

ARTICLE 23: MOTION: I move that the Town:

A. Authorize the Select Board to acquire, for open space purposes, three parcels of land near the junction of Linden Street and Lyman Road in the Town of Berlin, identified on Assessors Map 9 as Parcel 41 (consisting of 59.54 acres, more or less) and Parcel 42 (containing 38.57 acres, more or less), and on Assessors Map 10 as Parcel 6 (containing 7.67 acres, more or less), with the care, custody and control of said parcels to be held by the Conservation Commission pursuant to G.L. Chapter 40, §8C;

B. Authorize the Select Board, or its designee, to apply for, accept, and expend on behalf of the Town of Berlin any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the LAND Act grant program (G.L. Chapter 132A, §11) and/or the Land and Water Conservation Fund, and any other funds in any way connected with the scope of this acquisition;

C. Appropriate the total sum of \$660,000 toward the acquisition of said parcels and pay for costs incidental or related thereto, which appropriation shall be funded as follows:

| D. | <u>Date</u> | <u>Amount</u> | <u>Funding Source</u> |
|----|--|---------------|--|
| | 5/2/22 ATM | \$48,466.70 | CPA Fund Balance Reserved for Open Space 2022 |
| | 5/2/22 ATM | \$283,724.25 | CPA Budgeted Reserve 2022 |
| | 5/2/22 ATM | \$17,809.05 | CPA Fund Balance Reserved for Open Space 2023 |
| | 5/2/22 ATM | \$50,000 | Free Cash |
| | 5/2/22 ATM | \$260,000 | Conservation Commission Open Space account |
| | Amounts previously appropriated | | |
| | 11/8/21 STM | \$490,000 | Undesignated Community Preservation Fund Balance |
| | Amounts previously designated | | |
| | 1/20/22 | \$100,000 | Sudbury Valley Trustees fundraising for the purpose of this land acquisition |

TOTAL AMOUNT FOR ACQUISITION \$1,250,000

and, further,

E. Authorize the Town Administrator, the Select Board and/or the Conservation Commission, as applicable, to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition, and, further, as required by G.L. c.44B, § 12(a), to authorize the Select Board to convey to the Sudbury Valley Trustees, or any other organization qualified and willing to hold, a perpetual conservation restriction on said parcels in accordance with M.G.L. Chapter 184.

2/3 vote – acquisition of land, MGL c.40, §14

EXPLANATION OF MOTION

1. Section C. reflects an amount of \$660,000 to be appropriated at this Annual Town Meeting because:
 - a. Only \$50,000 of funding is required from Free Cash,
 - b. \$490,000 was previously appropriated from Community Preservation Act funds at the November 8, 2021 Special Town Meeting, and
 - c. Sudbury Valley Trustees have separately fundraised the amount of \$100,000 to be used toward this land acquisition.
2. Warrant article Section E. has been deleted because, consistent with the Massachusetts Community Preservation Act, any grant or other funds reimbursed to the Town for CPA-funded projects are required to first reimburse the CPA fund before reimbursing Free Cash or other funding sources.
3. Warrant article Section F. is now shown as Section E. in the motion.

Sources of Funds for Horseshoe Pond Purchase (\$1,250,000 total)

- CPA funds for preservation of open space, consistent with CPA goals.
- Conservation Commission open space funds from mitigation monies designed for exactly this purpose.
- Free Cash only needed temporarily to meet total purchase price.
 - Will be repaid, if used, with future open space mitigation funds.
- Town's portion of total cost could be reduced.
 - Up to 75% of purchase price may be reimbursed by State grants.
- Ultimately, all the funds will come from sources dedicated to the preservation of open space.

