

PROCEEDINGS AT THE ANNUAL TOWN MEETING – MAY 6, 2019

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Monday, May 6, 2019, at 7:30 PM. Assistants were James H. Wheeler, Noel Rosenberg, and - Mary Wheeler as checkers and Police Chief Thomas Galvin and Officer Kevin Pond. Cable television coverage was provided by Patricia Anderson and Roger Bradley and broadcast live on Charter channel 191. It will also be recorded and available a few days later via you tube channel. <http://www.townofberlin.com/berlin-tv/>. Childcare was provided for both sessions in the cafeteria by Tahanto students Lucia Lundberg, Hailey Barrett, Rebecca Holmes, Grace Curtis, Sydney Fuller, Julie Mural, Sarah Young, Mia Fantasia and Cara Lyons. Attorney Janelle M. Austin of Kopelman and Paige, P.C. served as Town Counsel. Barry W. Eager, Moderator, called the meeting to order at 7:30 PM. There were approximately 102 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.

Current Fiscal Year 2019, ending June 30, 2019.

Article 1. Voted unanimously to transfer the sum of \$25,409.05 from Free Cash to Snow & Ice Expenses, Line Item #72 in the FY19 budget. The Finance Committee recommended this motion.

Upcoming Fiscal Year 2020, starting July 1, 2019, ending June 30, 2020.

Article 2. Voted unanimously 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 3. Voted unanimously that the various reports of officers and committees of the Town as contained in the annual town report, including the corrections to the Finance Committee report and warrant for this meeting distributed this evening, 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 4. Voted unanimously 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 5. Voted unanimously to fix the maximum amount that may be spent during Fiscal Year 2020 beginning on July 1, 2019 for the revolving funds established under Article XX of the Town General By-laws for certain departments, boards, committees or officers in accordance with Massachusetts General Law Chapter 44, Section 53E½, as follows:

Dog Licensing	\$600
Library Video Fines	\$1,000
Recreation	\$20,000
Town Hall	\$40,000

Article 6. Voted unanimously to authorize the Selectmen to expend from the Highway Department Expense Budget, as enacted under Article 9 of this Annual Town Meeting, 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 7. Special Education Reserve Fund at Berlin-Boylston Regional School District
Voted that the Town approve the establishment of a Special Education Reserve Fund at Berlin-Boylston Regional School District, as permitted by, and in accordance with MGL Chapter 40, Section 13E, to be utilized in the upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition, or special education transportation and that the Berlin Boylston Regional School District shall report to the Berlin Annual Town Meeting and the Berlin Board of Selectmen (for timely inclusion in the Berlin Annual Town Report) the total amount of receipts and expenditures for the prior fiscal year and the current fiscal year through December 31. The Finance Committee recommended this motion.

Article 8. OUTSTANDING 2018 TOWN REPORTS

None reported.

Article 9. FY20 BUDGET: GENERAL GOVERNMENT – Voted unanimously to raise and appropriate the sum of \$1,334,763 to cover Items # 1-45 in the Finance Committee's FY2020 Budget.

001	Moderator, Salary	50.00
002	Moderator, Expenses	85.00
003	Selectmen, Salary	3,690.00
004	Selectmen, Wages, FT	66,780.00
005	Selectmen, Wages, PT	0.00
006	Selectmen, Expenses	18,290.00
007	Town Admin.-Salary	150,000.00
008	Expenses	3,500.00
009	Finance Comm. Expenses	275.00
010	Reserve Fund	95,000.00
011	Accountant, Salary FT	82,285.00
012	Accountant, Wages PT	36,885.00
013	Accountant, Expenses	9,300.00
014	Audit	31,000.00
015	Assessors, Salary	2,287.00
016	Assessors Asst., PT Salary	67,282.00
017	Assessors, Wages PT	65,244.00
018	Assessors, Expenses	38,686.00
019	Revaluation Expenses	19,200.00
020	Treasurer/Collector, Salary	75,920.00
021	Wages PT	44,907.00
022	Expenses	48,940.00
023	Legal Expenses	65,000.00

024	Personnel-Expenses	5,200.00
025	Tax Titles	20,000.00
026	Data Systems, Salary PT	3,030.00
027	Data Systems, Expenses	69,260.00
028	Town Clerk, Salary	31,200.00
029	PT Salary	12,756.00
030	Clerk, Expenses	2,245.00
031	Elections, Wages PT	3,200.00
032	Elections, Expenses	3,700.00
033	Registration, Salary	100.00
034	Registration, Wages PT	550.00
035	Registration, Expenses	95.00
036	Conservation Comm., Exp.	2,200.00
037	Planning Board, Expenses	2,000.00
038	Bd. Of Appeals, Wages PT	2,200.00
039	Bd. Of Appeals, Expenses	600.00
040	Agricultural Comm.- Exp.	1,425.00
041	Public Buildings, Wages FT	17,626.00
042	Pub. Bldg., Expenses	99,770.00
043	Pub. Bldg., Electricity	78,000.00
044	Pub. Bldg., Fuel Oil	50,000.00
045	Town Report, Expenses	5,000.00
Total General Government		1,334,763.00

PUBLIC SAFETY – Voted to raise and appropriate the sum of \$2,293,860 to cover Items # 46-66 in the Finance Committee's FY2020 Budget and to appropriate from the Inspectors' Offset Receipts Account the sum of \$200,000 to the following line items: Item # 58, Plumbing and Gas Inspector, Wages PT - \$100,000; Item # 60, Electrical Inspector, Wages PT - \$100,000 and to appropriate from Rescue Squad Receipts Reserved for Appropriation the sum of \$100,000 to Item # 51 Fire & EMS Wages FT in the Finance Committee's FY2020 Budget.

046	Police, Salary	147,650.00
047	Police, Wages FT	802,415.00
048	Police, Wages PT	123,004.00
049	Police, Expenses	105,308.00
050	Fire & EMS, Salary FT	125,000.00
051	Wages FT	197,335.00

052	Wages PT	301,369.00
053	Expenses	139,825.00
054	Bldg. Insp., Salary	90,721.00
055	Bldg. Insp Wages FT	39,994.00
056	Wages PT	28,287.00
057	Expenses	28,730.00

058	Plumbing & Gas, Wages PT	100,000.00
059	Expenses	1,200.00
060	Electrical Insp., Wages PT	100,000.00
061	Electrical Insp., Expenses	800.00
062	Animal Inspector, Salary	1,992.00

063	Animal Inspector, Expenses	925.00
064	Animal Control Officer Salary	0.00
065	Expenses	18,000.00
066	Comm. Payroll & Exp.	241,305.00
TOTAL PUBLIC SAFETY		2,593,860.00

PUBLIC WORKS/FACILITIES- Voted unanimously to raise and appropriate the sum of \$715,427 to cover Items # 67-78 in the Finance Committee's FY2020 Budget and to appropriate from the Transfer Station Sticker and Recycling Offset Receipts Account the sum of \$88,000 to Item # 76, Transfer Station Expenses, and to appropriate \$9,050 from General Cemetery Receipts and \$600 from Sale of Lots to Item # 78 Cemetery Expenses in the Finance Committee's FY2020 Budget.

067	Highway, Salary	81,800.00
068	Highway, Wages FT	229,460.00
069	Highway Wages PT	12,806.00
070	Highway Expenses	141,100.00
071	Snow & Salt, FT OT	36,428.00
072	Snow & Salt, Wages PT	13,566.00
073	Snow & Salt, Expenses	85,000.00

074	Street Lights	9,600.00
075	Transfer Station, Wages PT	38,742.00
076	Transfer Station, Expenses	132,855.00
077	Cemetery, Wages PT	3,360.00
078	Cemetery, Expenses	28,360.00
TOTAL PUBLIC WORKS		813,077.00

HUMAN SERVICES – Voted unanimously to raise and appropriate the sum of \$98,534 to cover Items # 79-90 in the Finance Committee's FY2020 Budget.

079	Board of Health, Salary	1,878.00
080	Board of Health, Wages PT	4,283.00
081	Board of Health, Expense	1,450.00
082	Nashoba Health	7,741.00
083	Nashoba Nursing	3,533.00
084	COA, Director PT Wages	20,000.00

085	COA, PT Wages	18,842.00
086	Council on Aging, Expenses	12,625.00
087	Veterans, Salary	7,866.00
088	Veterans, Expenses	260.00
089	Veterans, Benefits	16,056.00
090	WHEAT Assessment	4,000.00
TOTAL HUMAN SERVICES		98,534.00

CULTURE AND RECREATION – Voted unanimously to raise and appropriate the sum of \$169,828 to cover Items #91-97 in the Finance Committee's FY2020 Budget.

091	Library, Wages PT	120,773.00
092	Library, Expenses	30,445.00
093	Recreation, Expenses	12,410.00
094	Cultural Council, Expenses	1,500.00

095	Historical Commission, Exp.	600.00
096	Memorial Day, Expenses	2,000.00
097	Festive Events, Expenses	2,100.00
TOTAL CULTURE & RECREATION		169,828.00

DEBT AND INTEREST – Voted unanimously to raise and appropriate the sum of \$517,478 and to appropriate the sum of \$9,523 from Septic Loan Receipts Available for Appropriation to cover Items #98-99 in the Finance Committee's FY2020 Budget.

098	Interest	211,789.00
099	Principal	315,212.00
TOTAL DEBT & INTEREST		527,001.00

INTERGOVERNMENTAL EXPENDITURES: CMRPC

Voted to raise and appropriate \$823 to cover Item #100 in the Finance Committee's FY2020 Budget.

100	CMRPC	823.00
-----	-------	--------

Assabet

Voted unanimously to raise and appropriate the sum of \$413,889 to cover Items # 101-102 in the Finance Committee's FY2020 Budget.

101	Assabet Assessment	339,689.00
-----	--------------------	------------

102	Assabet Capital Assessment	74,200
-----	----------------------------	--------

Berlin Memorial School

Voted unanimously to raise and appropriate the sum of \$3,078,687 to cover Items # 103-104 in the Finance Committee's FY2020 Budget, and to transfer \$52,000 from Special Article 14 from the 2019 Annual Town Meeting to cover Item #104.

103	Berlin Memorial Assessment	3,078,687.00
-----	----------------------------	--------------

104	Berlin Mem Capital Assess	52,000.00
-----	---------------------------	-----------

Tahanto Voted to raise and appropriate the sum of \$3,352,414 to cover Items # 105-106 in the Finance Committee FY2020 Budget.

105	Tahanto Assessment	2,739,843.00
-----	--------------------	--------------

106	Tahanto Capital Assess	612,571.00
-----	------------------------	------------

TOTAL INTERGOVERN'NTAL EXPEND.	6,897,813.00
---------------------------------------	---------------------

MISCELLANEOUS BENEFITS AND INSURANCE

Voted unanimously to raise and appropriate the sum of \$1,435,467 to cover Items# 107-114 in the Finance Committee's FY2020 Budget.

107	Worcester Reg.. Retirement	483,121.00
108	Workers Compensation	46,640.00
109	Unemployment	20,000.00
110	Chap 32B Health Ins.	674,780.00
111	Police & Fire Sick & Acc Ins.	21,772.00

112	Sick Pay	38,000.00
113	Medicare	45,004.00
114	Property/Liability Ins.	106,150.00
TOTAL MISC BENEFITS		1,435,467.00
TOTAL BUDGET		13,870,343.00

Article 10. CHAPTER 90 HIGHWAY FUNDING

Voted unanimously to accept, appropriate and expend the apportionment of Chapter 90 Transportation Bond Issue monies in the amount certified by the Commonwealth of Massachusetts.

Article 11. LIBRARY ACCOUNT

Voted unanimously to transfer \$50 from the Anna Hunt Trust Fund to the Library Account, and, further, to authorize the acceptance of any other monies from various sources, to the Library Account.

Article 12. CABLE ACCESS COMMITTEE – P.E.G. SPENDING

Voted unanimously to appropriate from the Peg Access & Cable Related Fund forty-eight thousand five hundred dollars (\$48,500) to be used in accordance with the PEG Access grant and M.G.L. Chapter 44, Section 53F 3/4, said sum to be expended by the Cable Access Committee. The Finance Committee recommended this motion

Article 13. LIBRARY SEPTIC SYSTEM DEP

Voted to transfer from Free Cash one hundred thousand dollars (\$100,000) for the purpose of selecting, designing, engineering and/or installing a new Massachusetts Department of Environmental Protection compliant septic system at 23 Carter Street (the Berlin Public Library) and any costs related or incidental thereto, with unexpended funds as of June 30, 2021 being returned to their funding source. The Finance Committee recommended this motion

Article 14. TRANSFER STATION COMPACTOR

Voted unanimously to transfer thirty-seven thousand dollars (\$37,000) from Free Cash for the purpose of purchase and installation of a stationary compactor for the transfer station and any costs related or incidental thereto, with unexpended funds as of June 30, 2020 being returned to their funding source. The Finance Committee recommended this motion

The Moderator stepped down. An election of Temporary Moderator for Articles 15 and 37 took place. Timothy Wheeler was the only nomination received. He was unanimously voted and stepped up to the podium for this article.

Article 15. CEMETERY COMMISSION - CEMETERY MOWER

Voted unanimously to transfer from Free Cash eighteen thousand seven hundred eighty five dollars (\$18,785) to purchase a new Walker mower, or its equivalent, and associated equipment for mowing the cemeteries, said sum to be expended by the Cemetery Commission, with unexpended funds as of June 30, 2020 being returned to their funding source. The Finance Committee recommended this motion.

The Moderator resumed the podium.

Article 16. COUNCIL ON AGING SOFTWARE / HARDWARE

Voted unanimously to transfer from Free Cash five thousand three hundred dollars (\$5,300) for a scanner-assisted software application to better track data relating to Council on Aging services and programming, including any incidental and related costs, with unexpended funds as of June 30, 2020 being returned to their funding source. The Finance Committee recommended this motion

Article 17. HIGHWAY SERVICE UTILITY TRUCK

Voted to transfer from Free Cash forty seven thousand dollars (\$47,000) to purchase a service/utility, three-quarter ton utility body, four-wheel drive truck with plow and any costs incidental or related thereto, said sum to be expended by the Board of Selectmen and said spending to occur by June 30, 2020. The Finance Committee recommended this motion

Article 18. HIGHWAY HOT TOP

Voted unanimously to transfer from Free Cash seventy thousand dollars (\$70,000) for the purchase of hot top to reclaim and resurface roadways, including any incidental and related costs; with unexpended funds as of June 30, 2021 being returned to their funding source said sum to be expended by the Board of Selectmen. The Finance Committee recommended this motion

Article 19. MASTER PLAN

Voted unanimously to transfer from Free Cash 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; with unexpended funds as of June 30, 2024 being returned to their funding source. The Finance Committee recommended this motion

Article 20. FIRE/EMS PUMPER TANKER

Voted unanimously to transfer from Highland Commons Public Safety Fund four hundred and forty thousand dollars (\$440,000) for the purpose of acquiring and equipping a Pumper/Tanker and related equipment, and trade in the current Engine 2 towards the purchase and decommission Tender 1; with unexpended funds as of June 30, 2020 being returned to their funding source; and authorize the Board of Selectmen to purchase said Pumper/Tanker. The Finance Committee recommended this motion

Article 21. FIRE/EMS SELF-CONTAINED BREATHING APPARATUS

Voted unanimously to transfer seventy-five thousand dollars (\$75,000) from Free Cash and fifteen thousand dollars (\$15,000) from Highland Commons Public Safety Fund for the purpose of purchasing of new Self Contained Breathing Apparatus (SCBA) and related equipment; with

unexpended funds as of June 30, 2020 being returned to their funding source, with spending by the Selectmen. The Finance Committee recommended this motion

Article 22. FIRE/EMS MISCELLANEOUS EQUIPMENT

Voted unanimously to transfer from Highland Commons Public Safety Fund fifty thousand dollars (\$50,000) for the purpose of purchasing Minor Departmental Equipment, with no singular item exceeding five thousand dollars (\$5,000) in value, with unexpended funds as of June 30, 2020 being returned to their funding source, to be expended by the Board of Selectmen. The Finance Committee recommended this motion.

Article 23. FIRE/EMS UNPAID PRIOR YEAR BILL

Voted to transfer from Free Cash four hundred eighty-five dollars and forty-one cents (\$485.41) for the purpose of paying an FY18 Invoice for Coastal Medical billing. The Finance Committee recommended this motion.

Article 24. FIRE/EMS UNPAID PRIOR YEAR BILL

Voted unanimously to transfer from Free Cash one thousand one hundred ninety-three dollars and fifty-three cents (\$1,193.53) for the purpose of paying an FY18 Invoice for New England Fire Equipment & Apparatus Corp. The Finance Committee recommended this motion.

Article 25. FIRE/EMS UNPAID PRIOR YEAR BILL

Voted unanimously to transfer from Free Cash three thousand forty-five dollars and forty-eight cents (\$3,045.48) for the purpose of paying an FY18 Invoice for Fire Tech & Safety of NE. The Finance Committee recommended this motion.

Article 26. FIRE/EMS UNPAID PRIOR YEAR BILL

Voted unanimously to transfer from Free Cash two hundred fifteen dollars (\$215) for the purpose of paying a FY18 Invoice for UMass Memorial Health Care. The Finance Committee recommended this motion.

Article 27. SELECTMEN - UNPAID PRIOR YEAR BILLS

Voted unanimously to transfer from Free Cash ninety-nine dollars and ninety-nine cents (\$99.99) to cover unpaid prior year FY18 Selectmen expenses to reimburse Webmaster Garth Coleman for website subscriptions and maintenance expenses. The Finance Committee recommended this motion.

Article 28. POLICE CRUISER

Voted unanimously to transfer from Highland Commons Public Safety Fund forty-seven thousand dollars (\$47,000) to purchase and equip a new police cruiser to replace the 2015 Ford Interceptor SUV, with unexpended funds as of June 30, 2020 being returned to their funding source, with spending by the Selectmen. The Finance Committee recommended this motion.

Article 29. POLICE RADIOS/TASERS/ACTIVE SHOOTER EQUIPMENT

Voted unanimously to transfer from Highland Commons Public Safety Fund fifteen thousand dollars (\$15,000) to purchase police equipment, including portable radios, Tasers, and active shooter response equipment and any incidental costs, with unexpended funds as of June 30, 2020 being returned to their funding source, with spending by the Selectmen. The Finance Committee recommended this motion.

Article 30: STABILIZATION FUND

Voted unanimously to transfer from Free Cash one hundred and twenty-five thousand dollars (\$125,000) to the Stabilization Fund. The Finance Committee recommended this motion.

Article 31. ENERGY COMMITTEE SPECIAL PURPOSE STABILIZATION FUND

Voted that the Town accept the provisions of Massachusetts General Law Chapter 40, Section 5B, for the purpose of creating an Energy Committee Special Purpose Stabilization Fund to be used for the payment of project costs associated with action taken by the Town to meet the goals established by the Commonwealth's Green Community program. The Finance Committee recommended this motion.

Article 32. FUNDING ENERGY COMMITTEE SPECIAL PURPOSE STABILIZATION FUND

Voted unanimously to transfer from Free Cash four thousand eighty-seven dollars (\$4,087) to be placed into the Energy Committee Special Purpose Stabilization Fund. The Finance Committee recommended this motion.

Meeting adjourned at 9:42 pm. One hundred eighty-six (186) registered voters took part in this session.

Tuesday, May 7, 2019 the Annual Town Meeting convened per adjournment. Attorney Jonathan Eichman of Kopelman and Paige, P.C. served as Town Counsel. Brittany Blaney assisted with Cable. Barry W. Eager, Moderator, called the meeting to order at 7:33 PM. There were approximately 150 voters present.

Article 33. WEAK FIRE CHIEF STATUTE

Voted to pass over after much heated discussion.

Article 34. CHANGE TAX COLLECTOR DEMAND FEE

Voted that the Town charge for each written demand issued by the collector a fee of fifteen dollars (\$15) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of July 1, 2019. The Finance Committee recommended this motion

Article 35. PLANNING BOARD – SENIOR RESIDENTIAL DEVELOPMENT

Moderator declared 2/3's vote to amend the Zoning By-Law Section 720 Senior Residential Development by eliminating 723.2(b) as shown below in strikethrough and changing 723.2(c) to 723.2(b) as shown below in strikethrough and bold type.

723.2 Occupancy Restriction: The following provisions are intended to ensure that the dwelling units in an SRD are used as residences for persons of age 55 and older.

(a) Each unit in an SRD shall be occupied by at least one person 55 years of age or older.

~~(b) Children under age 18 may not reside in a dwelling unit in an SRD for more than six (6) months in any nine (9) moth period.~~

~~(c)~~**(b)** In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in an SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

The Berlin Planning Board held a Public Hearing on April 23, 2019 to consider comments concerning Article 35 on the Annual Town meeting Warrant, to be held on Monday May 6, 2019.

At the Planning Board meeting held on Tuesday April 23, 2019 the Planning Board voted 4 in favor, 0 opposed to Article 35.

Article 36: NAME CHANGE: BOARD OF SELECTMEN to SELECT BOARD

Voted to amend the Town By-laws to substitute the term "Board of Selectmen" throughout with the term "Select Board" and the words "selectman", "selectmen", "selectwoman", or "selectwomen" with the words "select board member(s)" or "member(s) of the select board," as appropriate, in each and every place they appear in the Town By-laws, and, further, to insert the following in Article 1, Section 3, before the existing text thereof, the following:

For purposes of these bylaws, and for all official business of the Town, the board previously referred to as the Board of Selectmen shall hereinafter be referred to as the Select Board, with individual members to be referred to as "select board members" or "members of the select board", and said Select Board shall have all the powers and duties of a board of selectmen as set forth in the General Laws or any special act applicable to the Town.

The Moderator stepped down again. Temporary Moderator, Timothy Wheeler stepped up to the podium on this article.

Article 37. AMEND GENERAL BYLAW – WARRANTS; ANNUAL TOWN REPORTS

Voted to pass over after much discussion and a failed amendment.

The Moderator resumed the podium.

Article 38. AMEND SNOW REMOVAL BY-LAW

Voted to amend the Town of Berlin General Bylaws by deleting Article VI "Public Roads, Ways and Places," Section 4 in its entirety and replace it with the following:

SECTION 4. No snow or ice shall be deposited on any public street or sidewalk from any parking lot, business or residential driveway at any time. The penalty for violation of this by-law shall be one hundred dollars (\$100.00).

Article 39. SINGLE-USE BAG BAN

Voted to amend the Town Bylaws by adding a new Article XXIII – Single-Use Bag Ban, for the reduction of plastic bags with Sections 1 through 4 as described in Article 39 of the warrant for this meeting. The Finance Committee recommended this motion.

Motion made to pass over, failed.

Article 40. CREATION OF COMMUNITY PRESERVATION ACT COMMITTEE

Voted to create a new General Bylaw Article XXIV - Community Preservation Act Committee that would establish a Community Preservation Act Committee pursuant to Massachusetts General Law, Chapter 44B with Sections 1 through 6 as described in Article 40 of the warrant for this meeting.

Article 41. 2 TAX TITLE LAND PARCELS TO SELECTMEN – Dudley Road

Voted unanimously to transfer the two (2) parcels of tax title land as listed in Article 41 of this warrant from the care, custody and control of the Town's Tax Title Custodian to the care, custody and control of the Berlin Board of Selectmen for general municipal purposes, including, without limitation, for roadway purposes.

Article 42. 11 TAX TITLE LAND PARCELS TO CONSCOMM

Voted unanimously to transfer the eleven (11) parcels of tax title land as listed in Article 42 of this warrant from the care, custody and control of the Town's Tax Title Custodian to the care, custody and control of the Berlin Conservation Commission pursuant to the provisions of Massachusetts General Law Chapter 40, Section 8C for conservation and passive recreation purposes and to dedicate said parcels in perpetuity for such parcels subject to the provisions of Article 97 of the Amendments of the Massachusetts Constitution.

Article 43. CONSERVATION COMMISSION – PEACH HILL ACQUISITION

Voted unanimously to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain certain property consisting of 30 acres, more or less, located off of Peach Hill Road and shown on Berlin Assessor's Map 24 as Lots 6-1 and 13, for conservation purposes,

which property shall be in the care, custody and control of the Berlin Conservation Commission under the provisions of Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended and other Massachusetts statutes relating to conservation,

and to appropriate and authorize the Treasurer, with the approval of the Board of Selectmen, to transfer the sum of one hundred thirty thousand dollars (\$130,000) from the Conservation Fund to acquire said property and costs incidental or related thereto,

and to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend, on behalf of the Town of Berlin, any and all funds that may be provided by the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of such acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under Massachusetts General Laws Chapter 132A, Section 11 (the LAND grant program) 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 other conservation purposes;

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 accomplish said purchase;

and, further, to authorize the Board of Selectmen to grant a perpetual conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33, over said property to Sudbury Valley Trustees, Inc. or other qualified entity. The Finance Committee recommended this motion.

Article 44. POTAS SOLAR ARRAY P.I.L.O.T. AGREEMENT

Voted to authorize the Board of Selectmen to negotiate and enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, in a form acceptable to the Board of Selectmen, between the Town of Berlin and Donald P. Potas and Marcia A. Potas, their successors, assignees or affiliates, on such terms and conditions and for such term not to exceed twenty (20) years, in an amount to be determined and upon terms and conditions as the Board shall deem in the best interest of the Town, for both real property and personal property associated with a ground-mounted solar photovoltaic facility to be located upon an approximately 21.26 acre subset of the whole 50 acre privately-owned land parcel (Assessor's Map 14.0/11, known and numbered as 344 Randall Road) upon which such facility is to be located, and further, to authorize the Board of Selectmen to take such action as many be necessary to carry out the vote taken hereunder and to take all actions necessary to implement such agreement.

Article 45: SENIOR RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

Motion under this article failed to get a 2/3's vote by declaration of the Moderator.

The Berlin Planning Board held a Public Hearing on April 23, 2019 to consider comments concerning Article 45 on the Annual Town meeting Warrant, to be held on Monday May 6, 2019.

At the Planning Board meeting held on Tuesday April 23, 2019 the Planning Board voted 2 in favor, 2 opposed to Article 45.

Articles 46-61. BYLAW BAN OF ALL RECREATIONAL MARIJUANA ESTABLISHMENTS

Voted to pass over Articles 46-61.

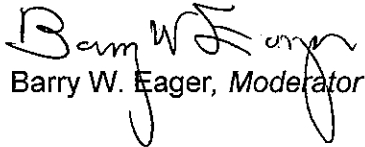
A hand count was taken 104 yes, 77 no. Assisting with the hand count were Keith Soucy, Cliff LaPorte, Marsha Johnston and Amy Grenier.

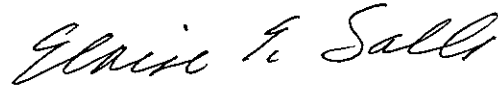
Article 62. **MAY 13, 2019 ANNUAL TOWN ELECTION**

Voted unanimously to adjourn this meeting until Monday, May 13, 2019, at 12:00 noon at the Town Offices, 23 Linden Street, Lower Level, at which time the polls will be open for the election of Town officers under Article 62 of the warrant, and that following the announcement of the results of the election, this meeting be dissolved.

The meeting adjourned at 11:10 pm. One hundred eighty-seven (187) registered voters took part in the first session. Of the 187, thirty-six (36) did not return for the second session. One hundred fifty-one (151) came to both sessions, Ninety-eight (98) came to the second session only. Two hundred forty-nine (249) voters attended the second session. A total of two hundred eighty-five (285) registered voters took part in the Annual Town Meeting. There are 2,334 registered voters.

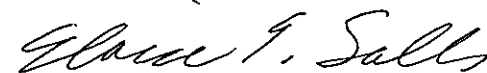
Respectfully submitted,


Barry W. Eager, Moderator


Eloise E. Salls, Town Clerk

A true copy.

Attest:



Town Clerk of Berlin

