

COMMONWEALTH OF MASSACHUSETTS
Worcester, ss.

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 seventh day of May, 2018, next, at 7:30 o'clock in the evening and on Tuesday, the eighth day of May, 2018, next, at 7:30 o'clock in the evening, then and there to act on the following articles; or in relation thereto:

ARTICLES 1 – 6

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.

MOTION: 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 2017, or take any action relative thereto.

MOTION: 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; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Ch.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any action relative thereto.

MOTION: I move to authorize the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of reimbursement to the Town by the Massachusetts Department of Transportation for the repair of roads and bridges.

ARTICLE 4 - To see if the town will vote to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 for the revolving funds established under Article XX of the town by-laws for certain departments, boards, committees or officers in accordance with Mass. General Laws Chapter 44, Section 53E½, or take any other action relative thereto.

MOTION: I move to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 for the revolving funds established under Article XX of the town by-laws for certain departments, boards, committees or officers in accordance with Mass. General Laws Chapter 44, Section 53E½, as follows:

Revolving Fund	Board/Committee/Officer	FY2019 Spending Limit
Dog Licensing	Town Clerk	\$600
Library Video Fines	Library Trustees/Director	\$1,000
Recreation	Recreation Committee	\$20,000
Town Hall	Board of Selectmen	\$25,000
Permitting Software	Board of Selectmen	\$30,000

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)

MOTION: 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.

ARTICLE 6 – 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, §52 of the General Laws; or take any action relative thereto. (Berlin School Committee)

MOTION: I move to authorize payment of a salary of \$50 to each member of the Berlin School Committee as provided by M.G.L. Ch. 71, §52 of the General Laws.

OUTSTANDING 2017 TOWN REPORTS

ARTICLE 7 – To hear and act on the reports of any outstanding committees, or take any action relative thereto.

FY19 BUDGET

ARTICLE 8 – 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, 2018 and to determine the salaries of the Town Officers for that period, or take any action relative thereto.

CEMETERY PERPETUAL CARE

ARTICLE 9 – 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)

CHAPTER 90 HIGHWAY FUNDING

ARTICLE 10 – 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 Massachusetts, or take any action relative thereto. (Highway Supt.)

LIBRARY ACCOUNT

ARTICLE 11 – To see if the Town will vote to transfer from available funds a sum of money from the Anna Hunt Fund to the Library Account, and, further, to authorize the acceptance of any other monies from various sources, to the Library Account; or take any action relative thereto. (Library Trustees)

BMS PLAYGROUND

ARTICLE 12 - To see if the town will vote to fund the sum of one hundred ten thousand dollars (\$110,000) for the replacement of the playground structures and any cost related or incidental thereto at the Berlin Memorial School and associated expenses as follows:

- Fifty thousand dollars (\$50,000) from the Highland Commons cultural mitigation fund to be expended by the Board of Selectmen; and
- To raise and appropriate, borrow, or transfer from available funds sixty thousand dollars (\$60,000), said sum to be expended by the Berlin School Committee,

or take any action relative thereto. (Selectmen/School Committee) Finance Committee recommends \$50,000 from the Highland Commons cultural mitigation fund and to raise and appropriate \$60,000, 4-0.

SUMMARY: This article seeks Town support to fund a new playground at Berlin Memorial School in conjunction with school-based fundraising efforts. The current equipment is over 20 years old and no longer meets current codes. There will be a smaller play structure for the preschool as well as a larger play area for the 5-12 year olds. The new structure will be EPA and ADA compliant.

SCHOOL – FIRE ALARM SYSTEM

ARTICLE 13 - To see if the town will vote to raise and appropriate, borrow, or transfer from available funds thirty thousand dollars (\$30,000) to upgrade or replace the fire alarm panel, replace smoke detectors and related improvements and any cost related or incidental thereto to enhance fire/safety within the Berlin Memorial School; or take any action relative thereto. (School Dept.) Finance Committee recommends \$30,000 from Free Cash, 4-0.

SUMMARY: Fire alarm panels and smoke detectors are aging and in need of replacement. These funds will enable the school to maintain a safe environment for students and staff.

SCHOOL – HVAC SYSTEM

ARTICLE 14 - To see if the town will vote to raise and appropriate, borrow, or transfer from available funds one hundred three thousand dollars (\$103,000) to make modifications to the interior and/or exterior of the building at Berlin Memorial School in order to provide safe access to the HVAC equipment above the ceiling in the Gymnasium; and any cost related or incidental thereto or take any action relative thereto. (School Dept.) Finance Committee recommends \$103,000 from Free Cash, 4-0.

SUMMARY: These funds will enable staff/vendors to safely access the HVAC equipment and for the school to be in compliance with OSHA requirements. The existing ceiling does not support weight of maintenance personnel; staff and vendors cannot access the equipment safely.

SCHOOL – WATER SOFTENER/FILTRATION SYSTEM

ARTICLE 15 – To see if the town will vote to raise and appropriate, borrow, or transfer from available funds sixteen thousand dollars (\$16,000) to purchase and install a water softener/filtration system in Berlin Memorial School and any cost related or incidental thereto; or take any action relative thereto. (School Dept.) Finance Committee recommends \$16,000 from Free Cash, 4-0.

SUMMARY: Berlin has “hard” water with significant mineral content. Hard water, when heated, creates deposits in the equipment rendering it ineffective and creates breakdowns resulting in repetitive service calls. The recommended filtration system will be installed to treat only the domestic water that is utilized by the two new water heaters which provide hot water for the kitchen equipment as well as the kitchen and bathrooms. This filtration system will also extend the life of the water heaters as well.

RECREATION WELLNESS TRAIL

ARTICLE 16 - To see if the town will vote to fund the sum of fifty thousand dollars (\$50,000) for the construction of a Wellness Trail walking path and associated expenses at South Common as follows:

- Thirty thousand dollars (\$30,000) from the Highland Commons cultural mitigation fund; and
- to raise and appropriate, borrow, or transfer from available funds twenty thousand dollars (\$20,000), said sum to be expended by the Board of Selectmen,

or take any action relative thereto. (Selectmen/Recreation Committee) Finance Committee recommends \$30,000 from the Highland Commons cultural mitigation account and to raise and appropriate \$20,000, 3-1.

SUMMARY: The Berlin Recreation Committee is asking that the town support the creation of a health and wellness walkway that goes around the south commons sports fields. This walkway will be approximately 7/8 of a mile long and one leg of the walkway will connect Northbrook village to the south commons fields. This walkway is an ideal project to complete because it is centrally located, benefits all members of the community, already accommodates parking, and leverages existing open space. The total funding to complete this project will come from a variety of sources. The recreation committee is planning to fund this project using 15K in Grant money, 14K from recreation’s revolving account, 10K from fundraising, 30K from the highland commons cultural fund, and 20K appropriated from the town.

POLICE CRUISER

ARTICLE 17 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds forty thousand (\$40,000) to purchase and equip a new police cruiser to replace the 2013 Ford Interceptor SUV, or take any action relative thereto. (Police Dept.) Finance Committee recommends \$40,000 from the Highland Commons public safety account, 4-0.

SUMMARY: This article is to replace the 2012 Ford Interceptor SUV with over 100,000 miles. The plan for police vehicles is to replace front line vehicles as they near end of life for patrol operations before the department begins to incur high repair costs. The typical police patrol vehicle idles for approximately 3 times its mileage, meaning a vehicle with 100,000 has the equivalent of 300,000 miles on it engine.

POLICE RADIO EQUIPMENT

ARTICLE 18 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds twenty five thousand dollars (\$25,000) to purchase microwave radio transmission equipment and any cost related or incidental thereto to upgrade the Public Safety radio system and eliminate the \$6,000.00 annual bills paid to Verizon. (Police Dept.) Finance Committee recommends \$25,000 from the Highland Commons public safety account, 4-0.

SUMMARY: This article is for the purchase and installation of microwave radio transmission equipment. The current public safety radio system utilizes copper telephone lines at a cost of \$6,000.00 per year. This equipment will not only eliminate the ongoing expense but will enhance radio communication. The copper lines from Verizon receive minimal maintenance and result in loss of radio communication. The future of telecommunications does not involve copper phone lines and will lead to the future elimination of the technology.

FIRE/EMS AMBULANCE

ARTICLE 19 – To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof two hundred eighty thousand dollars (\$280,000) for the purpose of lease or purchase of an Ambulance and related equipment; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends \$180,000 from ambulance receipts, \$20,000 from the Highland Commons public safety account, and to raise and appropriate \$80,000, 4-0.

SUMMARY: This article is to replace our present ambulance which is a 2009 ambulance. It was scheduled for replacement last year but there were insufficient funds in the Ambulance receipts account. This will include a new power cot and stair chair. The old ambulance will be kept as a backup for times that we have back to back calls, multiple patients or the new one is being serviced. With the back to back calls, 42 in 2017 and the multiple patient calls we would transport in excess of 20 patients a year with the back-up ambulance which would generate additional revenue through billing exceeding the cost of maintenance.

FIRE/EMS MINOR EQUIPMENT

ARTICLE 20 – To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof thirty nine thousand dollars (\$39,000) for the purpose of purchasing Fire/EMS Minor Equipment; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends \$39,000 from the Highland Commons public safety account, 4-0.

SUMMARY: This article is to fund our ongoing minor equipment replacement program. We purchase anything from protective clothing to helmets to hose and nozzles, etc.

PUBLIC SAFETY – 2nd FLOOR DESIGN/ENGINEERING

ARTICLE 21 – To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof twenty five thousand dollars (\$25,000) for the purpose of designing and engineering the finish out construction of the second floor of the Public Safety Facility and any cost related or incidental thereto; or take any action relative thereto. (Police and Fire/EMS Departments) Finance Committee recommends \$25,000 from the Highland Commons public safety account, 4-0.

SUMMARY: This article is for the funds for the engineering and design layout of the second floor of the Public Safety Building. The rooms will consist of bunk rooms, bathrooms, office spaces, day room and kitchen. The present facilities have no accommodations for overnight coverage and we are short of office space.

HIGHWAY DUMP TRUCK

ARTICLE 22 - To see if the town will vote to raise and appropriate, borrow, or transfer from available funds the sum of one hundred eighty thousand dollars (\$180,000) to purchase a combination dump truck and sander with plow and related equipment to replace our 2003 combination dump truck and sander with plow; or take any action relative thereto. (Highway Supt.) Finance Committee recommends \$180,000 from Free Cash, 4-0.

SUMMARY: This is part of the previous capital planning to replace trucks about 15 years to prevent spending too much money on repairs.

HIGHWAY HOT TOP

ARTICLE 23 - To see if the town will vote to raise and appropriate, borrow, or transfer from available funds the sum of seventy thousand dollars (\$70,000) for the purchase of hot top; or take any action relative thereto. (Highway Supt.) Finance Committee recommends to raise and appropriate \$70,000, 4-0.

SUMMARY: This money will be used in conjunction with our Chapter 90 money from the State to reclaim and resurface our deteriorating roadways.

SOUTH CEMETERY PAVING

ARTICLE 24 - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds fifteen thousand dollars (\$15,000) to repave driveways in the South Cemetery, or take action relative thereto. (Cemetery Commissioners) Finance Committee recommends \$15,000 from Free Cash, 4-0.

SUMMARY: This article continues the repaving of drives in the South Cemetery. This will complete a U including both drives from Pleasant Street and the cross drive between them. These were previously paved about 50 years ago.

ASSESSORS' SOFTWARE

ARTICLE 25 - To see if the Town will vote to raise and appropriate and/or borrow or transfer from available funds ten thousand dollars (\$10,000) for the purpose of updating the software in the Assessors' Office and associated costs, or take any action relative thereto. (Board of Assessors) Finance Committee recommends \$10,000 from Free Cash, 4-0.

SUMMARY: Our computer assisted software vendor VGSI (Vision Government Solutions Inc) has released its latest version upgrade. We are currently running version 6.5. The new release is version 8. This has both customer based operating updates and platform upgrades.

BUILDING INSPECTOR PERMITTING SOFTWARE

ARTICLE 26 – To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds thirty five thousand five hundred dollars (\$35,500) to purchase Building Officials Permitting/Inspectional Services software and associated costs; or take any action relative thereto. (Building/Plumbing/Electrical Inspectors & Fire and EMS Department) Finance Committee recommends \$35,500 from Free Cash, 4-0.

SUMMARY: Purpose of acquiring new software is to provide better customer service and to eliminate the 3% surcharge on all permits. Also the new software is to provide better online usability for the public and in house processing for staff.

LIBRARY/WELL COMPLIANCE

ARTICLE 27 - To see if the Town will vote to raise and appropriate and/or borrow or transfer from available funds twenty-five thousand dollars (\$25,000) for the purpose of drilling and installing a new well and any cost related or incidental thereto to comply with the MA DEP Legal Regulations, or take any action relative thereto. (Library Trustees) Finance Committee recommends \$25,000 from Free Cash, 4-0.

SUMMARY: The MA Dept of Environmental Protection (MassDEP) has determined that the library's old dug well is unlikely to meet current state standards for supplying library users with a safe water supply, as required by law. The only alternative for the foreseeable future, given the lack of a municipal water system for the town, is to drill a new well, to come into compliance with state regulations.

ENERGY COMMITTEE – STREET LIGHT PURCHASE

ARTICLE 28 - To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum not to exceed thirty thousand dollars (\$30,000) for the purpose of funding a lighting consultant and the purchase and installation of streetlights and related equipment from National Grid and the conversion of existing streetlights to energy efficient and long lasting LED, same to be spent under the direction of the Board of Selectmen acting on the advice of the Energy Committee , or to act in any other manner in relation thereto. (Selectmen/Energy Committee) Finance Committee recommends \$25,000 from Free Cash, 4-0.

SUMMARY: This article provides funding to change the streetlights in town from high pressure sodium lights to LEDs. If approved, the Town would own the lights, benefit from reduced fees from National Grid, save energy, and qualify for \$8000 in grants and incentives which will be paid back to the Town upon project completion. Funds will be used to purchase streetlamps, install them, pay a lighting consultant (required as a condition of receiving grant money), and allow for a contingency buffer. Based on an analysis by the Metropolitan Area Planning Council this project will pay for itself in 2.5 years. Applying the most pessimistic assumptions payback would be in 4.5 years. The Energy Committee is planning a like-for-like swap with similar brightness LEDs. New lights will be full-cut off and designed to reduce light pollution.

ENERGY COMMITTEE –CONSERVATION FUNDING

ARTICLE 29 - To see if the Town will vote to raise and appropriate from general funds an amount equal to the accrued funds from the municipal aggregation energy efficiency adder for energy conservation measures, or grant matching funds, said sum to be expended by the Board of Selectmen, or take any action relative thereto. (Selectmen/Energy Committee)

SUMMARY: The Municipal Aggregation program has a provision which allows the Town to collect a small surcharge (\$0.001/kWh) to fund energy conservation projects. Acting on the advice of the Energy Committee the Selectmen exercised that option when signing the most recent supplier contract. The amount of money collected will vary based on the amount of energy consumed by program participants. The Town needs a financial mechanism to collect and disburse those funds. The Energy Committee would like to save over time to pay for costly projects that have potential to reduce the Town's energy expenses. A Town Meeting article allows those funds to be segmented from yearly budgets and carry-over from one fiscal year to the next; like setting money aside in a sealed envelope for a future expense.

FIRE/TOWN BYLAW/SUPPLEMENTAL WATER SUPPLY

ARTICLE 30 - To see if the Town will vote to amend the Town of Berlin General Bylaws by deleting Article XVI "Supplemental Water Supply" in its entirety and replace it with the following:

Article XVI- Supplemental Water Supply

Section 1- History

As a rural community, the Town of Berlin must rely upon static water supplies for fire protection. To date, this has been in the form of water holes fitted with dry hydrants. With the last several years of drought, there have been all too many times that these sources have been insufficient to provide the needed protection. As the town grows,

especially with multiple dwelling developments, there is a need for fast response which can be supplied by the installation of residential sprinklers.

Section 2-Definitions

For the purpose of this by-law, the following terms, phrases, words and their derivations shall have the meanings herein given. The word "shall" is always mandatory and not discretionary.

Acceptance Testing & Installation - A test & inspection of the system will be conducted by the Berlin Fire Department. The purpose of this requirement is to ensure proper operation and installation.

NFPA- The National Fire Protection Association 2017 Edition

NFPA 13- The current edition of installation of Sprinkler Systems

NFPA13D- The current edition of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes.

NFPA13R- The current edition of Sprinkler Systems in Residential Occupancies up to and including Four Stories.

NFPA 1- General Storage.

NFPA 1- Rack Storage of Materials.

NFPA1142 – The current edition of Water Supplies for Suburban and Rural Fire Fighting.

Cisterns- NFPA – 1142

NFPA – 22 Water Tanks

Section 3- General Regulations

A. This by-law applies whenever an Individual or Developer creates a subdivision or lots with three or more residential, multifamily units, or Industrial or Commercial buildings to be built regardless of ownership. If all buildings under this section have to be outfitted with sprinklers, they will be installed as defined in accordance with NFPA 13, 13D, 13R, and NFPA 1.

B. Farm and Agricultural uses will be exempt from these requirements for accessory use.

C. A Cistern may need to be added to the project in addition to the buildings having sprinklers installed as defined by the Fire Chief. This shall be installed for the exclusive utilization of essential fire and maintenance personnel.

D. Prior to the issuance of a Building Permit for the project, the cistern will be constructed. An Installation Permit from the fire department is required and the cistern will need to be tested, excepted and fully operational. After completion, final as-built drawings must be submitted to the Fire Department.

E. The capacity of any cistern or dry hydrant shall be in conformance with the current requirements of NFPA 1142 Annex B.4.3 (3) and to have a minimum capacity of thirty thousand (30,000) gallons for residential areas. Commercial and Industrial structures will have to be designed and calculated by a Fire Protection Engineer.

F. The developer must also file and receive approval from the Conservation Commission prior to construction.

G. All cisterns are to be designed in accordance with the current edition of NFPA 1142 and comply with the operations and standards of the Fire Department. Prior to construction, the location and design plans, will be drawn, stamped and submitted by a Fire Protection Engineer for review. This will be based on approval by the Fire Chief.

a. The Suction side will have a six (6) inch National Standard Thread (NST) female swivel with long handles and strainer, six (6) inch male by four and one half (4 ½) NST male adapter, and a four and one half (4 ½) inch NST female cap with chain or cable. The height needs to be thirty-six (36) inches: from finish grade to the center of the connection and located within fifteen (15) feet of maintained vehicle access.

b. A minimum of two lockable thirty-two (32) inch manholes are required for access.

c. A five (5) inch Stortz Fill connection shall be provided with cap, chain or cable. The height of the fill pipe shall be thirty-six (36) inches from finish grade to the center of the connection.

d. All Suction and Fill piping must be ASTM International Schedule 40 steel

e. Suction piping inside the tank shall be of size to deliver the required fire flow and shall have a listed strainer installed vertically at the bottom of the cistern at a height of six inches off the bottom of the cistern attached to a four foot by four foot (4x4) by ¼ inch anti-vortex plate. Suction piping shall be painted red. All other exposed piping shall be painted black.

f. An eight (8) inch vent will be constructed out of ASTM Schedule 40 PVC piping.

g. The entire cistern must be completed and inspected before any backfilling is done. The base and the backfill material must meet NFPA 1142 annex B.4.3

- h. All Fire Department Suction and Fill connections shall be protected from damage by supports, posts, or bollards.
- i. Suction support is required to support the suction hose four feet from the connection. Said support may be six-by-six (6x6) posts placed four (4) feet apart with a double two-by-eight (2x8) horizontal support anchored to the posts. The top of the support needs to be six (6) inches lower than the height of the suction pipe.
- j. The tank itself shall be constructed of steel, fiberglass, or concrete with an approved plastic liner or rubber membrane or other approved method of waterproofing.
- k. A minimum of a six (6) inch diameter drilled well is required with a minimum twenty-five (25) casing and drive shoe, equipped with a minimum one-half (1/2) horsepower well pump to provide a five-to-ten (5-10) GPM constant flow.
- l. A lighted control panel is required with green LED power indicating light –emitting diode and low-level flashing red indicator and an orange pump running indicator. These indicators shall be appropriately labeled. The developer must construct a mounting panel and have metered power connected to the cistern after obtaining all necessary electrical permits. All electrical controls, boxes, manholes shall be locked with “keyed alike padlocks”. A Knox-Box is to be installed at the panel location with all the required keys.
- m. A sign is required which has a minimum one (1) inch white reflective letters on a red reflective background. The sign shall be a minimum six (6) inches in height. The sign shall state: 1: Fire Dept. Water supply, 2: The storage capacity, and 3: The Fire Dept. ID Number or address.
- n. A minimum of a twelve (12) foot wide off-road access to cistern is required and shall be maintained year round. A maximum sustained grade shall not exceed eight (8) percent. The access road to cistern must have a minimum of twelve (12) inches of a gravel base suitable for adequate drainage.

Section 4- Maintenance

- A. The developer/builder shall provide a five-year performance bond which will be utilized in case of major failure of the system. The amount of the bond will be equal to the replacement cost, as determined by the Fire Chief.
- B. Prior to construction, the developer/builder will provide the Fire Department’s water supply account with funds to cover all costs of maintenance for five (5) years after completion and acceptance. This amount will be determined by the Fire Chief. Should the full amount not be utilized, the remaining balance will be returned to the developer/builder by the Town at the end of the five year period.
- C. The association or individual will be required to maintain the system and functionality on an annual basis. The annual testing will need to be conducted by certified/licensed company with the report to be filled with the AHJ.
(Fire Chief)

SUMMARY: The purpose of this article is to first comply with the State Building and Fire protection Codes. Our present bylaw does not indicate which whether sprinklers or cisterns are preferred or mandatory. This amendment requires residential sprinklers in locations with 3 or more dwelling units planned, and allows the Authority having Jurisdiction the latitude to also require a cistern if deemed necessary for fire protection. It also updates other areas to meet today’s standards and construction practices. This amendment was developed in cooperation with the Building Commissioner and Fire Marshal and Fire Chief.

PLANNING BOARD – MASTER PLAN

ARTICLE 31 – To see if the Town will vote to raise and appropriate, 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 \$5,000 from Free Cash, 4-0.

SUMMARY: This article continues the process of completing one part of the Master Plan each year rather than one large effort every five years.

PLANNING BOARD – HOME-BASED CONTRACTING

ARTICLE 32 - To see if the Town will vote to amend the Zoning By-Law, Section 541 Table of Home-Based Contracting Business by adding the word “registered” before the word “vehicle” in each of the three categories under the vehicle column of the chart; or take any action relative thereto. (Planning Board)

SUMMARY: This article is to make it clear that junk storage trucks cannot be approved as part of a Home Based Contracting Business.

PLANNING BOARD – LARGE-SCALE GROUND-MOUNT SOLAR

ARTICLE 33 - To see if the Town will vote to amend the Zoning By-Law Section 590 Large-Scale ground-mounted solar photovoltaic installations by adding a new Section 593 as follows:

593. Large-scale ground-mounted solar photovoltaic installations may be sited in the Residential-Agricultural Zone if the following conditions are met:
- a. Installations may be erected only upon issuance of a special permit with site plan approval by the Board of Appeals, subject to the conditions of this Section 593
 - b. The parcel to be used for the installation must have a minimum of 50 acres
 - c. An amount of land equivalent to the acreage utilized for the photovoltaic installation must have a protective covenant prohibiting its development that is acceptable to the requirements of the Berlin Conservation Commission and the Berlin Board of Selectmen. The protective covenant shall run concurrently with the lease for the photovoltaic installation.
 - d. Adequate screening from abutters and the public way must be installed
 - e. All provisions in Section 590 must be complied with
- And in Section 320 Table of Principal Use Regulations by deleting the line:

	RA	MD	CV	C	LB	LI	ACR
Large-Scale Ground-Based Solar Photovoltaic Installations	N	N	N	N	R	R	N

And replacing it with the following:

	RA	MD	CV	C	LB	LI	ACR
Large-Scale Ground-Mounted Solar Photovoltaic Installations	SR	N	N	N	R	R	N

or take any action relative thereto. (Planning Board)

SUMMARY: This article is to allow large scale solar facilities on residential-agricultural land of at least 50 acres that would not disturb the nature of the town or the views from the road and neighboring properties. An amount of land equivalent to the solar installation would need to be set aside to prevent future development.

SPECIAL ARTICLE CLOSE-OUT

ARTICLE 34 – To see if the Town will vote to close out the following Special Article accounts:

	Funding From:	Article #:	Fiscal Year:	Special Article Purpose:	Remaining balance:
a.	Free Cash	Art 29	2014	Assessors - Permitting/Inspector Software	\$6,550.00
b.	Stabilization	Art 5 STM	2015	Treasurer - Unpaid Federal & State w/holdings	\$12,201.65
c.	Free Cash	Art 22	2013	Painting Municipal Building	\$1,890.74
d.	Free Cash	Art 33	2011	Police Cruiser	\$217.00
e.	Highland Common/Public	Art 22	2015	Police Cruiser – replacing 07 cruiser	\$578.75

	Safety				
f.	Highland Common/Public Safety	Art 26	2016	Police Cruiser – Replacing 2010 cruiser	\$242.20
g.	Stabilization	Art 14	2014	Berlin Memorial School - Roof Repairs	\$19,977.96
h.	Highland Common/cultural	Art 23	2017	Berlin Memorial School - Stair Treads/Handrails	\$5,800.00
i.	Highland Common/cultural	Art 24	2017	Berlin Memorial School - Upgrading Fire System	\$466.78
j.	Highland Common/Capital	Art 23	2016	Replacing 2004 Dump Truck	\$731.20
k.	Free Cash	Art 32	2011	Library – 3 Air Conditioners	\$1,028.00

To the stabilization fund, and/or transfer to another appropriation, and/or close out to the general fund, and/or to take any other action relative thereto. (Selectmen)

SUMMARY: The purpose of this article is to close out unspent special article accounts after the completion of a purchase or project.

CLAIM/SUIT SETTLEMENT AUTHORIZATION

ARTICLE 35 - To see if the Town will amend the Town of Berlin General By-laws Article III Legal Affairs, Section 3 by deleting the words “one thousand dollars” and replacing with the following text “five thousand dollars,” or take any action relative thereto. (Selectmen)

SUMMARY: This article amends an existing town bylaw (Article III Legal Affairs, Section 3) that allows the Selectmen to compromise and release claims and debts owing the town. The current bylaw established \$1,000 as the limit to such compromises and release. It was passed in 1951 and the amount has remained unchanged since then. The \$5,000 limit represents an inflationary adjustment to restore the real value limit of the bylaw in 2018 to a practical approximation of the original bylaw when it was passed in 1951.

*****NIGHT #2 *****

*****IS SCHEDULED TO OPEN WITH THESE 3 ARTICLES*****

*****TUESDAY, MAY 8, 2019 @ 7:30 PM*****

after which we will proceed with any remaining unfinished business of the Annual Town Meeting.

FULL K-12 BERLIN-BOYLSTON SCHOOL REGIONALIZATION

ARTICLE 36 - To see if the Town will vote to accept the amended Berlin-Boylston Regional Agreement affecting the unification of the 3 existing school districts as enclosed, to be effective July 1, 2019.

AGREEMENT BETWEEN THE TOWNS OF BOYLSTON AND BERLIN, MASSACHUSETTS

WITH RESPECT TO THE FORMATION OF A REGIONAL SCHOOL DISTRICT

EFFECTIVE JULY 1, 2019

This agreement is entered into pursuant to Chapter 71 of the Massachusetts General Laws (M.G.L.) as amended, between the towns of Boylston and Berlin, hereinafter sometimes referred to as member towns. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I: THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter sometimes referred to as the Committee. The Committee shall consist of six members, three from each member town. All members shall serve until their successors are appointed and qualified.

(B) Transition Period

A transition period will be in place during January 1, 2019 through June 30, 2019.

1. Appointment and Organization of the Transition Committee: Effective January 1, 2019, a six (6) member Regional Transition School Committee, (herein Transition Committee) will be established, and shall consist of the individuals on the current 6-12 regional school committee as of December 31, 2018. Said Transition Committee will be in place through the biennial election held in November of 2020.
 - a. The Superintendent will post and call to order the first meeting of the Transition Committee at which time the Transition Committee will elect a Chair and Vice-Chair. At the same meeting or at any other meeting, the Committee shall appoint a Treasurer and a Secretary who may be the same person but who need not be members of the Transition Committee. The Transition Committee shall fix the time, place for its regular meetings, and provide for the calling of special meetings.
 - b. Each member of the Transition Committee will have one (1) vote, which shall not be weighted.
 - c. Any vacancies and/or expired terms that occur during the Transition Period will be filled by the remaining Transition Committee members.
2. Powers of the Transition Committee: During the Transition Period the Transition Committee shall possess all powers, subject to the availability of funds necessary for the exercise of such powers, necessary for the planning and implementation of the pre-K-12 District to be effective July 1, 2019, including but not limited to the following:
 - a. The power to receive funds from the Commonwealth as well as appropriations, grants, and gifts from other sources. This is not intended to alter the fact that during the Transition Period other funds from the Commonwealth will continue to flow to the member towns and their individual school departments.
 - b. The power to establish and adopt policies for the District.
 - c. The power to employ a Superintendent, Treasurer, Business Manager and Director of Pupil Personnel Services, as well as the power to authorize the Superintendent to employ other personnel as needed.
 - d. The power to contract for and/or purchase goods and services, as well as the power to enter into leases and other agreements with the member towns, collaboratives, vendors, and other agencies and parties, with all of these powers being able to be exercised on behalf of the District.
 - e. The power to adopt budgets for the District for the Transition Period and for the first year of the District, and to assess the member towns for these budgets.
 - f. The power to negotiate and to enter into collective bargaining agreements, which will take effect no sooner than the inception of the District.
 - g. The power to appoint a Regional School Building Committee.
 - h. The power to develop and adopt a strategic plan for the District.
 - i. The power to appoint subcommittees.
 - j. The responsibility for transportation for the regular education students K through 12 commencing January 1, 2019.
 - k. The power to determine a name and logo for the District.
 - l. All the powers and duties conferred by law upon school committees in accordance with M.G.L. c. 71, § 16.
3. Coordination with Local School Committees: With the exception of transportation, the Transition Committee's authority as described above relates to matters which are to be effective July 1, 2019. The

current 6-12 District Committee, Berlin Committee, and Boylston Committee will continue to make decisions for their respective schools in regard to matters that are effective prior to June 30, 2019.

4. Continuation of Transition Committee: Effective July 1, 2019 and until the next biennial state elections, the Transition Committee will exclusively make all decisions related to the District. The Transition Committee members will serve until the next biennial state election, and will assume full jurisdiction over the pre-K-12 District effective July 1, 2019.

(C) Election of Committee Members

At the first biennial election after July 1, 2019, all seats on the Transition Committee shall be considered vacant. Two (2) of the Boylston vacancies will be for a four (4) year term, and one (1) of the vacancies will be for a two (2) year term. One (1) of the Berlin vacancies will be for a four (4) year term, and two (2) of the vacancies will be for a two (2) year term. Thereafter, all positions will be for a four (4) year term. The members shall be sworn in the next business day after the biennial state election.

Thereafter, at the biennial state elections as the term of office of the Committee members expire, there shall be elected the required number of Committee members who are residents of the appropriate member town to serve for a term of four (4) years and thereafter until their respective successors have been duly elected and qualified pursuant to M.G.L. c. 71, § 14E(3), which provides for electing members with residency requirements in district-wide elections. Each elected member shall have one (1) vote, which shall not be weighted.

(D) Vacancies

If a vacancy occurs in the regional district school committee, the regional district school committee shall appoint a member to serve for the balance of the unexpired term.

(E) Organization

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting or at any other meeting the Committee shall appoint a treasurer and a secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the chairman who shall be elected annually as provided above), and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings.

(F) Powers and Duties

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this agreement, and such other additional powers and duties as are specified in Sections 16 to 16-I, inclusive, of Chapter 71 of the General Laws and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.

(G) Quorum

The quorum for the transaction of business shall be a majority of the Committee, but a number less than a majority may adjourn.

SECTION II: TYPE OF REGIONAL DISTRICT

Effective July 1, 2019, the regional school district, hereinafter sometimes referred to as District, shall be comprised of an elementary program, grades pre-Kindergarten through grade five; middle school program, grades six through eight;

and a high school program, grades nine through twelve. The Committee is hereby authorized, in its discretion, to establish and maintain state-aided vocational education, acting as trustees therefor, in accordance with the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon.

SECTION III: LOCATION OF THE REGIONAL DISTRICT SCHOOLS

There shall be no less than one elementary school in each member town. Students in grades pre-Kindergarten through grade five shall attend school in their towns of residence, except in special cases as defined by the Committee.

The District middle and high school shall be located within the geographic limits of the District and within a radius of three miles from the intersection of Linden Street and the Boylston-Berlin boundary line.

Any new schools constructed within the District shall be located at a site or sites determined by the Committee. In order to close any school within the District, the process contained in Section X – Amendments must be followed. In the event that a new school building is being constructed to replace one of the current buildings, an amendment to the Regional Agreement is not required.

SECTION IV: LEASE OF SCHOOLS IN MEMBER TOWNS

- (A) The Town of Berlin is hereby authorized to lease to the District all the premises and the building presently known as the Berlin Memorial School. The Town of Boylston is hereby authorized to lease to the District all the premises and the building presently known as the Boylston Elementary School. Each of the leases authorized above shall be for a term of twenty years and the term shall commence on the date when the Committee assumes jurisdiction over the pupils in the elementary schools. Each of the leases shall contain a provision or provisions for the extension of the term thereof for an additional term not in excess of twenty years, renewable at any time during the term, at the option of the Committee. Each of the towns of Berlin and Boylston shall separately charge the District rent in the amount of \$1.00 for each fiscal year commencing with the fiscal year next following the year in which the Committee assumes jurisdiction of the pupils in pre-kindergarten through grade five.
- (B) Each of the leases shall contain provisions for shared use of the building with the Town for Town events and/or Town sanctioned events with priority being given to school events; and provisions authorizing the District to insure the building, and make emergency repairs, and ordinary repairs, as required. Plans to improve, alter or remodel the leased buildings will be subject to negotiations between the Committee and the building owner-of-record Town. The District will only be responsible for ordinary repairs up to \$5,000 for each separate repair. The Town that owns the building will be responsible for any additional amount beyond \$5,000, and will be assessed said amount through the process contained in Section V – Apportionment and Payment of Costs Incurred by the District.
- (C) Each of the leases shall contain provisions for the local town to provide mowing, landscaping and snow removal services to the outdoor property of the leased buildings, with insurance for those services covered by the local town.
- (D) Outstanding bond issue for the Berlin Memorial School is the responsibility of the Town of Berlin. Outstanding bond issue for the Boylston Elementary School is the responsibility of the Town of Boylston.

SECTION V: APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

- (A) For the purpose of apportioning assessments, costs shall be divided into two categories: capital costs and operating costs.
- (B) Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, restructuring, and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the costs of the original

equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes or other obligations issued by the District to finance capital costs.

(C) Operating costs shall include all costs not included in capital costs as defined in Section V(B) but including interest on temporary notes issued by the District in anticipation of revenue. School transportation shall be provided to and from the District schools by the District for all resident eligible students as provided by law, and the cost thereof shall be apportioned to the member towns as an operating cost.

(D) Apportionment of Capital Costs

1. Grades 6-12

Capital costs shall be apportioned for a particular school fiscal year based on each member town's Running Average Percentage for that fiscal year. For the purpose of this section, the following terms shall be defined as set forth herein:

A member town's "Tahanto Enrollment Percentage" for a particular fiscal year is the number of that town's resident students enrolled in the regional school district, divided by the total number of resident students of member towns enrolled in the regional school district, each determined as of October 1 of the prior fiscal year.

A member town's "Foundation Enrollment Percentage" for a particular fiscal year is that town's Foundation Enrollment (as defined in MGL c. 70, s. 2, as it may be amended from time to time) as determined by the Massachusetts Department of Elementary and Secondary Education for the prior fiscal year, divided by the total Foundation Enrollment of all member towns for the prior fiscal year.

A member town's "Annual Average Percentage" for a particular fiscal year is the sum of its Tahanto Enrollment Percentage plus its Foundation Enrollment Percentage for that fiscal year, divided by two.

A member town's "Running Average Percentage" for a particular fiscal year is the sum of its Annual Average Percentage for that fiscal year plus its Annual Average Percentage for each of the three preceding fiscal years, divided by four.

2. Grades Pre-K-5

Capital costs related to District schools serving grades pre-K-5 shall be apportioned to the member town where the building is located.

(E) Apportionment of Operating Costs

The District shall apportion operating costs via the following process:

1. Each member will be assigned the minimum required local contribution to the District as determined by the Department of Elementary and Secondary Education.
2. Each member's share of that portion of the District's operating costs that exceeds the total required local contribution for all members is allocated via the following series of calculations:
 - a. The District budget will be separated into three parts: a Berlin Memorial School building budget, a Boylston Elementary School building budget and a Berlin-Boylston Middle-High School building budget. Each building's budget will be considered net of Chapter 70 Aid, Regional Transportation Aid, Grants and other District funds.
 - b. The District's Foundation Enrollment as reported to the state for the purpose of determining Chapter 70 for the given fiscal year will be segmented by town and age group (PreK-5 and 6-12).
 - c. An above minimum required local contribution for each building will be calculated by subtracting the building's portion of the minimum required local contribution from the building's budget as presented in (a.) above. The building's portion of the minimum local required contribution will be calculated as follows:

- i. Each elementary school's portion of the minimum required local contribution will be determined by the member town's minimum required local contribution multiplied by the town's PreK-5 Foundation Enrollment divided by the town's total Foundation Enrollment.
 - ii. Berlin-Boylston Middle-High School's portion of the member towns' minimum required local contribution will be determined by calculating the sum of: each member town's minimum required local contribution multiplied by the town's 6-12 Foundation Enrollment divided by the town's total Foundation Enrollment.
 - d. The above minimum required local contribution for each building will be apportioned as follows:
 - i. Each member town will be apportioned 100% of its local elementary school building's above minimum required local contribution.
 - ii. Each member town will be apportioned a percentage of Berlin-Boylston Middle-High School's above minimum required local contribution as determined by each town's average ratio of pupil enrollment (foundation enrollment) in grades six through twelve for the preceding five years. Each town's ratio of pupil enrollment (foundation enrollment) shall mean the ratio that each member town's pupil enrollment (foundation enrollment) in grades six through twelve bears to the total pupil enrollment (foundation enrollment) in grades six through twelve of all the member towns in grades six through twelve for that year on October 1. Average ratio of pupil enrollment shall mean the average of the annual ratios for each member town over the preceding five years.
 - iii. The average ratio of pupil enrollment above will be phased in over the first four years of the agreement, as follows:
 - 1. In FY20, the average of the annual ratios for each member town over the preceding two years will be used.
 - 2. In FY21, the average of the annual ratios for each member town over the preceding three years will be used.
 - 3. In FY22, the average of the annual ratios for each member town over the preceding four years will be used.
 - 4. In FY23 and in future years, the average of the annual ratios for each member town over the preceding five years will be used.
 - e. Each member's minimum required local contribution shall be added to its total above minimum required local contribution to determine its Annual Operating Assessment.
 - f. In the event of a district-wide meeting, each member town will be required to meet its minimum local contribution. Any above minimum contribution required to meet the budget approved by the school committee will be apportioned to each member town as follows:
 - i. Grades Prek-5
Above minimum contribution for elementary school costs will be apportioned wholly to the town that the elementary school is located in
 - ii. Grades 6 - 12
Above minimum contribution for the middle-high school costs will be apportioned consistent with the percentage of the above minimum contribution from each town in the most recent fiscal year. In the event that a district-wide vote occurs in preparation for the first fiscal year of this amended regional agreement, Berlin and Boylston will be allocated the same relative percentages of middle-high school costs as they were apportioned in the previous year, until such time as the budget is approved, at which time it will be allocated according to the usual formula for operating costs, noted in Section V(C).
- 3. Apportionment of Funds/Revenue:
 - a. Chapter 70 Aid and Regional Transportation Aid will each be applied to each school's budget according to the formula contained in Appendix I.
 - b. All grant and all other District funds shall be apportioned to school budgets by the District at the District's discretion.

F. Times of Payment of Apportioned Costs

Each member town shall pay to the District in each year its proportionate share, certified as provided in Section VI, of the capital and operating costs. Except as otherwise provided in Section VI, the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

April 1	25%
June 1	50%
September 1	75%
December 1	100%

Please note that these percentages and dates were amended, and the revisions are shown in Section XVII.

SECTION VI: BUDGET

(A) Tentative Maintenance and Operating Budget

The principal of each school building shall submit to the Superintendent and the Committee a proposed budget for such school. Each such school building budget shall be prepared with the participation of a school council established as required by M.G.L. c. 71 § 59C. The principal shall certify to the Superintendent that such school council is established as required by M.G.L. c. 71, § 59C, that the council has participated in the preparation of the school building budget and that the budget is necessary and appropriate to implement the school improvement plan prepared pursuant to M.G.L. c. 71, s. 59C and the curriculum accommodation plan required by M.G.L. c. 71, § 38Q1/2 and any other applicable requirements. The Committee shall consider the submitted proposed school building budgets in its preparation of a draft District budget and shall not act upon a draft District budget until it has considered input from the school councils, school principals, the Superintendent and the public at a public meeting or regularly scheduled Committee meeting.

The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses or such other reasonable detailed classifications as the Committee may determine to be necessary.

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Service and Debt Retirement
9. Programs with Other Districts

Copies of such tentative budget shall be mailed to the chairperson of the finance committee of each member town, within seven days from the time said tentative budget has been prepared and tentatively approved by the Committee.

(B) Final Maintenance and Operating Budget

Not later than forty-five (45) days prior to the first annual town meeting among the member towns, the Committee shall in each year adopt a maintenance and operating budget for the ensuing fiscal year, said budget to include debt and interest charges and any other current capital costs and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section VIII. The amounts also apportioned for each member town shall, prior to thirty (30) days after the adoption of said budget preceding the fiscal year to which said budget relates, be certified by the District treasurer to the treasurers of the member towns and each member town shall appropriate the amounts so certified to it by a two-thirds vote of the member towns.

- (C) In the event that any member town has its town meeting after May 15 of any year, then the Committee shall consider A and B in Section VI as if said meeting was to be held on May 14.

SECTION VII: INCURRING OF DEBT

Pursuant to M.G.L. c. 71, § 16(d), not later than seven (7) days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt, shall be given to the board of selectmen in each member town.

SECTION VIII: TRANSPORTATION

School transportation shall be provided by the District and the cost thereof shall be apportioned to the member towns as an operating cost.

SECTION IX: RETIREE COSTS

For those employees who retired from the Town of Boylston or the Town of Berlin prior to the effective date of this agreement, the employer's share of the applicable retiree health insurance premiums and pension will be paid for by the employer of record as of the date of retirement (i.e., the Town of Boylston or the Town of Berlin). If an employee worked for the Boylston Elementary School or Berlin Memorial School prior to the formation of the Pre-K - 12 region and subsequently retires from the Pre-K - 12 region at a later date, the employer's share of the applicable retiree health insurance premiums and pension will be paid for by the District.

SECTION X: AMENDMENTS

(A) Limitation

This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

(B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section XII), may be initiated by a majority vote of all the members of the Committee or by a petition signed by 10% of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof a certification by the Town Clerk of such member town as the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said town and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment. Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid, and approval of the Commissioner of Elementary and Secondary Education, hereinafter sometimes referred to as Commissioner.

SECTION XI: ADMISSION

By an amendment of this agreement adopted under and in accordance with Section X above, any other town or towns may be admitted to the District upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable, and such terms as may be set forth in such amendment. A new member town may only be admitted at the beginning of a fiscal year and only upon the approval of all member towns and the Commissioner, no later than the preceding December 31.

SECTION XII: WITHDRAWAL

(A) Limitations

The withdrawal of a member town from the District may be effected by an amendment to this agreement in the manner hereinafter provided by this section. Any member town seeking to withdraw shall, by vote at an annual or special town meeting, request the Committee to draw up an amendment to this agreement setting forth the terms by which such town may withdraw from the District, provided (1) that the town seeking to withdraw shall remain liable for any unpaid operating costs which have been certified by the District treasurer to the treasurer of the withdrawing town, including the full amount so certified for the year in which such withdrawal takes effect; (2) that said town shall remain liable to the District for its share of the Other Postemployment Benefits (OPEB) and/or pension liabilities; and (3) that said town shall remain liable to the District for its share of the indebtedness, other than temporary debt in anticipation of revenue, of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness.

(B) Procedure

The clerk of the member town seeking to withdraw shall notify the Committee in writing that such town has voted to request the Committee to draw up an amendment to the agreement (enclosing a certified copy of such vote). Thereupon, the Committee shall draw up an amendment to the agreement setting forth such terms of withdrawal, as it deems advisable, subject to the limitation contained in subsection XII(A). The secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each member town that the Committee has drawn up an amendment to the agreement providing for the withdrawal of a member town (enclosing a copy of such amendment). The Selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid, and subject to the Commissioner's approval. Any withdrawal may only take place at the end of a fiscal year and only upon the approval of all of the member towns and the Commissioner no later than the preceding December 31.

(C) Cessation of Terms of Office of Withdrawing Town's Members

Upon the effective date of withdrawal the terms of office of all members serving on the District Committee from the withdrawing town shall terminate and the total membership of the Committee shall be decreased accordingly.

(D) Apportionment of Capital Costs after Withdrawal

The withdrawing town's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such town at the last annual apportionment made next prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the shares of any town or towns which have withdrawn shall be apportioned to the remaining member towns in the manner provided in Section V(D).

(E) Payments of Certain Capital Costs Made by Withdrawing Town

Money received by the District from the withdrawing town for payment of funded indebtedness or interest thereon shall be used only for such purpose and until so used shall be deposited in trust in the name of the District with a Massachusetts bank or trust company having a combined capital and surplus of not less than \$5,000,000.

SECTION XIII: STUDENTS

(A) Students Entitled to Attend the Regional School District

The District schools shall accept all children who reside in the District. Children in grades kindergarten through five shall have the right to attend schools in their town of residence. Should parents/guardians of children in grades kindergarten through five wish to send their children to schools not in their town of residence (but within the District), intra-district choice may be made available contingent upon consistent with District policy. Intra-district choice requests shall be considered prior to allowing inter-district choice requests. The District policy will address the location of special education programs. Damage to the school building which would make a facility unusable for intended purposes would be the circumstance under which the Committee would make an exception. Additional exceptions may be made for specialized educational programs on the recommendation of the Superintendent and by majority vote of the Committee.

Any student residing in a member town who is desirous of attending a trade or vocational school outside the District shall have all the privileges of attending such a school as are now or may be hereafter provided for by law and the cost of tuition for attending such a school shall be borne by the town wherein the student resides.

(B) Permission to Certain Students to Attend High Schools Outside the District

At the discretion of the local school committee, any member town in which reside students who attend high school outside the District on a tuition basis at the time District school is opened may continue on a tuition basis such of those students who in ordinary course would be graduated within one year from the time the District school is opened.

(C) Admission of Pupils Residing Outside the District

The Committee may accept for enrollment in the District schools pupils from towns other than the member towns on a tuition basis and on such terms as it may determine.

SECTION XIV: EMPLOYMENT OF TEACHERS AND EXTENSION OF PROFESSIONAL TEACHER STATUS

All teachers in positions to be superseded by the establishment and operation of the Pre – K12 District shall be given preferred consideration for similar positions in the District Schools to the extent that such positions exist therein. Any such teacher who on the date of his/her contract of employment with the District has achieved Professional Teacher Status shall continue thereafter to serve on such basis.

SECTION XV: JURISDICTION

The establishment of the District shall not affect the obligation of the member towns to provide education in grades pre-Kindergarten through twelve, inclusive, until such time as the Committee shall assume jurisdiction.

SECTION XVI: ADVISORY BUILDING COMMITTEE

The Committee shall appoint an unpaid advisory building committee to consist of at least six persons, with equal representation from each member town to advise the Committee in matters pertaining to the planning and construction of the initial school building. Such advisory building committee shall be dissolved when the initial school building has been completed and accepted by the Committee.

SECTION XVII: FISCAL YEAR AND TIMES OF PAYMENT OF APPORTIONED COSTS

The fiscal year or period of the District shall be the same as the fiscal period of the member towns as provided by law, and the word "year" or "fiscal year" as it relates in this Agreement to a fiscal or budget year shall mean the fiscal year of the District.

Notwithstanding the provisions of Section V(F) of this Agreement, the dates on or before which the respective percentages of the annual share of costs of the District apportioned to each member town shall be paid shall be as follows:

July 1	16 2/3%	January 1	66 2/3%
September 1	33 1/3%	March 1	83 1/3%
November 1	50%	May 1	100%

provided, however, that for the fiscal period beginning January 1, 1973 and ending June 30, 1974, the dates on or before which the respective percentages of the cost of the District for said period apportioned to each member town shall be paid shall be as follows:

April 1	16 2/3%	December 1	66 2/3%
June 1	33 1/3%	March 1	83 1/3%
September 1	50%	May 1	100%

This section shall be effective only to the extent that Chapter 849 of the Acts of 1969 as amended shall be in effect.

As voted originally November 16, 1959 and subsequently amended.

APPENDIX I – APPORTIONMENT OF CHAPTER 70 AND REGIONAL TRANSPORTATION AID

Inputs to the formula:

- Total Chapter 70 Aid provided to the District (70AID)
- Regional Transportation Aid (71AID)
- Boylston Elementary School Foundation Enrollment (BOFE)
- Berlin Memorial School Foundation Enrollment (BMFE)
- Berlin-Boylston Middle-High School Foundation Enrollment (BBFE)
- Boylston Elementary Resident Enrollment (# of Boylston Resident students attending Boylston Elementary, in district) (BORE)
- Berlin Memorial Resident Enrollment (# of Berlin Resident students attending Berlin Elementary, in district) (BMRE)
- Berlin-Boylston Middle-High School Resident Enrollment (# of Berlin Resident students attending Berlin-Boylston Middle-High School in-district PLUS # of Boylston Resident students attending Berlin-Boylston Middle-High School in district) (BBRE)

Regional Transportation Aid

Regional Transportation Aid shall be allocated its share of aid, based on its relative share of in-district students, according the following formula:

Boylston Elementary: $71AID = BORE / (BORE + BMFE + BBRE)$
 Berlin Elementary: $71AID = BERE / (BORE + BMFE + BBRE)$
 Berlin-Boylston Middle-High School: $71AID = BBRE / (BORE + BBFE + BBRE)$

Chapter 70 Aid

Chapter 70 Aid will be apportioned so that changes in Chapter 70 aid are closely correlated with changes in minimum local contributions.

Step 1 – Chapter 70 Aid for each school will be adjusted from the prior year Chapter 70 Aid for each school so that it changes by the same percentage as the percentage change in minimum local contribution for that school.

Step 2 – Any remaining difference between the Chapter 70 funding total from Step 1 and the Chapter 70 amount allotted by DESE will be apportioned by that building's relative foundation enrollment as a percentage of total foundation enrollment for the district.

Note: The first calculation in FY20 will use the Chapter 70 funding amounts from FY19 as the baseline; those FY19 amounts will be apportioned by DESE by school. In future years, with a modified Regionalization that includes the elementary schools, DESE will not break out the Town Chapter 70 funding; the amounts will need to be determined by Step 1 and Step 2.

For the purpose of the formula, foundation enrollment shall mean the enrollment reported to the state for the purpose of determining Chapter 70 for the given fiscal year, further broken down by school for the purpose of this formula via the following: if a person is the financial responsibility of the District and they are (or could/should be in the case of sending choice, tuition or out-of-district placement) a student of the relevant building, they are a part of the foundation enrollment for the building. (Berlin School Committee)

SUMMARY: This article seeks to include Berlin Memorial School and Boylston Elementary School into the Regional School District. This enables all school employees (BMS, BES, & Tahanto) to work for the same entity and increases support for student achievement through increased: ability to share expertise and staff, flexibility in allocating resources/staff to meet changing student needs, alignment of Professional Development and curriculums for high standards, and ability to attract and retain high quality teachers and instructional leaders. Highlighted changes to the amendment include; each town must maintain a K-5 elementary school, 6 school committee members (3 from each town) with equal votes will be elected bi-annually with staggered terms, and the budget of each elementary school will primarily be allocated to the town in which the school resides (allocation remains the same for Tahanto - based on student enrollment from each town). Analysis has determined the estimated financial impact is negligible.

ACCEPTANCE OF COMMUNITY PRESERVATION ACT

ARTICLE 37 - To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto. (Finance Committee) Finance Committee recommends, 4-0.

SUMMARY: The Finance Committee asks that the Annual Town Meeting vote to place the Community Preservation Act (CPA) on the ballot in November 2018. CPA allows the town to place a 1-3% surcharge on residential and commercial property tax bills and to apply those funds toward open space preservation, historic preservation, the creation of affordable housing, and outdoor recreation. The state provides matching funds to any town or city that raises money via CPA. Any rate lower than 3% receives a single round of matching money that amounts to about 25%. Fincom is recommending a 3% rate as that will maximize the state's contribution up to a 33-50% range. A 3% surcharge would cost an average Berlin homeowner \$12 per month. With matching funds it would raise about \$300,000 per year. No CPA funds can be spent without approval by voters at Town Meeting.

TOWN ADMINISTRATOR RESEARCH

ARTICLE 38 - To see if the Town will vote to authorize the Town Management Study Committee to lay the groundwork for Berlin to have a Town Administrator.

The work of the committee includes:

- Developing language for a Special Act to create a Town Administrator position
- Developing a formal job description for a Town Administrator
- Developing a hiring, evaluation, and termination procedure
- Articulating the integration of a TA position into Town Government, with special attention to reporting lines, scope of responsibility, relationship and division of responsibility between and among the Board of Selectmen and the Board's Executive Secretary.
- And any other issues related to creation and implementation of a Town Administrator for Berlin.
- Identifying current fiscal, human resource, organizational, and administrative challenges

The expectation that detailed recommendations addressing modifications to Town government and the creation of a Town Administrator position will be presented to a Special Town Meeting to be held in the fall of 2018. At this meeting, the Town would be asked to approve language for a Special Act creating a Town Administrator, or take any action relative thereto. (Selectmen/Town Management Study Committee)

SUMMARY: This article authorizes the Town Management Study Committee to continue its investigation of a Town Administrator position for the Town of Berlin. It authorizes the continuation of the study only, and does not authorize the creation of this position. If the article is approved, text for a Special Act would be submitted for a vote at a future Town meeting.

2018 ANNUAL TOWN ELECTION

ARTICLE 39 - To meet at the Berlin Town Offices, 23 Linden Street, lower level, in said Berlin on Monday, May 14, 2018, between the hours of 12:00 Noon and 8:00 p.m. to elect by ballot the following officers. Moderator for one year; Selectman for three years; Assessor for three years; School Committee for three years; Assabet Valley Regional Vocational District School Committee for four 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 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.

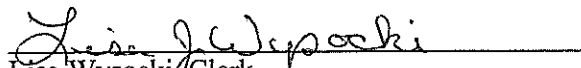
Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 13th day of April in the year of our Lord two thousand eighteen.

BOARD OF SELECTMEN


Thomas Andrew, Chairman


Christine Keefe, Vice Chairman


Lisa Wysocki, Clerk

A true copy attest: Thoby Reese, 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 17 days before the time of holding said meeting, as within directed.

Thoby Reese, Constable

April 21, 2018 Date

