

PROCEEDINGS AT THE ANNUAL TOWN MEETING – MAY 5, 2014

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Monday, May 5, 2014, at 7:30 PM. Assistants were Madeline P. McTague, Richard Wheeler and James H. Wheeler as checkers and Police Chief Thomas Galvin and Officers Kevin Trogone and Kevin Pond. Cable television coverage was provided by William and Patricia Anderson. Jeanne S. McKnight served as Town Counsel. Barry W. Eager, Moderator, called the meeting to order at 7:30 PM. There were approximately 80 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.

Article 1 through 7. Voted unanimously to approve the motions as printed under Articles 1 through 7 of the warrant for the meeting.

Article 1. 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 to be chosen by ballot.

Article 2. Voted unanimously 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. Voted unanimously 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. The Finance Committee recommended this motion.

Article 4. Voted unanimously to establish a revolving fund for Dog Licensing, as permitted under Chapter 44, Section 53E ½, with the following three stipulations: 1. \$600.00 is the maximum amount to be expended. 2. Receipts, 50% of dog fees collected and uses: cost of licensing and purchase of dog tags. The Town Clerk has authority to expend. The Finance Committee recommended this motion.

Voted unanimously to establish a revolving fund for the Library Trustees, as permitted under Chapter 44, Section 53E ½ of the General Laws, with the following three stipulations: 1. \$1,000.00 is the maximum amount to be expended. 2. Receipts: Video fines, photocopier fees, fax fees and fees for lost materials. Uses: Purchase of new and replacement material. The Library Trustees / Director of Library have authority to expend. The Finance Committee recommended this motion.

Voted unanimously to establish a revolving fund for Cable Access, as permitted under Chapter 44, Section 53E ½ of the General Laws, with the following three stipulations: 1. \$10,000.00 is the maximum amount to be expended. 2. Receipts: Contributions, other funds, Town appropriations, subscriber fees from Charter Communications. Uses: Purchase of services, supplies and electronic equipment. The Cable Access Committee has authority to expend. The Finance Committee recommended this motion.

*A TRUE COPY.
ATTEST: Jeanne S. McKnight
Town Clerk of Berlin*

Voted unanimously to establish a revolving fund for Assessors Maps as permitted under Chapter 44, Section 53E ½ of the General Laws, with the following three stipulations: 1. \$6,000.00 is the maximum amount to be expended. 2. Receipts: Planning Board fees charged for map updates, monies collected for the sale of maps, deeds, and reports. Uses: The cost of updating Town maps. The Board of Assessors has authority to expend. The Finance Committee recommended this motion.

Voted unanimously to establish a revolving fund for Recreation Committee as permitted under Chapter 44, Section 53E ½ of the General Laws, with the following three stipulations: 1. \$10,000.00 is the maximum amount to be expended. 2. Receipts: Facility rental fees, contributions and other funds. Uses: Purchase services or supplies which are part of Recreation programs. The Recreation Committee has authority to expend. The Finance Committee recommended this motion.

Voted unanimously to establish a revolving fund for Town Hall as permitted under Chapter 44, Section 53E ½ of the General Laws, with the following three stipulations: 1. \$25,000.00 is the maximum amount to be expended. 2. Receipts: Contributions, donations, user fees and fundraising activity receipts. Uses: Supplies, part time wages and related benefits, maintenance, general operating expenses and expenses related to fundraisers. The Board of Selectmen has authority to expend. The Finance Committee recommended this motion.

Article 5. Voted unanimously to authorize the Selectmen to expend from the Highway Department Expense budget, as enacted under Article 9, 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. The Finance Committee recommended this motion.

Article 6. Voted unanimously to authorize payment of a salary of \$300.00 to each member of the Berlin School Committee as provided by Chapter 71, Section 52 of the General Laws. The Finance Committee recommended this motion.

Article 7. Voted unanimously 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 2015 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. The Finance Committee recommended this motion.

Article 8. The report of the Emergency Management Director was read. The report can be viewed on the Town's web site: www.townofberlin.com.

Article 9. - **GENERAL GOVERNMENT** Voted unanimously to raise and appropriate the sum of \$861,896.00 to cover items 1-50 in the Finance Committee's FY 2015 Budget.

001	Moderator, Salary	50.00	004	Selectmen, Wages, PT	53,068.00
002	Moderator, Expenses	60.00	005	Selectmen, Expenses	7,340.00
003	Selectmen, Salary	3,366.00	006	Administrative Asst. Salary	

007	Administrative Asst. Exp.	
008	Finance Comm. Expenses	275.00
009	Reserve Fund	75,000.00
010	Accountant, Salary	58,182.00
011	Accountant, Wages PT	8,792.00
012	Accountant, Expenses	6,089.00
013	Audit	29,000.00
014	Assessors, Salary	2,067.00
015	Assessors Asst., Salary	49,411.00
016	Assessors, Wages PT	54,907.00
017	Assessors, Incentive	
018	Assessors, Expenses	19,600.00
019	Revaluation Expenses	18,600.00
020	Treasurer, Salary	35,000.00
021	Treasurer, Wages PT	0.00
022	Treasurer, Expenses	24,000.00
023	Collector, Salary	23,500.00
024	Collector, Incentive	1,000.00
025	Collector, Wages PT	
026	Collector, Expenses	15,060.00
027	Town Counsel	45,000.00
028	Personnel, Expenses	1.00
029	Tax Titles	20,000.00

030	Data Systems, Salary PT	2,750.00
031	Data Systems, Expenses	42,475.00
032	Clerk, Salary	25,000.00
033	Asst. Clerk, PT Salary	10,000.00
034	Clerk, Expenses	2,000.00
035	Elections, Wages PT	3,000.00
036	Elections, Expenses	2,400.00
037	Registration, Salary	100.00
038	Registration, Wages PT	525.00
039	Registration, Expenses	70.00
040	Conservation Comm., Exp.	500.00
041	Planning Board, Expenses	2,000.00
042	Bd. Of Appeals, Expenses	500.00
043	Agricultural Comm, Expenses	1,105.00
044	Public Buildings, Wages FT	36,161.00
045	Public Buildings, Wages PT	9,342.00
046	Pub. Bldg., Expenses	37,000.00
047	Pub. Bldg., Electricity	50,000.00
048	Pub. Bldg., Fuel Oil	80,000.00
049	Pub. Bldg., Telephone	5,000.00
050	Town Report, Expenses	2,600.00
Total General Government		861,896.00

PUBLIC SAFETY - Voted to raise and appropriate raise and appropriate the sum of \$1,338,171.00 to cover items 51-76 in the Finance Committee's FY2015 Budget and to appropriate from the Inspectors' Offset Receipts Account the sum of \$108,897.00 to the following line items: Item 65, Plumbing and Gas Inspector, Wages PT - \$31,000.00; Item 66, Plumbing and Gas Inspector Expenses - \$630.00; Item 67, Inspector of Wires, Wages PT - \$52,250.00; Item 68, Inspector of Wires Expenses - \$517.00; and Item 69, Fire Inspector, Wages PT - \$24,500.00, and to appropriate from Rescue Squad Receipts Reserved for Appropriation the sum of \$80,000.00 to the following line items: Item 60, Rescue Squad Wages PT - \$30,000.00; Item 61, Rescue Squad Incentive - \$8,726.00 and Item 62, Rescue Squad Expenses - \$41,274.00, in the Finance Committee's FY2015 Budget.

051	Police, Salary	125,220.00
052	Police, Wages FT	522,359.00
053	Police, Wages PT	88,488.00
054	Police, Expenses	89,218.00
055	Fire, Salary	35,000.00
056	Fire, Wages PT	45,600.00
057	Fire, Incentive	12,000.00
058	Fire, Expenses	102,820.00
059	Rescue Squad, Salary	13,625.00
060	R.S. Wages PT	30,000.00
061	Rescue Squad, Incentive	8,726.00
062	Rescue Squad, Expenses	53,600.00
063	Bldg. Insp., Wages PT	59,512.00
064	Bldg. Insp., Expenses	5,230.00

065	Plum & Gas Insp. Wages PT	31,000.00
066	Plumbing & Gas, Expenses	630.00
067	Electrical Insp., Wages PT	52,250.00
068	Electrical Insp., Expenses	517.00
069	Fire Inspector, Wages PT	24,500.00
070	Animal Inspector, Salary	1,814.00
071	Animal Inspector, Expenses	925.00
072	Emer. Mgmt. Dir. Sal. PT	2,525.00
073	Dog Officer, Salary	2,706.00
074	Dog Officer, Expenses	2,400.00
075	Comm. Center, Personnel	189,001.00
076	Communication Center, Exp.	27,402.00
TOTAL PUBLIC SAFETY		1,527,068.00

EDUCATION - Voted to raise and appropriate the sum of \$2,652,006.00 to cover items 77-78 in the Finance Committee's FY2015 Budget.

077	Berlin Memorial School	2,652,005.00
078	Post Secondary Voc. Ed	1.00

TOTAL EDUCATION	2,652,006.00
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PUBLIC WORKS / FACILITIES - Voted unanimously to raise and appropriate the sum of \$588,810.00 to cover items 79-90 in the Finance Committee's FY2015 Budget and to appropriate from the Transfer Station Sticker and Recycling Offset Receipts Account the sum of \$84,000.00 to Item 88, Transfer Station Expenses, and to appropriate \$13,600.00 from General Cemetery Receipts and \$2,000.00 from Sale of Lots to Item 90 Cemetery Expenses in the Finance Committee's FY2015 Budget.

079	Highway, Salary	74,235.00
080	Highway, Wages FT	208,072.00
081	Highway Wages PT	6,476.00
082	Highway Expenses	112,770.00
083	Snow & Salt, FT OT	26,525.00
084	Snow & Salt, Wages PT	8,946.00
085	Snow & Salt, Expenses	64,800.00

086	Street Lights	9,600.00
087	Transfer Station, Wages PT	30,748.00
088	Transfer Station, Expenses	120,238.00
089	Cemetery, Wages PT	3,360.00
090	Cemetery, Expenses	22,640.00
TOTAL PUBLIC WORKS		688,410.00

HUMAN SERVICES - Voted unanimously to raise and appropriate the sum of \$39,652.00 to cover Items 91-103 in the Finance Committee's FY2015 Budget

091	Board of Health, Salary	1,800.00
092	Board of Health, Wages PT	2,496.00
093	Board of Health, Expense	1,750.00
094	Nashoba Health	6,244.00
095	Nashoba Nursing	2,800.00
096	Lipton Mental Health	1.00
097	Council on Aging, Wages	.00

098	Council on Aging, Expenses	3,000.00
099	Veterans, Salary	2,726.00
100	Veterans, Wages PT	.00
101	Veterans, Expenses	235.00
102	Veterans, Benefits	15,600.00
103	WHEAT Assessment	3,000.00
TOTAL HUMAN SERVICES		39,652.00

CULTURE AND RECREATION - Voted unanimously to raise and appropriate the sum of \$126,674.00 to cover Items 104-111 in the Finance Committee's FY2015 Budget.

104	Library, Wages PT	95,040.00
105	Library, Expenses	24,623.00
106	Recreation, Expenses	3,400.00
107	Cultural Council	1,250.00
108	Historical Commission, Expenses	560.00

109	Memorial Day Expenses	1,800.00
110	Cable Comm. Expenses	0.00
111	County Aid to Agriculture	1.00
TOTAL CULTURE & RECREATION		126,674.00

DEBT AND INTEREST - Voted unanimously to raise and appropriate the sum of \$251,508.00 and to appropriate the sum of \$9,617.00 from Septic Loan Receipts Available for Appropriation to cover items 112-113 in the Finance Committee's FY2015 Budget.

112	Interest	36,850.00
113	Principal	214,658.00

TOTAL DEBT & INTEREST		251,508.00
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INTERGOVERNMENTAL EXPENDITURES:

ASSABET - Voted unanimously to raise and appropriate the sum of \$435,694.00 to cover Items 114-115 in the Finance Committee's FY2015 Budget.

114	Assabet	429,677.00
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115	Assabet Renovation	6,017.00
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TAHANTO - Voted to raise and appropriate the sum of \$3,020,895.00 to cover Items 114-115 in the Finance Committee FY2015 budget.

116	Tahanto	2,485,907.00
117	Tahanto Capital Assessment	534,988.00
TOTAL INTERGOV. EXPENDITURES		3,456,589.00

MISC BENEFITS & INSURANCE - Voted unanimously to raise and appropriate the sum of \$1,080,716.00 to cover Items 118-124 in the Finance Committee's FY2015 Budget.

118	Workers Compensation	35,000.00
119	Unemployment	15,000.00
120	Chap 32B Health Ins.	820,000.00
121	Police & Fire Sick & Acc. Ins.	28,000.00
122	Sick Pay	32,500.00

123	Medicare	70,216.00
124	Property / Liability Ins.	80,000.00
TOTAL MISC BENEFITS		1,080,716.00
TOTAL BUDGET		10,684,519.00

Article 10. Voted unanimously to transfer the sum of \$50 from the Anna Hunt Fund to the Library Account, and to appropriate from the Library Dog Fund the sum of \$1,656.50 to the Library Account and to further authorize the acceptance of any other monies from various sources to the Library Account. The Finance Committee recommended this motion.

Article 11. Voted unanimously that the sum of \$6,000.00 be accepted for Perpetual Care. The Finance Committee recommended this motion.

ARTICLE 12 – Voted unanimously to appropriate the apportionment of Chapter 90 Transportation Bond Issue monies in the amount of \$193,470.00. The Finance Committee recommended this motion

ARTICLE 13 - Voted to establish and authorize the use of a revolving fund accounts, for FY2015, for permitting software, 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 department 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. The Finance Committee recommended this motion.

Title	Max. Amount Expendable	Source of Receipts and Use of Funds	Authority to Expend
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

ARTICLE 14 – Voted unanimously to accept the provisions of Mass. General Law Chapter 59, Section 57B, to issue Property Tax Bills not in excess of \$50.00 as a single bill, effective as of May 6, 2014 (Collector of Taxes). The Finance Committee recommended this motion.

ARTICLE 15 –Voted to transfer \$32,000.00 from free cash for the purpose of paving the Transfer Station service yard and any related expenses, said sum to be expended by the Board of Health. The Finance Committee recommended this motion.

ARTICLE 16 - Voted unanimously to transfer \$218,000.00 from free cash to replace the 1999 combination truck with a 6 wheel combination, dump and sander truck, said sum to be expended by the Selectmen. The Finance Committee recommended this motion.

ARTICLE 17 – Voted unanimously to transfer \$70,000.00 from free cash for the purchase of hot top, said sum to be expended by the Selectmen. The Finance Committee recommended this motion.

ARTICLE 18 - Voted unanimously to transfer \$5,000.00 from free cash for the purpose of replacing the fire alarm and security system at the Berlin Public Library, said sum to be expended by the Library Trustees. The Finance Committee recommended this motion.

ARTICLE 19 -Voted transfer \$5,000.00 from free cash for the purpose of replacing the book drop box outside of the Berlin Public Library, said sum to be expended by the Library Trustees. The Finance Committee recommended this motion.

ARTICLE 20 - Voted to transfer \$4,000.00 from free cash for the purpose of general repairs to the Berlin Public Library, said sum to be expended by the Library Trustees. The Finance Committee recommended this motion.

ARTICLE 21 - Voted unanimously to transfer \$5,000.00 from free cash for the preparation of the Master Plan for the Town of Berlin, said sum to be expended by the Planning Board. The Finance Committee recommended this motion.

ARTICLE 22 - Voted unanimously to appropriate \$35,000.00 from the Public Safety Fund for the purchase of a new police cruiser to replace the 2007 Ford Crown Victoria, said sum to be expended by the Selectmen. The Finance Committee recommended this motion.

ARTICLE 23 - Voted to pass over. (Rescue Squad pagers or radios)

ARTICLE 24 – Voted to transfer \$6,500.00 from free cash for the purpose of repairing pavement in the parking lot at the Berlin Memorial School; said sum to be expended by the School Committee. The Finance Committee recommended this motion.

ARTICLE 25 – Voted to transfer \$14,000.00 from free cash for the purpose of installing sound buffers in the cafeteria at the Berlin Memorial School; said sum to be expended by the School Committee. The Finance Committee recommended this motion.

ARTICLE 26 – Voted unanimously to transfer \$16,000.00 from free cash for the purpose of replacing computers at the Berlin Memorial School; said sum to be expended by the School Committee. The Finance Committee recommended this motion.

ARTICLE 27 – Voted to transfer \$30,000.00 from free cash to be used for the study of the emergency service departments (Police, Fire, and Rescue), said sum to be expended by the Selectmen. The Finance Committee recommended this motion.

ARTICLE 28 – Voted to transfer \$78,863 from free cash for energy efficiency building envelope repairs in the public safety building at 23 Linden Street, said sum to be expended by the Selectmen. The Finance Committee recommended this motion.

ARTICLE 29 – Voted unanimously to accept the provisions of Mass. General Law Chapter 59 Section 5K, property tax liability reduced in exchange for volunteer services; persons over age 60 (Senior Work-Off Program) with implementation in FY 16. The Finance Committee recommended this motion.

ARTICLE 30 – Voted unanimously to accept the provisions of Mass. General Law Chapter 59 Section 5N, property tax liability reduced in exchange for volunteer services; veterans. (Veteran Work-Off Program) with implementation in FY16. The Finance Committee recommended this motion.

ARTICLE 31 – Voted unanimously to authorize the Board of Selectmen to 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 the amount of \$21,500.00 per megawatt 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 solar photovoltaic facility having a proposed nameplate capacity of approximately 3.8 megawatts and an approximately 21.4 acre parcel of privately-owned land (Assessor's 7, Block 35, Lot 2) upon which such facility is to be located, and to take all actions necessary to implement such agreement.

ARTICLE 32 - Voted to authorize the tax title custodian to transfer five parcels of tax title land as described in Article 32 from the care, custody and management of the Tax Title Custodian to the care, custody and control of the Berlin Conservation Commission for conservation purposes pursuant to G.L. c. 40, §8C and Article 97 to the Amendments of the Massachusetts Constitution and to authorize the Town Treasurer/Tax Title Custodian to execute and record deeds transferring said parcels to the Conservation Commission for conservation purposes. The Finance Committee recommended this motion. Moderator declared a 2/3's vote.

ARTICLE 33 - Voted unanimously to transfer care, custody and control of a certain parcel of land, Registry Book 5046, Page, 268, Assessor's Map Page 19, Block 52 Lot 0, located off the westerly side of Lancaster Road, referred to as "Anchor Kinney" from the Town's Tax Title Custodian to the Board of Selectmen for general municipal purposes, including the purpose of conveyance, and further, to authorize the Board of Selectmen to convey said property upon such terms and conditions, including, without limitation, as part of a land exchange agreement, as the Board deems in the best interest of the Town and, further, to authorize the Board to accept, for general municipal purposes, such other land that the Board may acquire pursuant to said exchange agreement. The Finance Committee recommended this motion.

ARTICLE 34 –Voted to accept the provisions of G.L. c. 64L, § 2 authorizing the Town to impose a local sales tax at the statutory rate of 0.75 percent on the sale of restaurant meals originating within the Town, effective July 1, 2014. Finance Committee had a split decision of 2-2.

A hand vote was taken. 55 YES, 41 NO. Buzz Harris, Robert McTague and Frank Brewer were sworn and assisted with the count.

ARTICLE 35 – Voted to accept the provisions of G.L. c. 64G, § 3A authorizing the Town to impose a local excise tax of 6% upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the Town by any

operator; and further, to set such local excise, effective July 1, 2014. The Finance Committee recommended this motion.

ARTICLE 36 - Voted to amend the Town of Berlin General Bylaws, Article XIII, Regulation of Business, as described in Article 36 of the warrant for this meeting.

Voted to amend the amendment to the bylaw as set out in Article 36 by adding the following as a section 11. This Bylaw shall not apply to second hand dealers, junk dealers, old metal dealers, who have been in continuous operation in the Town of Berlin since 2000 and who are otherwise in good standing as a holder of a "Junk Dealer's License" as a dealer in, or keeper of a shop for the purchase, sale or barter in junk, old metals and second hand articles.

ARTICLE 37 - Voted unanimously to amend the Zoning By-Law by adding the following definition to Article 14:

Riding Stable

The commercial housing of three or more horses by means of rental of stalls and/or stables and/or the use of property for the purposes of horseback riding lessons, horse training and similar uses. It shall include any stable where horses are kept for hire to the general public and shall include, but not be limited to, guided and unguided riding or carriage driving

The Berlin Planning Board held a Public Hearing on April 8, 2014 to consider comments concerning Article 37 on the Town of Berlin annual Town meeting Warrant, to be held on May 5, 2014.

At the Planning Board meeting held on Tuesday April 8, 2014 the Planning Board voted 4 in favor, 0 opposed to Article 37.

ARTICLE 38 - Voted unanimously to amend the Town of Berlin Zoning Bylaw Section 410 Flood Plain District by making the following changes:

- Section 412, delete the letter E from each panel number and replace it with the letter F and change the date to July 16, 2014;
- Section 413, delete the words- 120. G, "Flood Resistant Construction and Construction in Coastal Dunes"

The Berlin Planning Board held a Public Hearing on April 8, 2014 to consider comments concerning Article 38 on the Town of Berlin Annual Town meeting Warrant, to be held on May 5, 2014.

At the Planning Board meeting held on Tuesday April 8, 2014 the Planning Board voted 4 in favor, 0 opposed to Article 38.

ARTICLE 39 – Voted unanimously to pass over. (Reduction of tax rate)

ARTICLE 40 — Voted unanimously to adjourn this meeting to Monday, May 12, 2014, at 12:00 Noon at the Berlin Town Offices, lower level, 23 Linden Street, at which time and place the polls will be open for the election of Town officers under Article 40, and that following the announcement of the results of the election, this meeting be dissolved.

Meeting adjourned at 9:58 PM. One hundred forty-six (146) registered voters took part in this meeting.

BARRY W. EAGER
Moderator

ELOISE E. SALLS
Town Clerk