

BERLIN 2023
ANNUAL TOWN MEETING
WARRANT



Monday, May 1, 2023 at 7:30 PM

Berlin Memorial School
34 South Street
Berlin, MA 01503

WORCESTER, SS.

To a Constable in the Town of Berlin:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Berlin qualified to vote in Town Elections and Town Affairs to meet at the Berlin Memorial School, 34 South Street, Berlin, MA on **MONDAY, the FIRST DAY OF MAY, 2023, at 7:30 PM**, then and there to act on the following articles or in relation thereto, namely:

*****CURRENT FISCAL YEAR 2023 ENDING JUNE 30, 2023*****

ARTICLE 1 PRIOR YEARS' EXPENSES

To see if the Town will vote to transfer or appropriate a sum of money to pay unpaid expenses from prior fiscal years, or take any action relative thereto. (POLICE DEPARTMENT)

PROPOSED MOTION*

I move to transfer \$1,000 from Free Cash for the payment of the following unpaid prior years' expenses:

Michael Barry	FY20 & FY21 Armorer Stipend	\$1,000
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FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

This article is required for the payment of expenses incurred prior to July 1, 2022 that were not submitted by the close of the fiscal year. This expense is for an armorer stipend for Officer Michael Barry that was inadvertently partially paid in FY20 and in FY21.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 2 ARTICLE SUNSET CLAUSE REMOVAL

To see if the Town will vote to amend the votes taken under Article 7 of the 2021 Annual Town Meeting, Article 7 of the 2021 Special Town Meeting, Article 20 of the 2022 Annual Town Meeting and Article 7 of the 2022 Special Town Meeting, to remove the sunset clauses by which monies must be expended, or take any action relative thereto. (ACCOUNTANT)

PROPOSED MOTION

I move to remove the sunset clauses by which monies must be expended on the following Town Meeting articles:

- ATM FY21 Article 7-1: Town Office Air Handler Replacement
- ATM FY21 Article 7-2 Town Office EPDM Roof Replacement
- STM FY22 Article 7-1: Town Office Air Handler Replacement
- STM FY22 Article 7-2: Old Fire Station Roof
- STM FY22 Article 7-3: Ambulance Replacing 2009
- ATM FY22 Article 20: Cemetery Paving
- STM FY22 Article 7-5: Recreation Court Upgrades

FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

Due to a number of unforeseen delays including COVID, supply chain issues and administration changes, additional time is required to complete these projects. These articles will be closed out administratively by the Town Accountant once each project is complete.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 3 REPLENISH FY23 RESERVE FUND

To see if the Town will vote to transfer from Free Cash an additional sum of money to replenish the FY23 reserve fund, or take any action relative thereto. (FINANCE COMMITTEE)

PROPOSED MOTION

I move to transfer \$50,000 from Free Cash to replenish the FY23 reserve fund.

FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

The FY23 budget included a \$95,000 reserve fund for unforeseen expenses. The Town has faced a number of such unanticipated costs this year in department budgets including veterans benefits, legal expenses, select board expenses/consulting (executive recruitments) and police expenses (camera system and finger printing system failures). The current reserve fund balance is \$20,805.50. The requested \$50,000 in funding will ensure the Town can cover any additional unexpected expenses that may arise through the end of the fiscal year. Any funds not used will be closed out to the general fund.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 4 ADDITIONAL FUNDING FOR 6A-1 AMBULANCE REPLACEMENT

To see if the Town will vote to transfer from available ambulance receipts reserved for appropriation an additional sum of money for the purchase and equipping of an ambulance, to be spent under the direction of the Fire & EMS Chief, or take any action relative thereto (FIRE & EMS DEPARTMENT)

PROPOSED MOTION

I move to transfer \$114,000 in ambulance receipts reserved for appropriation to Article 7 of the November 8, 2021 Special Town Meeting for the purchase and equipping of an ambulance, to be spent under the direction of the Fire & EMS Chief.

FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

This article would add \$114,000 to the \$315,000 approved under Article 7 of the November 8, 2021 Special Town Meeting and the \$5,000 approved under Article 7 of the May 3, 2022 Annual Town Meeting, for cost increases associated with the replacement of ambulance 6A-1, which is a 2009 vehicle. These increases consist of a new requirement to include a power lift stretcher on all new vehicles at a cost of \$62,914, a \$37,086 increase in the cost of the chassis, and \$14,000 for a radio system.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 5 BULLARD HOUSE HISTORIC PRESERVATION RESTRICTION

To see if the Town will vote to transfer care, custody, management and control of the Bullard House land, located at 4 Woodward Avenue, Berlin, and identified by the Board of Assessors as Parcel 10.3-15-0, from the board or officer having custody thereof for the purposes for which it is currently held, to the Select Board for the purpose of a local history museum and for the purpose of conveying a perpetual historic preservation restriction thereon, and to authorize the Select Board to convey a perpetual historic preservation restriction encumbering Bullard House and the land (but not on the other buildings thereon) to the Commonwealth of Massachusetts, acting by and through the Massachusetts Historical Commission, on such terms and conditions, and for such consideration, as the Select Board deems appropriate, or to take any other action relative thereto (HISTORICAL COMMISSION)

PROPOSED MOTION

I move to transfer the custody of the Bullard House land to the Select Board and authorize the Select Board to convey a perpetual historic preservation restriction encumbering the Bullard House land and building to the Commonwealth of Massachusetts as described in Article 5.

DESCRIPTION

This article would place a permanent historic preservation restriction on the Bullard House building and land to be held by the Commonwealth of Massachusetts by and through the Massachusetts Historical Commission (MHC). This preservation restriction is required to apply for a MHC Massachusetts Preservation Projects Fund matching development grant for the preservation and rehabilitation of the Bullard House in order to create a local history museum.

VOTE REQUIRED FOR PASSAGE 2/3rds Vote

ARTICLE 6 AUTHORIZE SELECT BOARD TO EXECUTE SOLAR PILOT AGREEMENTS UNDER MGL CHAPTER 49, SECTION 5-45

To see if the Town will vote to designate the Select Board, the Board of Assessors, and the Town Administrator, collectively, as the “authorized officer” to negotiate and enter into Payment in Lieu of Tax Agreements for solar or wind powered energy systems and co-located energy storage systems, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, and to take such other action as may be necessary to implement such agreements; and to take any other action relative thereto. (BOARD OF ASSESSORS)

PROPOSED MOTION

I move to authorize the Select Board, the Board of Assessors and the Town Administrator to negotiate and execute payments in lieu of tax agreements on behalf of the town for all solar and wind powered energy systems and co-located energy storage systems pursuant to the provisions of Mass. General Laws Chapter 59, Section 5, Clause 45th, and further, to authorize said authorized officer to take such other action as may be necessary to implement such agreements.

DESCRIPTION

This article would authorize the Select Board, the Board of Assessors and the Town Administrator to negotiate and enter into payment in lieu of taxes (PILOT) agreements for solar and wind powered projects and co-located energy storage systems in accordance with

Mass General Laws. PILOT agreements bring revenue to the Town. The Town is looking to install a solar array on the roof of the new Highway garage as discussed in the next article.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 7 AUTHORIZATION TO PROCEED WITH HIGHWAY ROOF SOLAR PILOT PROJECT

To see if the Town will vote to authorize the Select Board to enter into a power purchase agreement for the purchase of electricity and/or solar credits, a lease agreement and, pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause 45th, an agreement for payments in lieu of taxes for a solar energy system to be constructed at the Town of Berlin Highway Garage at 112 West St., each for a term of 20 or more years from the date of commencement of commercial operations of the solar energy system, and each on such terms and conditions, and for such consideration, as the Select Board deems in the best interests of the Town; and to authorize the Select Board to lease said property, and to grant such access, utility, and other easements in, on, over and under said property and any contiguous Town property as may be necessary or convenient to access, construct, operate, and maintain such solar energy system; and to authorize the Select Board to take all actions necessary in connection therewith and as may be necessary to implement such agreements; or to take any other action relative thereto. (SELECT BOARD)

PROPOSED MOTION

I move to authorize the Select Board to enter into a power purchase agreement for the purchase of electricity and/or solar credits, a lease agreement and, pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause 45th, an agreement for payments in lieu of taxes for a solar energy system to be constructed at the Town of Berlin Highway Garage at 112 West St., each for a term of 20 or more years from the date of commencement of commercial operations of the solar energy system, and each on such terms and conditions, and for such consideration, as the Select Board deems in the best interests of the Town; and to authorize the Select Board to lease said property, and to grant such access, utility, and other easements in, on, over and under said property and any contiguous Town property as may be necessary or convenient to access, construct, operate, and maintain such solar energy system; and to authorize the Select Board to take all actions necessary in connection therewith and as may be necessary to implement such agreements.

DESCRIPTION

This article would authorize the Select Board to enter into agreements relative to the installation of solar on the roof of the Highway Garage including a power purchase agreement for energy credits, a PILOT agreement for the Town to receive payments in-lieu of taxes, a lease agreement for the solar panels, and any easements required to enable the project to proceed.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 8 ACQUISITION/DISPOSITION OF RIVER RUN PARCEL 6B

To see if the Town will vote to authorize the Select Board to exercise its option to purchase the parcel of land known as Lot 6B at River Run, identified by the Board of Assessors as Parcel 7-28-0, as set forth more particularly in the Riverbridge Development Agreement recorded with the Worcester South District Registry of Deeds in Book 45188, Page 343, as amended from time to time, or any property in lieu thereof, for general municipal purposes and for the purpose of disposition for the sum of \$1.00, and, further, to authorize the Select Board to convey said parcel, by sale, long term lease and/or any

other means, on such terms and conditions, and for such consideration, as the Select Board deems appropriate, or take any action relative thereto. (SELECT BOARD)

PROPOSED MOTION

I move to authorize the Select Board to exercise its option to purchase Lot 6B at River Run or any other property offered in lieu thereof and to convey said parcel by sale, long term lease and/or any other means as described in Article 8.

DESCRIPTION

The Development Agreement between the Town of Berlin and Riverbridge North, LLC includes an option for the Town to purchase Parcel 6B at the Riverbridge development for \$1.00. The property is assessed at \$256,900 for FY23. The Select Board recommends the Town take title to this property and look for development opportunities.

VOTE REQUIRED FOR PASSAGE 2/3rds Vote

ARTICLE 9 ESTABLISH OPIOID SETTLEMENT STABILIZATION ACCOUNT AND APPROPRIATE FUNDS

To see if the Town will vote, pursuant to Massachusetts General Law Chapter 40, Section 5B to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the state Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Abatement Strategies”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, and, further, to adopt the last paragraph of said Section 5B and dedicate to such fund, without further appropriation, all opioid litigation settlement funds received by the Town, or take any other action relative thereto. (ACCOUNTANT)

PROPOSED MOTION

I move the article be voted as written and to transfer from Free Cash seventeen thousand five hundred and eighty-seven dollars and sixty-seven cents (\$17,587.67) to establish initial funding in said account, and further to accept the last paragraph of Massachusetts General Law Chapter 40, Section 5B and dedicate, without further appropriation, all Opioid Settlement receipts received on or after July 1, 2023, to the Opioid Settlement Stabilization Fund.

FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

The Town voted to participate in the Massachusetts settlement agreement that followed legal action brought by multiple state Attorneys General, including Massachusetts’, against numerous opioid manufacturers and distributors for fueling the opioid epidemic. The Town has received \$17,5687.67 to date. The Town intends to use these funds for education, prevention, and services relating to opiate use disorders.

VOTE REQUIRED FOR PASSAGE 2/3rds vote per M.G.L. c.40B, s.5B

ARTICLE 10 COMMUNITY PRESERVATION ACT FY22 TRANSFER OF FUNDS

To see if the Town will vote to transfer and reserve from the fund balance of the Community Preservation Fund an amount equal to unallocated revenues from FY 2022 to meet the requirements of G.L. c.44B, §6, as recommended by the Community Preservation Act Committee, as set forth below, with each item to be considered a separate appropriation or take any action relative thereto. (COMMUNITY PRESERVATION COMMITTEE)

Appropriations from fund balance of Community Preservation Fund, an amount equivalent to FY22 unallocated revenues:

- For Community Housing Reserves..... \$10,895.30
- For Committee Historic Reserve..... \$10,895.30
- For Open Space Reserve..... \$10,895.30

PROPOSED MOTION

I move to transfer and reserve unallocated Community Preservation Fund revenues from FY 2022 as described in Article 10.

COMMUNITY PRESERVATION ACT COMMITTEE RECOMMENDATION 7-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

This article will fulfill the Town's responsibility to appropriate the unallocated FY2022 Community Preservation Act revenue to the proper reserve accounts.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 11 COMMUNITY PRESERVATION ACT FY23 PROJECTS - COMMUNITY GARDEN FENCE

To see if the Town will vote to appropriate the sum of \$45,000 from the Fund Balance Reserved for Open Space for Fiscal Year 2023 for the acquisition of materials and installation of a fence at the Community Garden located on River Road West on Riverbridge property, and all related and incidental expenses, said funds to be expended by the Agricultural Commission in consultation with the Community Preservation Act Committee; or take any action relative thereto. (COMMUNITY PRESERVATION COMMITTEE/AGRICULTURAL COMMITTEE)

PROPOSED MOTION

I move to appropriate \$45,000 from the Fund Balance Reserved for Open Space for Fiscal Year 2023 for the acquisition of materials and installation of a fence at the Community Garden as described in Article 11.

COMMUNITY PRESERVATION ACT COMMITTEE RECOMMENDATION 7-0

CAPITAL PLANNING COMMITTEE RECOMMENDATION 3-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

This article requests funding for all labor and materials required to install a seven-foot chain link fence and gates at the Community Garden, 25 River Road West.

VOTE REQUIRED FOR PASSAGE Majority Vote

*****UPCOMING FISCAL YEAR 2024 (JULY 1, 2023 - JUNE 30, 2024)*****

ARTICLE 12 FY 2024 OPERATING BUDGET

To see if the Town will vote to raise and appropriate, borrow, and/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, 2023 and ending on June 30, 2024, and to determine the salaries of the Town Officers for that period, or take any action relative thereto.

This article contains multiple motions that the Finance Committee will present to Town Meeting on a separate motions sheet.

ARTICLE 13 FY 2024 CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund the Capital Improvement Plan budget, as recommended by the Capital Planning Committee, including acquisition, installation and equipping and other expenses incidental or related thereto, or take any action relative thereto. (CAPITAL PLANNING COMMITTEE).

PROPOSED MOTION

I move to transfer \$911,898 from Free Cash and \$880,000 from Public Safety Stabilization to fund the Fiscal Year 2024 Capital Improvement Plan budget for the projects/items, as printed in Article 13 of the warrant for this meeting, recommended by the Capital Planning Committee, as listed:

#	DEPARTMENT	ITEM	AMOUNT	SOURCE
1	Berlin Memorial	BMS Capital	\$468,410	Free Cash
2	Tahanto	Tahanto Capital	\$211,599	Free Cash
3	Board of Health	Replace Retaining Wall at Transfer Station	\$25,000	Free Cash
4	Highway	Replace 2013 Mower	\$10,500	Free Cash
5	Highway	Town Offices Façade Repairs & Painting	\$15,873	Free Cash
6	Highway	Town Offices Flooring Replacement	\$28,000	Free Cash
7	Fire/EMS	AED (Defibrillator) Replacement – 6 units	\$14,898	Free Cash
8	Fire/EMS	Personal Protective Equipment (PPE) – 5 sets	\$36,806	Free Cash
9	Fire/EMS	Fire Pumper Engine (\$880,000)	\$880,000	PS Stabilization
10	Police	Replace (2) TriBand Radios	\$7,144	Free Cash
11	Police	Mobile Data Terminal (MDT) Replacement (2)	\$13,505	Free Cash
12	Police	Replace 2016 Chief's Vehicle – Chevy Tahoe	\$45,163	Free Cash

1 3	Cable Access	Server Replacement	\$35,000	Free Cash
		TOTAL	\$1,791,898	

CAPITAL PLANNING COMMITTEE RECOMMENDATION 3-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

The Capital Planning Committee has recommended the above listed projects for inclusion in the FY24 Capital Plan, with \$911,898 to be funded using Free Cash, and \$880,000 to be funded using Public Safety Stabilization Funds. The requested projects for each of the schools are as follows:

Berlin Memorial School

EPDM Flat Roof Replacement	\$ 272,838
IT Support (switches, routers, chromebooks)	\$ 120,000
(2) Copiers	\$ 30,922
Plumbing repair (boys bathrooms, 2 classrooms)	\$ 11,000
Replace (4) exterior doors (hardware & thresholds)	\$ 10,400
Truck for facilities	\$ 3,250
Repave walkway and playground	\$ 20,000

Tahanto Regional MS/HS *Berlin's portion*

IT Support (switches, routers, chromebooks)	\$ 87,131
Security Cameras/System	\$ 68,580
Facility Assessment	\$ 17,145
(3) Copiers	\$ 15,941
(3) 3D Printers	\$ 15,431
HVAC Upgrade	\$ 5,144
Truck for Facilities	\$ 2,229

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 14 CABLE ACCESS COMMITTEE – P.E.G SPENDING

To see if the Town will vote to appropriate Public, Educational, and Government (P.E.G.) Access & Cable related funds as a grant to be used for Fiscal Year 2024 operating purposes in accordance with the P.E.G. Access grant and Massachusetts General Law Chapter 44, Section 53F 3/4, said sums to be expended by the Cable Access Committee; or take any action relative thereto. (CABLE ACCESS COMMITTEE)

PROPOSED MOTION

I move to appropriate from the Public, Educational, and Government (P.E.G.) Access & Cable Related Fund the sum of \$78,640 as a grant to be used for Fiscal Year 2024 operating purposes, in accordance with the P.E.G. Access grant and Massachusetts General Law Chapter 44, Section 53F 3/4, said sums to be expended by the Cable Access Committee.

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

The purpose of this article is to appropriate money from the P.E.G. Access & Cable Related Fund account to cover the cost of goods and services related to the operations of Berlin Cable, per the P.E.G. Access agreement, for FY24.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 15 AMEND REVOLVING FUND BYLAW

To see if the Town will vote to amend the table under Article XX of the Town of Berlin General By-laws by inserting one new revolving fund, or take any action relative thereto. (SELECT BOARD)

PROPOSED MOTION

I move the Town vote pursuant to Massachusetts General Law Chapter 44, Chapter 53E½, to establish a revolving fund for Bucket Truck Expenses and to amend the table under Article XX of the Town of Berlin's General Bylaws by inserting said revolving funds:

TITLE	SOURCE OF RECEIPTS AND USE OF FUNDS	AUTHORITY TO EXPEND	SPENDING LIMIT
Bucket Truck Expenses	Receipts: Fees for use of regional bucket truck Uses: Expenses associated with operating the bucket truck; maintenance, repairs, fees, gas, permits	Highway Department	\$20,000

DESCRIPTION

This article adds a new revolving account. It would enable the Highway Department to charge fees for the use of the regional bucket truck and to use these funds to offset costs associated with its use.

VOTE REQUIRED FOR PASSAGE Majority Vote; G.L. c. 44, s. 53F ¾

ARTICLE 16 ESTABLISH REVOLVING FUND ANNUAL SPENDING LIMITS

To see if the Town will vote pursuant to Massachusetts General Law Chapter 44, Chapter 53E½, to establish annual expenditure limits for Fiscal Year 2024 for the following revolving funds listed in the Revolving Funds by-law, Article XX of the General By-laws, as set forth below:

TITLE	SPENDING LIMIT
Library Video Fines	\$1,000
Recreation	\$20,000
Town Hall	\$40,000
Plumbing & Gas Inspector Wages	\$75,000
Electrical Inspector Wages	\$75,000
Bucket Truck Expenses	\$20,000

Or take any other action relative thereto.

PROPOSED MOTION

I move to fix the maximum amount that may be spent during Fiscal Year 2024 beginning on July 1, 2023 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 printed in Article 16 of the warrant for this meeting.

DESCRIPTION

Under MGL Chapter 44, Section 53E½ as amended through the Municipal Modernization Act of 2016, Town Meeting is required to vote on the amount that may be spent from each revolving fund established through the Town's General Bylaws during the upcoming fiscal year prior to July 1st.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 17 APPROPRIATION OF INSURANCE RESTITUTION FUNDS

To see if the Town will vote to appropriate a sum of money as required by the Boston Business Services (BBS) Payroll Fraud restitution settlement to the Massachusetts Interlocal Insurance Agency (MIIA), or take any action relative thereto. (ACCOUNTANT)

PROPOSED MOTION

I move the Town appropriate from Free Cash the sum of \$7,057.75, as required by the Boston Business Services (BBS) Payroll restitution settlement, to the Massachusetts Interlocal Insurance Agency (MIIA), or take any action relative thereto. (ACCOUNTANT)

FINANCE COMMITTEE RECOMMENDATION 4-0

DESCRIPTION

Returning these funds to MIIA is a requirement under the Boston Business Services (BBS) criminal restitution settlement.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 18 AMEND SENIOR WORKOFF PROGRAM

To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 5K to allow the maximum reduction of the real property tax bill to be increased from \$1,000.00 to \$1,500.00 in a given year, or take any other action relative thereto. (COUNCIL ON AGING)

PROPOSED MOTION

I move to accept MGL Chapter 59, Section 5K regarding changes to the senior workoff program as described in Article 18.

DESCRIPTION

The Senior Tax Work Off program is designated for seniors 60+ or military veterans to earn a property tax credit by working for various town offices and departments. Having this additional assistance and experience is of great benefit to the Town. As of now, the Town of Berlin has approved up to 125 hours per fiscal year per household, with a minimum residential requirement of 5 years. This credit is determined by paying minimum wage multiplied by hours completed for the town. As minimum wage has increased to \$15.00 per hour, this article would institute a \$1,500 cap, thereby lowering the maximum allowable work hours from 125 to

100 per fiscal year. This article also requests that the residency requirement be lowered to one year given the number of new senior housing ownership opportunities in town.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 19 MGL CHAPTER 59, SECTION 5, CLAUSE 17E – ADJUSTED ASSET LIMIT

To see if Town will vote to accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, **Clause 17D**, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any action relative thereto. (BOARD OF ASSESSORS)

PROPOSED MOTION

I move to accept MGL Chapter 59, Section 5, Clause 17E regarding adjusted asset limits as described in Article 19.

DESCRIPTION

The current asset (whole estate) limits to qualify for 17D are \$40,000. Assets include bank accounts, stocks, bond, real estate other than residence. By accepting this local option, the asset limit would increase by cost-of-living adjustment (COLA) measured by the increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Urban Consumers, Boston (CPI-U) for the previous calendar year, as supplied yearly by the Bureau of Municipal Finance Law. For example: A community votes to accept the Clause 17E local option and that it will take effect in FY22. In FY22, the base asset limit of \$40,000 increased by 1.7% and taxpayers qualified for the exemption with assets up to \$40,560 (\$40,000 x 1.014). The FY23 asset limit is calculated by applying the FY23 COLA to \$40,560. That results in a FY23 asset limit of \$43,399 (\$40,560 x 1.07).

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 20 MGL CHAPTER 59, SECTION 5, CLAUSE 41D – ADJUSTED INCOME AND ASSET LIMITS

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the gross receipts income and whole estate limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for Fiscal Year 2024, beginning July 1, 2023, or take any action relative thereto. (BOARD OF ASSESSORS)

PROPOSED MOTION

I move to adjust income and asset limits set forth in MGL Chapter 59, Section 5, Clause 41D.

DESCRIPTION

The current income and asset limits to qualify for 41C are \$40,000. Assets include bank accounts, stocks, bond, real estate other than residence. By accepting this local option, the

asset limit would increase by cost-of-living adjustment (COLA) is measured by the increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Urban Consumers, Boston (CPI-U) for the previous calendar year, as supplied yearly by the Bureau of Municipal Finance Law. For example: A community votes to accept the Clause 17E local option and that it will take effect in FY22. In FY22, the base asset limit of \$40,000 was increased by 1.4% and taxpayers qualified for the exemption with assets up to \$40,560 ($\$40,000 \times 1.014$). The FY23 asset limit is calculated by applying the FY23 COLA to \$40,560. That results in a FY23 asset limit of \$43,399 ($\$40,560 \times 1.07$).

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 21 COMMUNITY PRESERVATION ACT FY24 BUDGET

To see if the Town will vote to appropriate or transfer/reserve from the Community Preservation fund FY2024 estimated annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects, and other expenses in Fiscal Year 2024, with each item to be considered a separate appropriation, all as set forth below, or take any action relative thereto. (COMMUNITY PRESERVATION COMMITTEE)

Appropriations From FY 2024 estimated revenues:

For Committee Administrative Expenses..... \$30,473.90
For Budgeted Reserve \$396,161.70

Reserves From FY 2024 estimated revenues:

For Community Housing Reserves..... \$60,947.80
For Historic Reserve..... \$60,947.80
For Open Space Reserve.....\$60,947.80

PROPOSED MOTION

I move to approve the FY24 Community Preservation Act budget as described in Article 21.

COMMUNITY PRESERVATION ACT COMMITTEE RECOMMENDATION 7-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

This article will fulfill the Town's responsibility to allocate the 2024 estimated Community Preservation Act revenue to the appropriate accounts.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 22 COMMUNITY PRESERVATION ACT FY24 PROJECTS – LAND ACQUISITION

To see if the Town will vote to:

- A) Authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, for open space purposes, 6.5 acres of an 8.5-acre parcel of land at 72 Carter Street in the Town of Berlin, identified by the Board of Assessors as Parcel 15.1-13-0, with the care, custody, and control of said parcel to be held by the Conservation Commission pursuant to M.G.L. Chapter 40, §8C; and
- B) Appropriate and transfer the total sum of \$125,000 from the FY23 CPA Budgeted Reserve to fund said acquisition and costs incidental or related thereto; and

- C) 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 M.G.L. c.44B, § 12(a), to authorize the Select Board to convey to a qualified organization and/or reserve a perpetual conservation restriction on said open space parcel, all in accordance with M.G.L. Chapter 184, §§31-33;

Or take any other action relative thereto. (COMMUNITY PRESERVATION COMMITTEE)

PROPOSED MOTION

I move to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, 6.5 acres of the parcel of land located at 72 Carter Street for open space purposes, the care, custody and control of which shall be held by the Conservation Commission pursuant to G.L. c. 40, §8C, and appropriate and transfer \$125,000 from the FY2023 CPA Budgeted Reserve to fund said acquisition and costs related thereto, and, further, authorize the Select Board to grant or reserve a conservation restriction on said parcel under GL c.184, §§31-33, as required by GL c.44B, §12(a), as described in Article 22.

COMMUNITY PRESERVATION ACT COMMITTEE RECOMMENDATION 7-0

CAPITAL PLANNING COMMITTEE RECOMMENDATION 3-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

The Conservation Commission (CC) and the Berlin Affordable Housing Trust are jointly working to finalize the acquisition of 8.5 acres at 72 Carter Street along with the existing housing unit utilizing Community Preservation Act funds. The housing unit and 2 acres of land will be refurbished and sold as an affordable housing unit in accordance with MGL c.184, §§31-33. The remaining 6.5 acres will be held by the Town as conservation land. An additional \$50,000 will be expended from the Housing Partnership mitigation fund toward the purchase of the housing unit and associated land.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 23 COMMUNITY PRESERVATION ACT FY24 PROJECTS - PAVILION

To see if the Town will vote to appropriate the sum of \$150,000 from the Community Preservation Budgeted Reserve Year 2023 for the construction and equipping of a pavilion at the South Common located on South Street, including all incidental and related expenses, said funds to be expended by the Recreation Committee in consultation with the Community Preservation Act Committee; or take any action relative thereto. (COMMUNITY PRESERVATION COMMITTEE/RECREATION COMMITTEE)

PROPOSED MOTION

I move to appropriate and transfer \$150,000 from the CPA FY23 Budgeted Reserve for the South Common Pavilion project as described in Article 23.

COMMUNITY PRESERVATION ACT COMMITTEE RECOMMENDATION 7-0

CAPITAL PLANNING COMMITTEE RECOMMENDATION 3-0

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

The Recreation Committee is seeking Community Preservation Act Funding to build a 25' by 44' pavilion on Town owned property at South Commons. This pavilion would be sited near the tennis courts and the pond. It would provide shade and shelter for anyone making use of the South Commons facilities in this area.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 24 TRANSFER FUNDS TO GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate from Free Cash a sum of money to fund the General Stabilization Account, or take any relative action thereto. (FINANCE COMMITTEE)

PROPOSED MOTION

I move the Town vote to transfer \$307,729 from Free Cash to the General Stabilization account.

FINANCE COMMITTEE RECOMMENDATION

DESCRIPTION

The Town's General Stabilization Fund has a current balance of \$1,397,614 and is reserved for emergency use and other extraordinary expenses. Expenditure of these funds requires a 2/3rd vote of Town Meeting. The purpose of this article is to supplement General Stabilization funding using certified Free Cash per the Finance Committee's established Use of Free Cash Guidelines.

VOTE REQUIRED FOR PASSAGE Majority Vote pursuant to G.L. c. 40, s. 5B

ARTICLE 25 AMEND TOWN OF BERLIN ZONING DISTRICT MAP

To see if the Town will vote to amend the Zoning District Map of the Town of Berlin and the Berlin Zoning Bylaw, Section 230 "Boundaries of Districts", by removing the following parcels from the Residential and Agricultural District and adding them to the Agricultural-Recreation-Conservation District as follows:

Assessors Map & Parcel Number	Acres	Nearest Road
Map 3 Parcel 12.1	12.40	River Road
Map 5 Parcel 17	75.79	Lyman Road
Map 5 Parcel 43	8.37	Lyman Road
Map 6 Parcel 25	30,000 sf	Pleasant St.
Map 6 Parcel 7	23.11	Crosby Road
Map 6 Parcel 5	4	Crosby Road
Map 6 Parcel 5.1	1.5	Crosby Road
Map 9 Parcel 41	59.54	Linden Street
Map 9 Parcel 42	38.57	Linden Street
Map 10 Parcel 6	7.67	Linden Street

Map 19 Parcel 41	6.17	Lancaster Road
Map 23 Parcel 2	32.4	Lancaster Road
Map 23 Parcel 3	9.96	Lancaster Road
Map 23 Parcel 4	20	Lancaster Road
Map 23 Parcel 5	8.18	Lancaster Road
Map 23 Parcel 6.2	7.31	Lancaster Road
Map 24 Parcel 13	30.13	Peach Hill Road

Or take any relative action thereto (PLANNING BOARD)

PROPOSED MOTION

I move to amend the Town of Berlin Zoning District Map as described in Article 25.

DESCRIPTION

This article would remove multiple Town owned parcels of land under the control of the Conservation Commission and one parcel owned by the Commonwealth and controlled by the Metropolitan District Commission from the Residential-Agricultural District and place them in the Agricultural-Recreation-Conservation District.

VOTE REQUIRED FOR PASSAGE 2/3rds Vote

ARTICLE 26 ACCEPTANCE OF PRIVATE WAY AS A PUBLIC ROAD (GIBBS ROAD)

To see if the Town will vote to accept the layout of Gibbs Road as a public way, as heretofore laid out by the Select Board and shown on a plan entitled “Definitive Subdivision Plan Berlin, Massachusetts”, dated January 15, 2019, revised through February 27, 2019, prepared by Ducharme & Dillis Civil Design Group, Inc., and recorded with the Worcester South District Registry of Deeds in Plan Book 942, Plan 7, a copy of which plan is on file with the Town Clerk, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee interest or a permanent easement in said roadway for all purposes for which public ways may be used in the Town of Berlin and any drainage, access, utility and/or other easements incidental or related thereto; or take any action relative thereto. (PLANNING BOARD)

PROPOSED MOTION

I move to accept Gibbs Road as a public way and authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee to and/or public way and other easements and approve Article 26 as written in the warrant.

DESCRIPTION

Passage of this article would result in the acceptance of this road by the Town as a public way, giving the Town responsibility for the road’s upkeep and maintenance.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 27 ACCEPTANCE OF PRIVATE WAY AS A PUBLIC ROAD (POLLARD ROAD)

To see if the Town will vote to accept the layout of Pollard Road as a public way, as heretofore laid out by the Select Board and shown on a plan entitled “‘West Street Crossing’ Definitive Subdivision of Land in Berlin, Mass.”, dated June, 2019, prepared by David E. Ross Associates, Inc., and recorded

with the Worcester South District Registry of Deeds in Plan Book 946, Plan 77, a copy of which plan is on file with the Town Clerk, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee interest or a permanent easement in said roadway for all purposes for which public ways may be used in the Town of Berlin and any drainage, access, utility and/or other easements incidental or related thereto; or take any action relative thereto. (PLANNING BOARD)

PROPOSED MOTION

I move to accept Pollard Road as a public way and authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee and/or public way and other easements, and approve Article 27 as written in the warrant.

DESCRIPTION

Passage of this article would result in the acceptance of this road by the Town as a public way, giving the Town responsibility for the road's upkeep and maintenance.

VOTE REQUIRED FOR PASSAGE Majority Vote

ARTICLE 28 2023 ANNUAL TOWN ELECTION

To adjourn the business portion of this meeting to the 2023 Annual Election, to be held at the Berlin Town Offices, 23 Linden Street, lower level, in said Berlin on Monday, May 8, 2023, between the hours of 12:00 p.m. and 8:00 p.m. to elect by ballot the following officers: Moderator for one year; Town Clerk for three years; Select Board member for three years; Assessor for three years; Constable for three years; Library Trustee for three years; Trustee of Trust Funds for three years; Cemetery Commissioner for three years; Planning Board for five years; Board of Health for three years.

PROPOSED MOTION

I move to set the 2023 Annual Town Election for Monday, May 8, 2023, between the hours of 12:00 p.m. and 8:00 p.m. at the Berlin Town Offices.

DESCRIPTION

This article sets the date, time and location for the 2023 Annual Town Election.

VOTE REQUIRED FOR PASSAGE Majority Vote

**This warrant contains proposed motions at time of printing to assist the public in understanding the articles. Proposed motions are subject to change.*

**TOWN OF BERLIN
ANNUAL TOWN MEETING
May 1, 2023**

And you are hereby directed to serve this Annual Town Meeting Warrant by posting attested copies at the Town Hall, the Town Offices, and the Post Office at least seven (7) days before the 1st day of May, 2023.

Given under our hand and seal of the Town on this _____ date of April, 2023

Respectfully submitted, Berlin Select Board

Chair Scott R. Hawkins

Vice-Chair Christine Keefe

Clerk Margaret Stone

Date: _____

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Berlin by posting up attested copies thereof at the Town Hall, the Town Offices, and the Post Office at least seven (7) days before the time of holding said meeting, as within directed.

Printed Name of Constable

Signature of Constable