

PROCEEDINGS AT THE SPECIAL TOWN MEETING – NOVEMBER 14, 2016

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Monday, November 14, 2016, at 7 PM. Assistants were Madeline P. McTague, James H. Wheeler, Noel Rosenberg as checkers. Police Chief Thomas Galvin and Officer Kevin Pond served as Police presence. Cable television coverage provided by William Anderson and Roger Bradley. It will be recorded and available a few days later via you tube channel <http://www.townofberlin.com/berlin-tv/>. Jeffrey T. Blake, Esq. of KP Law served as Town Counsel. Barry W. Eager, Moderator, called the meeting to order at 7:00 PM. There were approximately 144 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.

The Moderator stepped down during Article 1. Nominations were called for a temporary Moderator. Timothy H. Wheeler was nominated. He was elected unanimously.

Article 1. Voted to request the Board of Selectmen expend from the Highland Commons cultural funds an additional one hundred thirty thousand dollars (\$130,000) to supplement sums approved under Article 36 of the May 2016 Annual Town Meeting for the purpose of the elevator project for the 1870 Town Hall building, demolition and replacement of the Historical Commission curatorial building, associated site work, and the additional architectural cost to oversee the project.

The Finance Committee recommended this motion.

A motion by Judy Booman to call the question was voted. After a voice vote was ambiguous, a hand count was taken. After being sworn in, Amy Grenier, Marsha Johnston and Kenneth Brawn assisted with the count: **YES 94, NO 41**. A majority vote was needed.

The Moderator resumed the podium.

Article 2. This article was separated into halves. First half: Voted unanimously to close out the following Special Article accounts: Article 15 FY 83 Dump Closing \$9,008.81 (Raise and Appropriate); Article 17 FY14 Refinish & Seal Hallway & Stairs-Library \$7,500.00 (Free Cash); Article 27 FY15 Emergency Service Study \$1,350.00 (Free Cash); Article 10 STM FY15 Solar Panels Community Garden \$187.02) (Free Cash). All sums to be appropriated to the Stabilization Fund.

Second half: Voted unanimously to close out the following Special Article accounts: Article 19 FY16 Thermal Imaging Camera \$2,720.00 (Public Safety Funds); Article 30 FY16 Replacing 8 windows at Library \$2,625.00 (Cultural Funds); Article 29 FY16 Council on Aging bus for Transportation \$4,100.00 (Senior Housing Fund); Article 17 FY17 Replacement of breathing apparatus and air cylinders \$51,575 (Public Safety Funds) and to return the unspent balances to their respective Highland Commons mitigation accounts.

The Finance Committee recommended these motions.

Article 3. Voted to appropriate, and authorize the Treasurer with the approval of the Board of Selectmen, according to M.G.L. Chapter 44, Section 8C, to expend the sum of \$425,000 from the Conservation Fund, for the purpose of acquiring by gift, purchase or eminent domain for conservation and passive recreation purposes, a certain property, known as the Webjo Co., Inc. Property consisting of 80 acres, more or less, located on Lyman Road by the Northborough Town line; that said land be conveyed to said Town, to be held under the care, custody, management and control of the Conservation Commission of the Town of Berlin pursuant to M.G.L. Chapter 40, Section 8C; that the Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town of Berlin any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any other grants and/or reimbursements for the acquisition of said property; that said grants and/ or reimbursements be placed in the Conservation Fund for the purpose of accomplishing future open space preservation or

acquisitions; and that the Board of Selectman and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments that they believe to be in the best interest of the Town of Berlin to effect said purchase and to grant a perpetual conservation restriction in accordance with M.G.L. Chapter 184, Sections 31-33, to Sudbury Valley Trustees.

The Finance Committee recommended this motion. The Moderator declared a 2/3's vote.

ARTICLE 4 – Voted to appropriate, and authorize the Treasurer, with the approval of the Board of Selectmen, according to M.G.L. Chapter 44, Section 8C, to expend the sum of \$500,000 from the Conservation Fund, for the purpose of acquiring by gift, purchase or eminent domain for conservation and passive recreation purposes; a Conservation Restriction to be held jointly by the Town of Berlin and the Sudbury Valley Trustees, over certain property, known as Great Oak Farm, consisting of 40.39 acres, more or less, located on Highland Street, Berlin Assessor's Map 20 as Lots 47 and 48 and Map 21 as Lots 1, 2, 10, 10-1 and 17; that said Conservation Restriction be conveyed to said Town, to be held under the care, custody, management and control of the Conservation Commission of the Town of Berlin pursuant to M.G. L. Chapter 40, Section 8C and Sudbury Valley Trustees; that the Board of Selectmen and the Conservation Commission be authorized to accept said Conservation Restriction meeting the requirements of M.G.L. Chapter 184, Sections 31-33 on said property; that the Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town of Berlin any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; that said grants awards and/ or reimbursements be placed in the Conservation Fund for the purpose of accomplishing future open space preservation or acquisitions; and that the Board of Selectman and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Berlin to effect said purchase.

The Finance Committee recommended this motion. The Moderator declared a 2/3's vote.

ARTICLE 5 – Voted to request the Board of Selectmen expend from the Highland Commons Public Safety Funds fifty-one thousand five hundred seventy five dollars (\$51,575), for the purpose of replacement of the Fire Department's breathing apparatus compressor system.

The Finance Committee recommended this motion.

Voted unanimously to dissolve the meeting at 8:25 PM. One hundred Fifty-four (154) voters took part in this meeting.

BARRY W. EAGER ELOISE E. SALLS
MODERATOR TOWN CLERK

A true copy.

Attest:

Eloise E. Salls
Town Clerk of Berlin