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 fourth day of May, 2015, 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 2014; 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. Finance Comm. recommends, 4-0.

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.

ARTICLE 4 – To see if the Town will vote to establish and authorize the use of revolving fund accounts, for FY2016, pursuant to the provisions of Mass. General Law Chapter 44, Section 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. Finance Comm. recommends, 4-0.

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Director of
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		updating Town maps	
Town Hall	\$25,000.00	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	\$30,000.00	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

I move to establish revolving funds for Dog Licensing, the Library Trustees, the Assessors' Office, Town Hall and Permitting Software, for FY2016, as permitted under Chapter 44, Section 53E1/2 of the General Laws, with the stipulations as described in Article 4 of the warrant for this meeting.

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 (\$300.00) for insect and pest control and a sum not to exceed two thousand dollars (\$2,000.00) 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. (Highway Dept.) Finance Comm. recommends, 4-0.

I move to authorize the Selectmen to expend from the Highway Department Expense Budget, as enacted under Article 8, a sum not to exceed \$300.00 for insect and pest control and a sum not to exceed \$2,000.00 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 accept the provisions of Mass General Law Chapter 73, of the Acts of 1986 to grant additional real estate tax exemptions of 100% for Fiscal Year 2016 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. (Board of Assessors) Finance Comm. recommends, 4-0.

I move to accept the provisions of Mass General Law Chapter 73, of the Acts of 1986 to grant additional real estate tax exemptions of 100% for fiscal year 2016 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.

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

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, 2015 and to determine the salaries of the Town Officers for that period, or take any action relative thereto. Finance Comm. recommends, 4-0.

ARTICLE 9 – To see if the Town will vote to transfer 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) Finance Comm. recommends, 4-0.

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ARTICLE 10 – 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 Comm.) Finance Comm. recommends, 4-0.

ARTICLE 11 – 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 Dept.) Finance Comm. recommends, 4-0.

ARTICLE 12 – To see if the Town will vote to establish and authorize the use of revolving fund accounts, for FY2016, pursuant to the provisions of Mass. General Law Chapter 44, Section 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. (Board of Selectmen) Finance Comm. recommends, 4-0.

TITLE	Max. Amount Expendable	Source of Receipts and Use of Funds	AUTHORITY TO EXPEND
Cable Access	\$20,000.00**	Receipts: Contributions, other funds, Town appropriations, subscriber fees from Charter Communications. Uses: Purchase of services, supplies and electronic equipment	Cable Access Committee
Recreation	\$20,000.00**	Receipts: Facility rental fees, contributions and other funds. Uses: Purchase services or supplies which are part of Recreation programs	Recreation Committee

^{**}Note: Cable Access and Recreation Committees seek to increase their respective Revolving Accounts from \$10,000 in FY15 to \$20,000 starting in FY16.

ARTICLE 13 – To see if the Town will vote to authorize payment of a salary of fifty dollars (\$50.00) to each member of the Berlin School Committee as provided by Chapter 71, Section 52 of the General Laws; or take any action relative thereto. (Berlin School Committee) Finance Comm. recommends, 4-0. Note: This is a decrease from \$300.00 in FY15.

ARTICLE 14 - To see whether the Town will vote to approve the following Resolution to Seek Lower Electric Rates in a Competitive Market or take any action relative thereto:

RESOLUTION TO SEEK LOWER ELECTRIC RATES IN A COMPETITIVE MARKET

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens of the Town of Berlin in Worcester County have substantial economic, environmental,

and social interests at stake; and

Whereas, Berlin's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Berlin grant the Board of Selectmen authority to develop and participate in any municipal electric aggregation plan and to amend, restructure or reconstitute such plan as may be necessary and appropriate so as to execute a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen may appoint a representative for a committee to oversee such joint action. (Energy Committee)

ARTICLE 15 - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds one hundred and fifty thousand dollars (\$150,000.00) to replace the back-up boiler at the Berlin Memorial School, or take any action relative thereto. (Berlin School Committee). Finance Comm. recommends, 4-0.

ARTICLE 16 - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds one hundred thousand dollars (\$100,000.00) for redesign and reworking of the Berlin Memorial School roof in the area above the library, or take any action relative thereto (Berlin School Committee). Finance Comm. recommends, 4-0.

ARTICLE 17 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds, nine hundred fifty thousand dollars (\$950,000.00) for the purchase or lease/purchase of a Ladder Truck/Quint and related equipment, to replace the fire department's decommissioned Ladder 1; or take any action relative thereto (Board of Fire Engineers). Finance Comm. does not recommend, 0-4.

ARTICLE 18 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds, forty thousand dollars (\$40,000.00) for the purchase or lease/purchase of a Command Vehicle and related equipment, to replace the fire department's 2008 Command Car; or take any action relative thereto (Board of Fire Engineers). Finance Comm. does recommend, 3-0.

ARTICLE 19 - To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds, ten thousand dollars (\$10,000.00) for the purchase of a thermal imaging camera, to replace the fire department's non-serviceable 1996 Scott Eagle 1st generation thermal imaging camera; or take any action relative thereto (Board of Fire Engineers). Finance Comm. recommends, 4-0.

ARTICLE 20 - To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow eight hundred and fifty thousand dollars (\$850,000.00) 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 any 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/Town Hall Advisory Committee/Historical Commission). Finance Comm. does not recommend, 2-2.

ARTICLE 21 - To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the maximum sum of three hundred fifty thousand dollars (\$350,000.00) for the procurement of architectural, structural, civil and MEP construction documents and associated professional services in connection with the construction 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, or take any action relative thereto. (Town Barn Planning Committee/Board of Selectmen). Finance Comm. recommends, 4-0.
- ARTICLE 22 To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds seventy thousand dollars (\$70,000.00) for the purchase of hot top; or take any action relative thereto. (Highway Supt.) Finance Comm. recommends, 4-0.
- ARTICLE 23 To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds seventy thousand dollars (\$70,000.00) to replace the 2004 F-550 dump truck with the same type truck; or take any action relative thereto. (Highway Supt.). Finance Comm. recommends, 4-0.
- ARTICLE 24 To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds the sum of fifty thousand dollars (\$50,000.00) for the purpose of purchasing new or replacement computers, networking equipment, a laptop projector, peripherals and related equipment for the Public Safety/Municipal Building; or take any action relative thereto. (Selectmen/Data Systems). Finance Comm. recommends, 3-1, the amount of \$17,000 only.
- ARTICLE 25 To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds fifty thousand dollars (\$50,000.00) for the purpose of obtaining an energy audit for the Public Safety/Municipal Building and Berlin Memorial School; or take any action relative thereto. (Energy Committee). Finance Comm. recommends, 4-0, the amount of \$25,000 only.
- ARTICLE 26 To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds thirty seven thousand dollars (\$37,000.00) for the purchase of a new police cruiser to replace the 2010 Ford Crown Victoria, or take any action relative thereto (Police Chief). Finance Comm. recommends, 4-0.
- ARTICLE 27 To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds ten thousand dollars (\$10,000.00) for the maintenance and upgrade of the Public Safety Radio System, or take any action relative thereto (Public Safety Departments). Finance Comm. recommends, 4-0.
- ARTICLE 28 To see if the Town will vote to raise and appropriate, and/or borrow or transfer from available funds thirty five thousand dollars (\$35,000.00) for the purchase and installation of a stationary trash compactor and necessary upgrade of electrical service at the Transfer Station (Board of Health). Finance Comm. recommends, 4-0.
- ARTICLE 29 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds thirty thousand dollars (\$30,000.00) for the purchase of a used bus to provide transportation by the COA to Berlin seniors, or take any action relative thereto. (Council on Aging). Finance Comm. recommends, 4-0.
- ARTICLE 30 To see if the town will vote to raise and appropriate, borrow or transfer from available funds six thousand dollars (\$6,000.00) for the purpose of replacing the remaining eight old windows in the Berlin Public Library, or take any action relative thereto. (Library Trustees) Finance Comm. recommends, 4-0.
- ARTICLE 31 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds four thousand dollars (\$4,000.00) for the purpose of general repairs to the Berlin Public Library, or take any action relative thereto. (Library Trustees) Finance Comm. recommends, 4-0.
- ARTICLE 32 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds two thousand dollars (\$2,000.00) for the purpose of repairing the side panels on the stairway leading to the front door of the Berlin Public Library, due to weather damage and age, or take any action relative thereto. (Library Trustees) Finance Comm. recommends, 4-0.

ARTICLE 33 - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds five thousand dollars (\$5,000.00) for the preparation of the Master Plan for the Town of Berlin, or take any action relative thereto. (Planning Board) Finance Comm. recommends, 4-0.

ARTICLE 34 - To see if the Town will vote to amend the Town of Berlin Zoning Bylaw "Article 9 Signs" by making the following changes; or take any action relative thereto. (Planning Board):

- 1. 912.6 Add a new sentence "Signs incorporating light emitting diodes that indicate the current time and/or temperature or, fuel prices are permitted provided they meet all other provisions of this by-law."
- 2. 914.3 -- Delete section 914.3 in its entirety and renumber the balance of Section 914 accordingly.
- 3. 914.6 As per above, renumber as 914.5, add "Except for temporary signs," and change ten (10) ft. to seven (7) ft. so it will now read; "Except for temporary signs, no sign shall be placed less than seven (7) feet from the paved surface of a public way or abutting lot lines unless attached to a building."
- 4. 914.7 Delete section 914.7 in its entirety.
- 5. 918 Delete "Non-conforming signs and sign structures may remain except as qualified below:" along with 918.1, 918.2, 918.3 and 918.4.
- 6. 918 Renumber 918.5 to 918.1 and change 918.6 to 918.2.
- 7. 921.4 Delete 921.4 in its entirety.
- 8. 922 Delete Section 922 in its entirety.
- 9. 922 Add Section 922 to read "Fees A schedule of fees for such permits may be established and amended from time to time by the Planning Board."
- 10. 933.1 Delete "Such temporary signs shall conform to section 914.1" and add "Such signs shall not exceed six (6) sq. ft. nor four (4) ft. in height."
- 11. 933.2 Add "Such signs shall be removed within thirty (30) days of the election."
- 12. 954.2 Add "Coolidge Road or any other street/road determined by the Planning Board."
 954.2 would now read: "Off premises signs shall be acquired, erected, and maintained by the business. Signs will be placed on the following streets near their junction with side roads. Such signs may be erected on Town property with the specific location to be determined by the Planning Board with the comments of other town officers.

West Street

Linden Street

Central Street

South Street

Pleasant Street

Highland Street

Sawyer Hill Road

Randall Road

Coolidge Road

or any other street/road determined by the Planning Board."

ARTICLE 35 - To see if the Town will vote to amend the Berlin Zoning Bylaws by modifying Section 320 Table of Principal Use Regulations, by deleting the designation "N" in the column under ARC, for the use "Large Scale Ground Based Solar Voltaic Installations" and replacing it with: "SR" and also insert the footnote designation "3".

And in the footnotes to that section, add the following footnote: "3. Only permitted if the site is a capped landfill with a special permit and site plan review under Section 590 of the Zoning By-law," or take any action relative thereto. (Planning Board)

ARTICLE 36 - To see if the citizens of the town of Berlin will vote to request the Board of Selectmen ensure the continued protection of all Article 97 lands in Berlin and to oppose any proposal to construct a natural gas pipeline or any other project or facility through conservation lands in Berlin protected under Article 97 of the Amendments to the Massachusetts Constitution and to also oppose the construction of these projects on farmland, wetland or woodland not currently protected by Article 97.

In addition, to request the State Representative and State Senator representing Berlin to vote NO on any legislative proposal to override Article 97, or to take by eminent domain, or to remove conservation lands from the protection of Article 97, in order to plan or install any high-pressure Interstate or intrastate natural gas pipeline and any pipeline related project or facility, or take any action thereto. (Board of Selectmen/Pipeline Study Committee)

ARTICLE 37 - To see if the Town will vote to approve the naming of the new River Road West rotary under construction as "Risi Circle," or take any action relative thereto. (Board of Selectmen).

ARTICLE 38 - To see if the Town will vote to amend the Town of Berlin General Bylaws by deleting Article XI Dogs in its entirety and replacing it with the following Article XI Animal Control:

ARTICLE XI - ANIMAL CONTROL

A. In addition to the requirements set forth in this bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited-to the provisions of GL c. 140, §§136A to 174E, inclusive.

B. The Board of Selectmen shall annually appoint an Dog Officer who shall be sworn in by the Town Clerk. The Dog Officer and/or his assistants are not required to be a resident of the Town. The Dog Officer may be a salaried employee of the Town. The Dog Officer shall receive such compensation as agreed upon by the Dog Officer and the Board of Selectmen.

C. Annual dog and kennel licenses, as required by GL c. 140, §§137 and 137A, must be obtained from the Office of the Town Clerk by April 1 for a licensing period of April 1 through March 31. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be a late fee per dog for licensing after April 1st.

Applications for kennel licenses shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, a photograph of each dog, and the telephone number where the licensee can be reached at all times.

In addition to meeting all of the requirements of GL c. 140, §§137A to 137C, any person who receives a kennel license shall maintain the premises in accordance with the following specifications:

- a. A minimum of four by eight (4x8) feet for each dog shall be provided.
- b. Locks on gates to prevent the escape of dogs and the entry of children shall be provided.
- c. Kennel shall be sixty (60) feet from the street and forty (40) feet from lot lines.

No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning bylaws.

The annual fee for individual and kennel licenses shall be as follows:

a.	Individual Dog, fixed
b.	Individual Dog, intact\$11.00
c.	Kennel, 4 dogs or less\$30.00
đ.	Kennel, 10 dogs or less
е.	Kennel, 11 dogs or more\$50.00
f.	Late fee after April 1 \$5.00
ο.	Late fee after May 1 \$25.00
δ' h	Replacement/Duplicate Tags
i.	Transfer of License

Annually 50 percent of all monies collected under this bylaw are to be placed in a special library account to be called "Library Dog Fund." Said monies may be expended upon appropriation under GL c. 44, § 53

D. The Dog Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.

E. In addition to the remedies set forth herein and in GL c. 140, §§136A to 174E, inclusive, or any other applicable provision of law, this Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this by-law shall be subject to the following penalties:

First Offense:

\$50 fine

Second Offense:

\$100 fine

Third and subsequent

Offense:

\$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

F. The Dog Officer shall investigate all complaints made to the Dog Officer, the Police Department, or the Board of Selectmen, that any dog owned or kept within the Town is a Nuisance Dog or Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, Section 136A and 157, as may be amended from time-to-time.

The Dog Officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time.

Any person aggrieved by an order of the Dog Officer, may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of issuance of the Dog Officer's order. A copy of the hearing request shall also be delivered to the Dog Officer. If no such request is filed within the time specified herein, the order of the Dog Officer shall be final.

Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the dog is a Nuisance Dog or

Dangerous Dog. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Dog Officer's order, reverse and nullify the Dog Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time. The determination of the Board of Selectmen after a hearing shall be final.

Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157. (Town Clerk)

ARTICLE 39 – To see if the Town will vote to accept the Provisions of G.L. C. 48, s. 42A. This is the so-called "weak chief" statute under which the Board of Selectmen appoints the fire chief and such other officers and firemen as they deem necessary; said statute to supersede all other Town by laws to the contrary. (Citizens' Petition)

ARTICLE 40 - To meet at the Berlin Town Offices, 23 Linden Street, lower level, in said Berlin on Monday, May 11, 2015, between the hours of 12:00 Noon and 8:00 p.m. to elect by ballot the following officers. Moderator for one year; Collector of Taxes for three years; Selectman for three years; Assessor for three years; School Committee for three years, School Committee vacancy for one year; 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 fifteen.

BOARD OF SELECTMEN

Thomas Andrew, Chairman

Walter Bickford, Vice Chairman

Judich Booman, Clerk

A true copy attest: Mullum, Constabl

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.

Hallellen, Constable
4/15/2015 Date

Rev. 4/14/2015