

## PROCEEDINGS AT THE SPECIAL TOWN MEETING – OCTOBER 15, 2018

According to legal notice the voters of the Town of Berlin met in the Berlin Memorial School for the Special Town Meeting on Monday, October 15, 2018. Notice to the voters were posted as prescribed by law. Assistants were James H. Wheeler, Marsha Johnston and Noel Rosenberg as checkers and Police Officer Kevin Pond. Cable television coverage was provided by William and Patricia Anderson, Brittany Blaney and Roger Bradley. It was live and will also be recorded and available later via You Tube channel. <http://www.townofberlin.com/berlin-tv/>. Attorney Brian Mazer of KP Law served as Town Counsel. Barry W. Eager, Moderator called the meeting to order at 7:05 P.M. There were approximately 147 voters present. The Moderator waived the reading of the articles in the warrant. The Town Clerk then read the call of the meeting and the constable's return.

Article 1- Unanimously voted to authorize the Selectmen to petition the Massachusetts Senate and House of Representatives in General Court to approve a Special Act titled "An Act Establishing a Board of Selectmen-Town Administrator Form of Government for the Town of Berlin" as described in Article 1 of the warrant provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments.

Article 2- Unanimously voted to transfer from Free Cash the sum of sixteen thousand dollars (\$16,000.00) for the purpose of engaging a consultant to assist the Town in the initial preparation of the hiring of a Town Administrator, said sum to be expended by the Board of Selectmen.

Article 3 - Unanimously voted to approve the amendment of the Berlin Boylston Regional School Agreement "Appendix I – Apportionment of Chapter 70- and Regional Transportation Aid" as described in Article 3 of the warrant.

Article 4 - Unanimously voted to transfer three thousand dollars (\$3,000.00) from FY19 budget Line Item 66 - Highway Salary, to FY19 budget item 68 - Highway PT Wages.

Article 5 – Unanimously voted to transfer twenty thousand dollars (\$20,000.00) from FY19 budget Line Item 83 COA Salary to FY19 budget item 84 COA PT Wages.

Article 6 - Voted to transfer from Free Cash the sum of fifteen thousand dollars (\$15,000.00) to fund the Town's portion of any grants received which require a matching contribution by the Town, said sum to be expended by the Board of Selectmen.

Article 7 - Voted to transfer from Highland Commons Public Safety Fund the sum of nineteen thousand dollars (\$19,000.00) as a matching grant for the purpose of purchasing of new Self Contained Breathing Apparatus (SCBA) and related equipment, provided, however, that no expenditure shall be made hereunder unless the Town is allocated a federal grant for such purposes in the amount of one hundred ninety thousand (\$190,000.00).

Article 8 - Voted to transfer from Free Cash the sum of thirty thousand dollars (\$30,000.00) to supplement the amounts appropriated in the FY19 budget Line Item 52 Fire & EMS Department.

Article 9 – Voted to pass over Article 9. (Public Safety- Dorm Space Design/Engineering)

Article 10 – Unanimously voted to pass over Article 10. (Merge/Amend Earthworks & Like Kind Soil)

Article 11 - Unanimously voted to appropriate from the Peg Access & Cable Related Fund created pursuant to the provisions of M.G.L. Chapter 44, Section 53F ¼ the sum of forty two thousand five hundred dollars (\$42,500.00) to be used in accordance with the PEG Access grant, said sum to be expended by the Cable Access Committee

Article 12 - Unanimously voted to close out the following Special Article accounts in the total amount of forty thousand, one hundred twenty three dollars and thirty-eight cents (\$40,123.38) and return Highland Commons mitigation funds to their original source (Highland Commons Public Safety \$106.23 and Highland Commons Cultural \$ 1,641.71) and return other balances to the Stabilization Fund (\$38,375.44)..

	Funding From:	Art.#:	FY	Special Article Purpose:	Remaining balance:	Return to:
a.	Free Cash	Art 9 STM	2015	Selectmen – Inspectors Tablets	\$6,000.00	General Fund
b.	Raise & Appropriate	Art 25	2016	Selectmen – Energy Audit Pub Safety, Municipal Building and BMS	\$25,000.00	General Fund
c.	Free Cash	Art 21	2013	1870 Town Hall Generator Repairs	\$1,850.50	General Fund
d.	Highland Commons Public Safety	Art 26	2018	Fire & EMS Hydraulic Rescue Tools	\$106.23	Highland Commons Public Safety
e.	Free Cash	Art 15	2018	BMS – Dishwasher Repair/Replacement	\$4,126.80	General Fund
f.	Highland Commons Cultural	Art 18	2018	BMS – Swing Set Mats	\$870.50	Highland Commons Cultural
g.	Free Cash	Art 24	2015	BMS – Parking Lot Repairs	\$1,398.14	General Fund
h.	Highland Commons Cultural	Art 29	2017	Library – Two Computer Carrels	\$771.21	Highland Commons Cultural

Article 13 - Unanimously voted to adopt Massachusetts General Law Chapter 200A, Section 9A relative to the disposition of abandoned funds by the Town of Berlin.

Article 14. Unanimously voted to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Article 15 - Unanimously voted to amend Article XIII, §5(a) of the Town Bylaws to bring such bylaw into accord with the revisions to M.G.L. Chapter 40, Section 57 made by the Municipal Modernization Act, by inserting the underlined text and deleting the strikethrough text, as follows:

“The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission

or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application of an abatement of such tax or a pending petition before the appellate tax board.

Article 16 – Unanimously voted to amend Article XIII of the Town Bylaws by adding Section 7 to provide as follows:

Effective December 1, 2018, all fees collected and accrued by the Tax Collector pursuant to MGL Chapter 60 Section 15 shall be deposited in the General Fund, provided, however, that any fees collected by the Tax Collector under said statute since July 1, 2018 through November 30, 2018 and any fees collected and turned over to the Treasurer from Dec 1, 2018 forward shall not be reimbursed or credited to the Collector.

Article 17 - Voted to adopt Massachusetts General Law Chapter 64N, Section 3, to impose a local sales tax upon the sale of recreational marijuana originating within the Town by a vendor at a rate of three percent (3%) of the gross receipts of the vendor from the sale of recreational marijuana, marijuana products, and marijuana edibles, said excise to take effect on the first day of the calendar quarter commencing at least thirty (30) days after such vote of Town Meeting.

Article 18 – Unanimously voted to amend the Berlin Zoning By-law Article 14 Definitions by adding new definitions related to Medical Marijuana and Marijuana Establishments and by creating a new Section 585 Medical Marijuana and Marijuana Establishments as described in Article 18 of the warrant for this meeting with the following amendments:

Definitions: Article 14 of the Berlin Zoning Bylaw items a, c and i, capitalize “marijuana establishments”

Section 585.1, b delete “and other places where children congregate, local historic districts”

Section 585.3, a add “acting as” after “Zoning Board of Appeals”

Section 585.3, a, 585.4, 4 and 584.4, 5 capitalize “Marijuana Establishments”

Section 585.4, 4 change “Site Plan” and “Special Permit” to lower case.

Section 585.4, 3, e and 585.4, 3, f change “Planning Board” to “Zoning Board of Appeals”

Section 585.4, 5 delete “with” in the last line and add “after submission of”

The Berlin Planning Board held a Public Hearing on October 9, 2018 to consider comments concerning Article 18 on the special Town Meeting Warrant, to be held on October 15, 2018.

At the Planning Board meeting held on Tuesday October 9, 2018 the Planning Board voted 4 in favor, 0 opposed to Article 18.

There was a motion to take up 22 now before Article 19. The motion was defeated.

Article 19 - Voted to amend the Berlin Zoning By-Law Section 320 – Table of Principal Use Regulations, as described in Article 19 of the warrant.

Assisting with the hand count were Ray Dona, Amy Grenier, Judy Mills, Ken Braun and Piper Wysocki. They were sworn by the Moderator. The hand count was YES 113, NO 51 a 2/3's vote.

The Berlin Planning Board held a Public Hearing on October 9, 2018 to consider comments concerning Article 19 on the special Town Meeting Warrant, to be held on October 15, 2018.

At the Planning Board meeting held on Tuesday October 9, 2018 the Planning Board voted 4 in favor, 0 opposed to Article 19.

Article 20. Voted to pass over Article 20. (Moderately restrictive zoning use table for Marijuana)

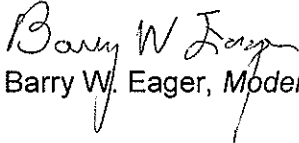
Article 21. Voted to pass over Article 21. (Most Restrictive proposed zoning use tables for Marijuana)

Article 22. Motion failed after much discussion on Article 22. (Citizens' Petition for General By-law)

Article 23. Voted to pass over Article 23. (Citizens' Petition for Zoning Bylaw)

Article 24. Voted to pass over Article 24. (Citizens' Petition to request question on next ballot)

The meeting dissolved at 10:24 P.M. One Hundred ninety six voters took part in this meeting.

  
Barry W. Eager, Moderator

  
Eloise E. Salls, Town Clerk