

Proceedings at the Special Town Meeting — November 8, 2021

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School inside gym on Monday, November 8, 2021, at 7:00 p.m. Assistants were Robert McTague, Judy Mills and Noel Rosenberg as checkers and Police Chief Eric Schartner. June Poland and Amy Greiner gave out the voting devices. On the side table were documents that included the motions, Cemetery Regulations, proposed electronic voting rule and out of town non-voters sign in sheet. Cable television coverage was provided by Brittany Blaney and Roger Bradley. Attorney Janelle Austin, of KP Law, P.C. served as Town Counsel. This meeting is broadcast live on Charter channel 191. It will also be recorded and available later via you tube channel <http://www.townofberlin.com/berlin-tv/>.

Barry W. Eager, Moderator, called the meeting to order at 7:00 p.m.

Assistant Clerk James H. Wheeler and Timothy Wysocki operated the new voting system.

The Moderator explained the electronic voting system, an electronic vote was taken to approve the proposed rule. Voted to accept the proposed rule. 75 YES; 3 NO

Proposed Rule for Berlin's 2021 Special Town Meeting: For this meeting, voting by electronic means will replace counted standing votes or votes by show of hands. Electronic votes will also be used in place of secret paper ballot votes. Voted the proposed rule for Berlin's 2021 Special Town Meeting electronically.

The Moderator shall have discretion to use electronic voting when he deems it desirable to have a complete, accurate vote count.

There are 2,686 registered voters. There were approximately 77 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. Voted to amend the Town of Berlin General Bylaws Article II "Town Meetings, the Warrants and the Town Reports", SECTIONS 2, 3 and 12 as printed in the warrant for this meeting. The Finance Committee unanimously recommended this motion. The vote was 77 YES; 9 NO.

Article 2. Voted to amend the Town of Berlin General Bylaws Article VIII "Personnel and Procedures", by inserting the language in ***bold italics*** in SECTION 6 — EMPLOYEE BENEFITS (6) Holidays.

(6) Holidays — The following shall be considered holidays:

New Year's Day	Martin Luther King Jr. Day
Labor Day	Presidents' Day
Columbus Day	Patriots' Day
Veterans' Day	Memorial Day
Thanksgiving Day	Independence Day
Christmas Day	<i>Juneteenth (June 19)</i>

The Finance Committee unanimously recommended this motion. The vote was 71 YES; 15 NO.

Article 3. Riverbridge — Town of Berlin Development Agreement Modifications

Voted to authorize the Select Board to enter into the Third Modification of Development Agreement with Riverbridge as printed in the warrant for this meeting. The Finance Committee unanimously recommended this motion. The vote was 81 YES; 6 NO.

Article 4. Voted to authorize the Select Board to petition the General Court in the form set forth in the warrant for this meeting, authorizing the Board to issue up to two (2) additional off-premises all alcoholic beverages license, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and authorize the Select Board to approve amendments which shall be within the scope of the general objectives of the petition. The vote was 62 YES; 23 NO

The Moderator stepped down for Article 5 only.

Timothy Wheeler was the only nomination received for Temporary Moderator. He was unanimously voted and stepped up to the podium and was sworn for this article.

Article 5. Voted to accept and approve, under the provisions of M.G.L. c. 114, §23, the rules and regulations proposed by the Town of Berlin Board of Cemetery Commissioners, as set forth more particularly in a document filed with the Town Clerk. The Finance Committee unanimously recommended this motion. The vote was 86 YES; 2 NO.

Article 6. Unanimously voted to close out the remaining balances as set forth in the table below, with all unspent funds to be closed out to the General Fund. The Finance Committee unanimously recommended this motion.

	Funding From	Article #	Fiscal Year	Special Article Purpose	Remaining Balance
a.	Free Cash	Art 20	2011	Planning Board – By-Law Printing	2,000.00
b.	Free Cash	STM Art 6	2013	Municipal Building – Roof Repairs	5,833.79
c.	Free Cash	Art 27	2019	Library – Well Work	25,000.00

Item #	Dept	Project Title	Cost	Funding Source	Notes	Funding Expires
1.	Town Buildings	Town Office Rooftop Air Handler Unit Replacement	\$40,000	Free Cash	Written estimate exceeds the \$60,000 2020 Annual Town Meeting appropriation. This is the additional amount required to complete the project, including contingencies. The new unit will have a lifespan of 20+ years.	6/30/2023
2.	Town Buildings	Old Fire Station Roof Repair or Replacement	\$28,500	Free Cash	The Old Fire Station rubber membrane roof is approx. 50 years old, with one repair having been done in 1994, and is in extremely poor condition. Roof repair or replacement is needed as soon as possible to prevent further damage.	6/30/2023
3.	Fire/EMS	2009 Ambulance Replacement	\$315,000	Ambulance Receipts Reserved for Appropriation	Current operational levels support the need for a second ambulance on a weekly and sometimes daily basis. This unit has mechanically become a potential operational liability. 2009 Ambulance 6A-1 to be sold or traded.	6/30/2023
4.	Highway	Hot Top	\$70,000	Free Cash	Recurring need to improve/ repair roads. Supplements Ch. 90 state funds. This amount was approved under Article 18 of the 2019 Annual Town Meeting but the sunset clause has since expired.	No sunset
5.	Recreation Committee	Recreation Court Upgrades	\$50,000	Highland Commons Cultural Mitigation Funds	Partial funding required to complete the Town of Berlin recreation courts reconstruction project. Article 11 of this town meeting warrant requests the additional \$100,000 from CPA funds as recommended by the CPA Committee.	6/30/2023

Article 7. Voted to transfer \$138,500.00 from Free Cash, \$50,000.00 from Highland Commons Cultural Mitigation funds, and \$315,000.00 from the Ambulance Receipts Reserved for Appropriation for the sum the sum total of **five hundred three thousand five hundred dollars (\$503,500.00)** to fund the Fiscal Year 2022 SUPPLEMENTAL CAPITAL BUDGET as printed in Article 7 of the warrant for this meeting, and that, as the close of the fiscal year referenced in the chart, any unexpended or unencumbered funds for items , for Items #1, 2 and 5 be closed out to the General Fund; and for item #3, returned to Ambulance Receipts Reserved for appropriation.

On motion presented by the Finance Committee, voted to amend item 5 of Article 7 to increase the amount of funds from Highland Commons Cultural Mitigation Funds to \$50,000 and remove the \$20,000 from Free Cash. Unanimous voice vote

On the main motion. 85 YES; 4 NO.

Article 8. Voted to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain and for open space and conservation purposes, on such terms and conditions as the Select Board deems appropriate, three parcels of land near the junction of Linden Street and Lyman Road in the Town of Berlin, which parcels are identified on Assessors Map 9 as Parcel 41 (consisting of 59.54 acres, more or less) and Parcel 42 (containing 38.57 acres, more or less), and on Map 10 as Parcel 6 (containing 7.67 acres, more or less), together with all flowage rights and easements and subject to all well rights and other easements of

record, said parcels to be under the care, custody and control of the Berlin Conservation Commission under the provisions of M.G.L. c. 40, §8C, and, to fund said purchase and costs incidental or related thereto, to appropriate the sum of \$490,000.00 from the Undesignated Community Preservation Fund balance; and, further, to authorize the Conservation Commission and the Select Board to apply for, accept, and expend any funds that may be provided by the Commonwealth of Massachusetts and/or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, M.G.L. Chapter 132A § 11 (now, so-called LAND grants), and/or any other state or federal programs including those in aid of conservation land acquisition, and/or any others in any way connected with the scope of this Article; said gifts or grants to be deposited in the Undesignated Community Preservation Fund balance hereunder; and to authorize the Select Board to grant a perpetual conservation restriction on said parcels of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, and to enter into all agreements and execute any and all instruments as may be necessary to affect said acquisition.

The Finance Committee unanimously recommended this motion. The vote was 81 YES; 12 NO which is 87%, more than necessary for a 2/3's vote.

The Moderator stated that he also served as a member of the Historical Commission. Since he was not presenting Article 9 and 10 he would continue to moderate the meeting. There was no objection noted.

Article 9. Voted to appropriate the total sum of \$100,000 from the Community Preservation Fund, with \$77,483.73 from the Fund Balance Reserved for Historic Resources and the sum of \$22,516.27 from the CPA Undesignated Fund Balance for the purpose of restoring, preserving, and rehabilitating the foundation, installing drainage, a concrete basement floor and other necessary drainage improvements at the historic Bullard House, located at 4 Woodward Avenue, said funds to be expended by the Historical Commission in consultation with the Community Preservation Act Committee. The Finance Committee unanimously recommended this motion. The vote was 64 YES; 28 NO.

Article 10. Voted to appropriate the sum of \$5,000.00 from the CPA Undesignated Fund Balance for the preservation of historic resources, of which \$500.00 would be used for professional imaging of two inventory notebooks and \$4,500.00 would be used for imaging of high priority artifacts belonging to the Town of Berlin and under the care of the Berlin Historical Commission, said funds to be expended by the Historical Commission in consultation with the Community Preservation Act Committee. The Finance Committee unanimously recommended this motion. The vote was 88 YES; 1 NO.

Article 11. Voted to appropriate the sum of \$100,000.00 from the Community Preservation Fund, with \$77,483.73 from the Fund Balance Reserved for Open Space/Recreation, \$11,206.97 from the CPA Undesignated Fund Balance, and \$11,309.30 from the CPA Balance Reserve from 2022 to fund the reconstruction and equipping of the one outdoor basketball court and the two outdoor tennis courts on South Common recreational grounds, and to construct and equip four pickle ball courts on the tennis courts, said funds to be expended by the Recreation Committee in consultation with the Community Preservation Act Committee. The Finance Committee unanimously recommended this motion. The vote was 87 YES, 3 NO.

Article 12. Voted to appropriate the sum of \$20,000.00 from the 2022 CPA Balance Reserve to fund the construction and equipping of an announcement booth in the backstop area of the baseball field as well as the purchase and installation of an electronic scoreboard along with necessary electrical work on South Common recreational grounds said funds to be expended by the Recreation Committee in consultation with the Community Preservation Committee. The Finance Committee unanimously recommended this motion. The vote was 83 YES, 8 NO.

Article 13. Voted that the Town create a Public Safety Special Purpose Stabilization Fund for the purpose of funding required police training expenses associated with the Commonwealth's Police Reform Act through fiscal year 2025, Public Safety equipment expenditures that are otherwise eligible for borrowing, in accordance with the provisions of Massachusetts General Law Chapter 44, Sections 7-8, and Public Safety operational expenses, and transfer from the Public Safety Mitigation receipts **three hundred thirty-six thousand four hundred forty-nine dollars and seventy-two cents (\$336,449.72)** to establish initial funding in said account, and further to accept the last paragraph of G.L. 40, c. 5B and dedicate, without further appropriation, all Development Agreement Public Safety Mitigation receipts received on or after July 1, 2022 to Public Safety Special Purpose Stabilization Fund, The Finance Committee unanimously recommended this motion. The vote was 83 YES, 4 NO, 95% well over the 2/3's.

Unanimously voted to dissolve this meeting at 8:49 p.m. One hundred (100) voters took part in this meeting. There are 2,686 registered voters.

Barry W. Eager, *Moderator* Eloise E. Salls, *Town Clerk*