Environmental Protection published at Title 310 Code Mass. Regs., Chapter 10.00.
- 4.2. Alter. The term "alter" shall include, without limitation, the following temporary or permanent activities when undertaken to, upon, within, or affecting wetland-resource areas and adjacent land protected by this by-law; provided, however, that the term "alter" shall not apply to maintaining or replacing within the existing foot print, without enlargement of that footprint, structures and vegetation that legally exist at the time of the adoption of this by-law:
- (a) Removing, excavating, or dredging of soil, sand, gravel, or aggregate materials of any kind;

- (b) Changing the preexisting drainage and runoff characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Draining or otherwise disturbing surface water levels or the water table;
- (d) Dumping, discharging, or filling with any material that would degrade water quality;
- (e) Placing fill or removing material that would alter elevations;
- (f) Driving piles and erecting or expanding buildings or structures of any kind;
- (g) Placing obstructions or objects in water;
- (h) Destroying, including cutting, any vegetation within a wetlands resource area;
- (i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (j) Conducting any activities, making changes, or performing work that may cause or tend to contribute to pollution of any body of water or groundwater;
- (k) Conducting incremental activities that have, or may have, a cumulative adverse impact on the wetland-resource areas protected by this by-law.

4.3. Commission. The term "Commission" shall mean the Conservation Commission of the Town of Berlin, established under the authority of Massachusetts General Laws, Ch. 40, §8C, the members of which are appointed by the Berlin Board of Selectmen.

4.4. Limited Project Status. The term "limited project status" shall mean certain activities, work, or projects, specified by the "Act" and the regulations of the Berlin Conservation Commission, where the Commission shall not presume that the wetland-resource area or adjacent protected land is significant to the protection of wetland-resource area values. Limited projects include, but are not limited to, the maintenance of ponds used for fire protection in the Town of Berlin, the creation of a fire pond in an adjacent protected area, and projects that will improve the natural capacity of a wetland-resource area or adjacent protected land to protect the wetland-resource area values.

- A. The Commission may permit, in its discretion, a limited project after evaluating the magnitude of the alteration and the significance of the project site to the wetland-resource area values; the availability of reasonable alternatives to the proposed activity; the extent to which adverse impacts are minimized; and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the wetland-resource area values.
- B. Notwithstanding the above, the Commission shall not permit a limited project that will have any adverse effect on rare species habitat sites.

4.5. Person. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent such is subject to the Town By-Laws, administrative agency, public or quasi-public corporation or body, the town of Berlin, and any other legal entity. The term "person" shall also include the legal representatives, agents, or assigns of the above named entities and other legal entities.

4.6. Rare Species. The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which such species occur has been previously identified as a habitat by the Division.

SECTION 5. PROTECTED WETLAND-RESOURCE AREAS AND ADJACENT LANDS; PRESUMPTIONS.

The provisions of this by-law apply to the following wetland-resource areas and adjacent protected lands. The Commission shall presume that each wetland-resource area and its adjacent protected land are significant to the protection of one or more wetland-resource area values. Such presumption may be rebutted by clear and convincing evidence. The Commission shall not permit any dredging of, filling of, or discharging to a wetland-resource area that is significant to the protection of one or more wetland-resource area values unless the project qualifies for limited project status.

- 5.1 Adjacent Protected Land. An "adjacent protected land" to a wetland-resource area shall mean that area of land extending horizontally from the boundary of all wetland-resource areas.
- A. An adjacent protected land to a bank, beach, freshwater wetlands, land subject to flooding, land under water bodies and waterways, pond, lake, reservoirs, river, seep, spring, stream, and vernal pool shall mean that area of land that extends one hundred (100) feet horizontally outward from the boundary of these wetland-resource areas.
- B. An adjacent protected land to a river or stream shall mean that area of land situated between the mean annual high-water line of a river and a horizontal parallel line located two hundred (200) feet from said mean annual high-water line.
- C. The Commission shall presume that the first thirty-five (35) feet of the adjacent protected land from the boundary of the wetland-resource area is significant to the protection of the wetland-resource area and its values, to mitigate the proposed activities, and to provide wildlife habitat and the Commission shall require a thirty-five (35) foot undisturbed zone of natural indigenous vegetation from the boundary of the wetland-resource area. This presumption may be overcome only by the presentation of clear and convincing evidence that such a zone is not significant.
- 5.2 Bank and Beach. A "bank" and "beach" shall mean the land area that normally abuts and confines a water body; the lower boundary being the mean annual low flow level and the upper boundary being the first observable break in the slope or the mean annual high-water line, whichever is higher. A bank may be partially or totally vegetated, or it may be composed of exposed soil, gravel, or stone. An inland beach is a bank that is not vegetated.
- 5.3 Freshwater Wetlands. A "freshwater wetlands" shall mean wetlands that may border on another water body but may equally not be connected by surface water to any other water body or wetlands. A freshwater wetlands is an area where the soils, hydrology and/or vegetation meet the criteria of the Act. The types of freshwater wetlands are bogs, marshes, wet meadows, and swamps as those are defined in the "Act"; areas where groundwater, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a plant community; emergent and aquatic plant communities in inland waters; and that portion of any bank that touches any inland waters.
- 5.4 Land Subject to Flooding (Bordering and Isolated). A "bordering land subject to flooding" and an "isolated land subject to flooding" shall mean the same as defined in the "Act."
- 5.5 Land Under Water Bodies and Waterways. A "land under water bodies and waterways" shall mean the same as defined in the "Act."
- 5.6 Pond. A "pond" or lake shall follow the definition of 310 CMR 10.04. A pond under this by-law shall meet a minimum threshold of ten thousand (10,000) square feet.
- 5.7 River or Stream. A "river" or "stream" shall mean a body of running water that moves in a definite channel in the ground due to hydraulic gradient. A river or stream under this by-law shall be any river or stream that is shown on the current United States Geological Survey (USGS) quadrangle map, whether intermittent or perennial. A river or stream may flow through a body of water, including an impoundment, whether or not the river or stream retains its riverine characteristics; through a culvert; or beneath a bridge. A river or stream has an associated riverfront area, as that is defined in the Act, which dimensions are the same as the adjacent protected land to a river under this by-law.
- 5.8 Seep and Spring. A "seep" and "spring" shall mean an area where groundwater comes to the surface and adjacent soils remain wet seasonally or year round. A seep may be an area, from several feet to fifty or more feet across, that is wet and soggy and may melt snow so as to provide vital feeding areas for wildlife during winter. A spring is a small pool with standing water that flows throughout or most of the year. The essential characteristic of both a seep and a spring is groundwater seeping or flowing to the surface.
- 5.9 Stream. As defined under 5.7, a stream (including any so-called creek or brook), whether perennial or intermittent, has an associated riverfront area, as that is defined in the Act for a river, which dimensions are the same as the adjacent protected land to a river under this by-law.
- 5.10 Vernal Pool. A "vernal pool" shall mean any confined basin or depression whether inside of or unconnected to any freshwater wetland that, at least in most years, holds water for a minimum of two continuous months during the spring or summer and is free of naturally occurring adult predatory fish populations.

- A. A vernal pool shall be a wetland-resource area under this by-law regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.
- B. The Commission shall presume that all areas meeting the definition of vernal pool and adjacent protected land under this by-law perform essential habitat functions. This presumption may be overcome only by the presentation of clear and convincing evidence that, in the judgment of the Commission, demonstrates that the basin or depression and surrounding adjacent protected land does not and cannot provide essential vernal pool habitat functions, provided, however, that said presumption shall not apply to a confined basin or depression occurring in a lawn, garden, landscaped area, driveway, cultivated field, or open grazed meadow that legally existed at the time of the adoption of this by-law.
- C. Any formal evaluation of a vernal pool and adjacent protected land must be performed by an individual meeting certain qualifications as determined by the Commission and based upon generally accepted scientific principles and methods.

SECTION 6. REQUEST FOR BY-LAW DETERMINATION OF APPLICABILITY AND RESOURCE DELINEATION CONFIRMATION; APPLICATION FOR BY-LAW WETLANDS PERMIT; FEES; CONSULTANTS

- 6.1 Request for By-Law Determination of Applicability. Any person desiring to know whether a proposed activity or an area is subject to this by-law may in writing request a determination from the Commission. Such a request for by-law determination shall include information and plans as the Commission deems necessary. Any request for a continuance of a hearing on a Request for By-Law Determination of Applicability by the applicant will reset the time-frame within which the Commission must make a determination to commence on the date the continuance was granted.
- 6.2 Request for Resource Delineation Confirmation. Any person desiring to know the accuracy of a delineation of a wetland-resource area protected under this by-law and, if appropriate, the extent of the adjacent protected land may, in writing, request a confirmation of the delineation from the Commission. Such a request for by-law confirmation shall include information, plans and fees as the Commission deems necessary.
- 6.3. Application for By-Law Wetlands Permit. Any person wishing to perform activities affecting wetlands-resource areas protected under this by-law or affecting adjacent protected land shall apply, in writing, for a by-law wetlands permit from the Commission.
 - A. The application shall include such information and plans as are deemed necessary by the Commission to describe the proposed activities and their effects on the wetland-resource areas and adjacent protected land. The Commission in an appropriate case may accept as the application and plans under this by-law any application and plans filed under the Act.
 - B. No activities shall commence without receiving and complying with a wetlands permit issued by the Commission pursuant to this by-law.
 - C. Any request for a continuance of a hearing on a Permit Application by the applicant will reset the time-frame within which the Commission must make a determination to commence on the date the continuance was granted.
- 6.4. Filing Fee. At the time of a request for a by-law determination or confirmation or an application for a by-law wetlands permit, the applicant shall pay a filing fee specified in regulations of the Commission. Town projects are exempt from filing fees under this Section. Any by-law filing fee is in addition to that required by the "Act."
- 6.5 Consultant Fee. Upon receipt of a request for a by-law determination or confirmation or a by-law permit, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert consultant services deemed necessary by the Commission, pursuant to MGL c. 44, section 53G.
 - A. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary for the making of an objective decision.
 - B. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a wetland-resource area delineation and adjacent protected land survey; analyzing wetland-resource area functions and values, including vernal pool determination and wildlife habitat evaluations;

performing hydrogeologic and stormwater drainage analysis; and researching environmental or land use law.

- C. The Commission may require a wildlife habitat study of the project area whenever it deems appropriate, regardless of the type of wetland-resource area and adjacent protected land or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area, considering, but not limited to, such factors as proximity to other areas suitable for wildlife, importance of wildlife corridors in the area, or possible presence of rare species in the area. The work shall be performed by a qualified individual approved by the Commission.
- D. The consulting expert shall submit his or her bill for services rendered directly to the applicant and the applicant shall be responsible for making full payment of such bill directly to the consultant. Payment for said services shall be made in full before hearings for any associated permit are closed by the Commission. Problems or disputes over payment arrangements between the consultant and the applicant shall be settled at a regularly scheduled meeting of the Commission by a majority vote of a quorum of the Commission.

7. ADMINISTRATIVE HEARING PROCESS

7.1. Notice of Filing

- A. Abutters. A person filing an application for a determination, resource delineation, or wetlands permit under this by-law shall, at the same time, give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the proposed activity, including any in another municipality or across a body of water.
 - (1) The notice to abutters shall have enclosed a copy of the application, with plans, or shall state where the abutters may examine and obtain copies.
 - (2) When a person requesting a determination is other than the owner, the applicant shall send a copy of the request and plans, to the owner.
 - (3) An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not open a public hearing until the Commission has received such proof of notice.
- B. Other Municipal Boards and Commissions. Any person filing applications with or seeking approvals from any other municipal boards or commissions for projects or activities that include or reasonably may include any areas subject to protection under this By-Law shall provide written notice to the Conservation Commission concurrent with the submittal of any such applications or requests for approval. Any person filing an application for determination, confirmation of resource delineation, or wetlands permit pursuant to this by-law, shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to those town departments specified by the Commission as requiring notice. A copy shall be provided in the same manner to the conservation commission of the adjoining municipality, if the request or application pertains to property within 100 feet of that municipality.
 - (1) An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.
 - (2) The Commission shall not take final action until the boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but that shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, before final action.

7.2 Notice of Hearing. The Commission shall conduct a public hearing on any application for a determination, wetlands-resource area delineation, or wetlands permit under this by-law. The Commission shall give written notice, at the expense of the applicant, at least five business days before the hearing, in a newspaper of general circulation in the Town of Berlin.

- 7.3 Hearing Process. The Commission in an appropriate case may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act.
- A. Commencement of Hearing. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a complete application, unless the applicant authorizes an extension in writing.
 - B. Continuance of Hearing. The Commission shall (with the consent of the applicant) have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials noted in Section 7.1.B. of this by-law.
- 7.4. Issuance of Decision. The Commission, when appropriate, may combine the decision issued under this by-law with the Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under the "Act." In all permit decisions, the Commission shall make written findings and reasons as provided in Section 7.4.B of this by-law.
- A. Determination of Applicability or Resource Area Delineation. The Commission shall issue its determination of applicability or resource delineation decision in writing within twenty-one (21) days of the close of the public hearing thereon unless the applicant authorizes, in writing, an extension.
 - B. By-Law Wetlands Permit. The applicant for a by-law wetlands permit shall have the burden of proving by clear and convincing evidence that the activities that are subject to the by-law wetlands permit application or the land and water uses that will result therefrom will not have significant or cumulative significant effects upon the wetland-resource area values protected by this by-law.
 - (1) Failure of the applicant to provide adequate evidence to the Commission supporting this burden to avoid or prevent significant or cumulative significant effects upon the wetland-resource area values shall be sufficient cause for the Commission to deny a permit.
 - (a) The Commission shall deny a permit for failure to meet the requirements of this by-law where no conditions are adequate to protect the wetland-resource area values.
 - (b) The Commission may also deny a permit for failure to submit necessary information and plans requested by the Commission and for failure to meet the design specifications, performance standards, and other requirements in the regulations of the Commission.
 - (2) If the Commission issues a by-law wetlands permit, the Commission shall impose conditions that the Commission deems necessary or desirable to protect the wetland-resource area values, and all activities shall be done in accordance with those conditions.
 - (a) In establishing those conditions, the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected wetland-resource areas and their adjacent protected land throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.
 - (b) To prevent wetlands loss, the Commission shall require applicants to avoid wetland-resource area alteration wherever feasible; to minimize alteration to adjacent protected land; and, where alteration is unavoidable, shall require full mitigation. The Commission may require mitigation in a quantity greater than 1:1, depending on the values and functions of the wetland resource impacted. The Commission may authorize or require replication of wetland-resource areas and adjacent protected land as a form of mitigation, but only with adequate security, professional design, and monitoring to assure long term success.

SECTION 8. POST DECISION PROCESS

- 8.1 Recording in Registry of Deeds. No activity proposed in any request or application shall be undertaken until the determination, confirmation of by-law wetland-resource area boundary, or by-law wetlands permit issued by the Commission with respect to such activity has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.
- 8.2. Amendment, Revocation, or Expiration of a Determination, Confirmation, or Permit under the By-Law

- A. Amendments to a determination, confirmation, or permit issued under this by-law shall be in accordance with the "Act."
- B. A by-law determination or by-law wetland-resource area boundary confirmation shall expire three (3) years from the date of issuance.
- C. A by-law wetlands permit shall expire three (3) years from the date of issuance.
 - (1) Any by-law wetlands permit may be renewed at the Commission's discretion once for an additional one-year period, if a request for a renewal is received in writing by the Commission a minimum of thirty (30) days before expiration.
 - (2) Notwithstanding the above, a by-law wetlands permit may identify requirements that shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place and shall apply to all owners of the land.
 - (3) Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission.
- D. For good cause the Commission may revoke any by-law determination, confirmation of by-law wetland-resource area boundary, by-law wetlands permit, or other permit, order, determination, or other decision issued under this by-law after notice to the holder of the issued document, the public, abutters, and certain Town boards and after a public hearing.

8.3 Certificate of Compliance. Upon written request by the landowner or holder of a by-law wetlands permit for a certificate of compliance, the Commission may issue such certificate if the activity, or portions thereof, complies with the final by-law permit. The written request shall include photographs of the completed work, and a statement that work has been completed satisfactorily under the conditions of the permit. The Commission shall act upon such request within thirty (30) days of receipt thereof. If the Commission issues a certificate of compliance, the Commission shall state on the certificate that the activity, or portions thereof, was completed in accordance with the by-law permit. The Commission shall record on the certificate all conditions that shall remain in effect. Said certificate shall be recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies.

SECTION 9. APPEAL FROM DECISION OF CONSERVATION COMMISSION

A decision of the Commission may be appealed to the superior court in accordance with applicable law.

SECTION 10. REGULATIONS PROMULGATION BY CONSERVATION COMMISSION

After public notice and public hearing, the Commission shall promulgate rules and regulations to effect the purposes of this by-law, effective when voted by the Commission and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law. At a minimum, these regulations shall define essential terms in this by-law not inconsistent with the by-law, types of limited projects and the performance standards for each, and procedures governing the amount of filing fees.

SECTION 11. SECURITY

As part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed under the permit, including conditions requiring mitigation work, be secured in whole or in part by one or more of the methods described below:

- 11.1 Financial Assurance Mechanisms. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility that is sufficient in the opinion of the Commission to assure compliance and proper completion of the work as conditioned. The Commission shall release such financial assurance, in whole or in part, upon issuance of a Certificate of Compliance for work performed pursuant to the permit
- 11.2 Restrictions on Property. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Berlin, including covenants whereby the permit conditions shall be performed and observed before

any lot or interest in land may be conveyed other than by mortgage deed. The Commission may only use this method if the applicant consents.

Or take any action relative thereto. (Conservation Commission)

ARTICLE 40 – To see if the Town will vote to establish a Senior Residential Development Overlay District (Section 430, Town of Berlin Zoning) for a 78 +/- acre parcel of land located on the westerly side of Highland Street. The parcel is owned by Christopher Slade, Trustee of Ken-Chris Realty Trust. (Citizens’ Petition).

ARTICLE 41- To see if the Town will vote to transfer from available funds a sum of money to be used toward the reduction of the 2016-2017 tax rate; or take any action relative thereto. (Finance Committee)

ARTICLE 42 - To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Stabilization Fund; or take any action relative thereto. (Finance Committee) Finance Committee recommends 5-0, \$75,000 from Free Cash to be put in Stabilization.

ARTICLE 43 - To meet at the Berlin Town Offices, 23 Linden Street, lower level, in said Berlin on Monday, May 9, 2016, between the hours of 12:00 Noon and 8:00 p.m. to elect by ballot the following officers. Moderator for one year; Treasurer for three years; Selectman for three years; Assessor for three years; Constable for three years; School Committee for three years, Trustee of Trust Funds for three years; Cemetery Commissioner for three years; Library Trustee for three years; Planning Board for five years; and Board of Health for three years and to vote on the following questions:

1. Shall the Town of Berlin be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the construction of a new Town Barn.

Yes _____ NO _____ and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote “yes”.

2. Shall the Town of Berlin be allowed to exempt from the provisions of proposition two and one-half, so called, an amount not to exceed one million dollars (\$1,000,000.00) required to repay borrowing for the purpose of funding the effort to protect, either by fee acquisition or, preferably, conservation restriction, portions of or the entirety of large acreage tracts dispersed throughout the town and strategically located wildlife and hiking corridors linking them together for the fiscal year beginning July 1, 2016?

Yes _____ NO _____

And you are directed to serve this Warrant, by posting up attested copies thereof as per vote of the Town in said Town, seven days at least before the time of holding said meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this _____ day of April in the year of our Lord two thousand sixteen.

BOARD OF SELECTMEN

Thomas Andrew, Chairman

Walter Bickford, Vice Chairman

Judith Booman, Clerk

A true copy attest: _____, Constable

Worcester, s.s.

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Berlin by posting up attest copies thereof at the Town Hall, the Town Offices, and the Post Office _____ days before the time of holding said meeting, as within directed.

_____, Constable

_____ Date

Rev. 10/30/16