

Proceedings at the Annual Town Meeting – May 2, 2022

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Monday, May 2, 2022 at 6:30 p.m. Assistants were James H. Wheeler and Tim Wysocki were overseeing the electronic voting system. Robert McTague, Noel Rosenberg, and Judith Mills as checkers and Police Chief Eric Schartner and Officer Dylan Soldi. Cable television coverage was provided by Patricia Anderson, Roger Bradley of Cable and Neil Tucker of Fitchburg to 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>. Attorney Janelle M. Austin and Devan C. Braun of KP Law, PC served as Town Counsel.

Barry W. Eager, Moderator, moved to adopt the following rule for this Town 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. The Moderator shall have the discretion to use electronic voting when he deems it desirable to have a complete, accurate vote count.

Voted **YES 85 to NO 0** to use electronic votes. He then called the meeting to order at 6:30 p.m. There are 2,661 registered voters. There were approximately 101 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 2022 ENDING JUNE 30, 2022

ARTICLE 1: Voted **YES 90, NO 2** to transfer from Fiscal Year 2022 Police Department Expenses (210-5700) the sum of eighty dollars and ninety-two cents (\$80.92) to pay an unpaid bill to UMASS Memorial Health of the prior fiscal year. The Finance Committee recommended this motion: 5-0.

ARTICLE 2: **Unanimously voted** to amend the vote taken under Article 7 items 3 and 4 of the 2021 Annual Town Meeting, to further extend until June 30, 2023, the date by which money must be expended for the purpose of purchasing and equipping a new Fire and EMS Department Car 2 pickup truck to replace non-operational Car 2 and a new Police Department Police cruiser SUV to replace the 2014 Ford Interceptor SUV; said non-operational Fire and EMS Car 2 and Police 2014 Ford Interceptor SUV to be sold or traded. The Finance Committee recommended this motion: 5-0.

ARTICLE 3: **Unanimously voted** to appropriate from Free Cash, the sum of \$50,000 to offset the Fiscal Year 2022 Snow and Ice expense (01-423-5700) account deficits. The Finance Committee recommended this motion: 5-0.

ARTICLE 4: **Unanimously voted** to amend the scope of Article 18 (item 5) of the June 22, 2020, Annual Town Meeting, for the purpose of Town Office and Public Safety "Parking Lot Repair, including regrading and repaving, and reconstruction of the drainage system, signage, lighting", to also include "landscaping, hardscaping and access improvements to town-owned buildings", and to remove the June 30, 2022 sunset clause in said Article 18 (item 5). The Finance Committee recommended this motion: 5-0.

ARTICLE 5: **Unanimously voted** to amend the vote taken under Article 13 of the November 8, 2021, Special Town Meeting, the establishment of the Public Safety Special Purpose Stabilization Fund, to clarify that its funding purposes include, but not limited to, public safety personnel wages, training, equipment and supply costs, and to transfer to the Public Safety Special Purpose Stabilization Fund, all Development Agreement Public Safety Mitigation receipts received by the Town following the November 8, 2021, Special Town Meeting through June 30, 2022. The Finance Committee recommended this motion: 5-0.

ARTICLE 6: **Unanimously voted** to pass over. (Still bargaining with Berlin Police Union Local 264, Massachusetts Coalition of Police, IUPA, AFL-CIO).

ARTICLE 7: **Unanimously voted** to transfer from available Ambulance receipts reserved for appropriation, the sum of five thousand dollars (\$5,000), to be added to the three hundred fifteen thousand dollars (\$315,000) approved under 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: 5-0

ARTICLE 8: Voted to pass over. (Cable Access).

UPCOMING FISCAL YEAR 2023 (July 1, 2022 thru June 30, 2023)

ARTICLE 9: **Unanimously voted** that the Select Board, or any other Board or officer 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.

ARTICLES 10 THROUGH 15. **Voted YES 102, NO 3** to approve the motions as printed under Articles 9 through 15 of the warrant for this meeting.

ARTICLE 10: **Voted** that the various reports of officers and committees of the Town as contained in the 2021 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 11: **Voted** to authorize the Treasurer, with the approval of the Select Board, to borrow in anticipation of reimbursement to the Town by the Massachusetts Department of Transportation for the repair of roads and bridges; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

ARTICLE 12: **Voted** to fix the maximum amount that may be spent during Fiscal Year 2023 beginning on July 1, 2022 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 53E ½, as printed in Article 12 of the warrant for this meeting.

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

The Finance Committee recommended this motion: 5-0.

ARTICLE 13: **Voted** to authorize the Tree Warden to expend from the Highway Department Expense budget, as enacted under Article 20 of this Annual Town Meeting, a sum of three hundred dollars (**\$300**) for insect and pest control and a sum of two thousand dollars (**\$2,000**) for Dutch Elm disease control, provided that the Tree Warden shall request the expenditure of such funds of the Select Board. The Finance Committee recommended this motion: 5-0.

ARTICLE 14: Voted to appropriate the apportionment of Chapter 90 Transportation Bond Issue monies in the amount certified by the Commonwealth of Massachusetts. The Finance Committee recommended this motion: 5-0.

ARTICLE 15: Voted to authorize the Select Board, in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to solicit and award contracts for terms exceeding three (3) years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board, as appropriate.

ARTICLE 16: OUTSTANDING 2021 TOWN REPORTS None reported

ARTICLE 17: Voted YES 101, NO 4 pursuant to Massachusetts General Law Chapter 44, §53E½, to establish a Plumbing & Gas Inspector Wages revolving fund and an Electrical Inspector Wages revolving fund, and set a Fiscal Year 2023 annual expenditure limit of \$75,000 for each such revolving fund, and, for such purposes, to amend the table under Article XX of the Town of Berlin General By-laws by inserting said revolving funds as shown in ***bold italics***, and deleting obsolete revolving funds as shown in ~~striketrough~~, with all remaining balances closed out to the General Fund, as printed in the warrant for this meeting (and shown below).

TITLE	SOURCE OF RECEIPTS AND USE OF FUNDS	AUTHORITY TO EXPEND
Dog Licensing-	Receipts: 50% of dog fees collected. Uses: Cost of licensing and purchase of dog tags.	Town Clerk-
Library Video Fines	Receipts: Video fines, photocopier fees, fax fees, and fees for lost materials. Uses: Purchase of new and replacement material.	Library Trustees/ Director of Library
Assessors Maps-	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.	Board of Assessors-
Recreation	Receipts: Facility rental fees, contributions, and other funds. Uses: Purchase services or supplies which are part of Recreation programs.	Recreation Committee
Town Hall	Receipts: Contributions, donations, user fees, and fundraising activity receipts. Uses: Supplies, part-time wages, and related benefits, maintenance, general operating expenses & expenses related to fundraisers.	Select Board/ Town Hall Manager
Permitting Software-	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-
<i>Plumbing & Gas Inspector Wages</i>	<i>Receipts: 95% of Plumbing/Gas permit fees received. Use: Payment of wages to Plumbing & Gas Inspector or Alternate Plumbing & Gas Inspector as assigned, according to established compensation policies & procedures.</i>	<i>Town Treasurer (MGL c.41, s.41)</i>
<i>Electrical Inspector Wages</i>	<i>Receipts: 75% of Electrical permit fees received. Use: Payment of wages only to Electrical Inspector or Alternate Electrical Inspector as assigned, according to established compensation policies & procedures.</i>	<i>Town Treasurer (MGL c.41, s.41)</i>

The Finance Committee recommended this motion: 5-0.

ARTICLE 18: Unanimously voted to appropriate from the Public, Educational, and Government (P.E.G.) Access & Cable Related Fund the sum of seventy-nine thousand five hundred thirty-five dollars **(\$79,535)** as a grant to be used for Fiscal Year 2023 operating purposes, and an additional sum of fifty thousand dollars **(\$50,000)** to fund the purchase and installation of audio and video equipment, and any costs related or incidental thereto, in meeting rooms located at the Town Offices, 23 Linden Street, 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. The Finance Committee recommended this motion: 5-0.

FISCAL YEAR 2023 CAPITAL BUDGET

ARTICLE 19: Voted YES 101, No 5 to transfer from Free Cash the sum of \$367,614 and appropriate from the Public Safety Special Stabilization Fund the sum of \$130,005, for the sum total four hundred ninety-seven thousand six hundred nineteen dollars **(\$497,619)** to fund the Fiscal Year 2023 CAPITAL BUDGET as printed in Article 19 of the warrant for this meeting, with all unexpended or unencumbered funds for Items #1, 2 and 3 to be returned to the Public Safety Special Stabilization Fund upon project close-out. The Finance Committee recommended this motion: 5-0. The Capital Planning Committee recommendation was 3-0.

Item #	Dept	Project Title	Cost	Funding Source	Notes
1.	Fire/EMS	Command Car 1 Replacement	\$60,000	Public Safety Special Stabilization	Replace Car 1 - Chief's Command Vehicle, Old Car 1 to be sold or traded.
2.	Fire/EMS	Air Bag Rescue System & Equipment	\$15,364	Public Safety Special Stabilization	Purchase an airbag rescue system and associated equipment for motor vehicle extractions
3.	Police	Cruiser Replacement	\$54,641	Public Safety Special Stabilization	Replace Car #5 2016 Ford F-150 pickup with a new Ford Explorer SUV hybrid. Part of yearly replacement program...safety issue, maintenance cost. 2016 Ford F-150 pickup has become Chief's car.
4.	Highway	Hot Top	\$80,000	Free Cash	Recurring need to improve/ repair roads. Supplements Ch. 90 state funds.
5.	Highway	2006 One Ton Dump Truck Replacement	\$85,000	Free Cash	Replace a 2006 F550 one-ton dump truck in poor condition with 91,228 miles, with a 2022 Ford F550 Super Duty one-ton dump truck with a 9' heavy-duty plow. Old one-ton truck to be sold or traded.
6.	Planning Board	Master Plan Updates	\$5,000	Free Cash	Continuation of updates to the master plan and related components such as open space, housing production, and transportation. MA state requirement and necessary for grant eligibility.
7.	Capital Planning Committee	Fund Capital Stabilization	\$197,614	Free Cash	Savings to partially fund and/or reduce debt service on major capital projects (GL c.44, §§7 & 8), per Free Cash Guidelines.

FIISCAL YEAR 2023 BUDGET

ARTICLE 20: Voted **YES 106, NO 4** to raise and appropriate the sum of \$1,378,799 to fund items 1 through 49 as recommended by the Finance Committee for FY2023.

001	Moderator, Salary	50.00
002	Moderator, Exp.	85.00
003	Select Board, Salary	3,765.00
004	Select Bd. Wages, FT	69,092.00
005	Consulting	20,000.00
006	Select Board, Expenses	5,250.00
007	Town Admin.-Salary	150,000.00
008	Town Admin. Expenses	3,415.00
009	Finance Comm. Exp.	175.00
010	Reserve Fund	95,000.00
011	Contingency	0.00
012	Accountant, Salary FT	92,155.00
013	Accountant, Wages FT	48,440.00
014	Accountant, Wages PT	0.00
015	Accountant, Expenses	9,889.00
016	Audit	26,000.00
017	Assessors, Salary	2,381.00
018	Assessors Asst., PT Sal.	77,000.00
019	Assessors, Wages PT	67,249.00
020	Assessors, Expenses	48,050.00
021	Revaluation Expenses	14,700.00
022	Treas./Coll., Salary	78,988.00
023	Tres./Coll Wages PT	48,853.00
024	Tres./Coll Incentive	1,000.00
025	Tres./Coll Expenses	35,116.00
026	Legal Expenses	50,000.00

027	Personnel-Expenses	250.00
028	Tax Title	10,000.00
029	Data Systems, Salary PT	0.00
030	Data Systems, Exp.	86,956.00
031	Town Clerk, Salary	38,896.00
032	Town Clerk Wages PT	15,925.00
033	Town Clerk, Expenses	3,020.00
034	Elections, Wages PT	4,396.00
035	Elections, Expenses	4,150.00
036	Registration, Salary	100.00
037	Registration, Wages PT	511.00
038	Registration, Expenses	100.00
039	Cons. Com , Wages PT	11,786.00
040	Conserva. Comm., Exp.	2,000.00
041	Planning Board, Exp.	1,000.00
042	Bd. Of Appeals, Wages PT	0.00
043	Bd. Of Appeals, Exp.	500.00
044	Agricul. Comm.- Exp.	1,350.00
045	Public Buildings, Wages PT	0.00
046	Pub. Bldg., Expenses	108,706.00
047	Pub. Bldg., Electricity	80,000.00
048	Pub. Bldg., Fuel Oil	59,000.00
049	Town Report, Expenses	3,500.00
Total General Government		1,378,799.00

Public Safety: Voted YES 101, NO 5 to raise and appropriate the sum of **\$2,209,395** to fund items 50 through 71, appropriate from the Public Safety Special Stabilization Fund the sum of \$210,000 to item 51 Police Wages-FT-\$145,410 and item 55 Fire & EMS Wages-FT-\$64,590, to appropriate from Rescue Squad Receipts Reserved for Appropriation the sum of \$100,000 to item 55 Fire & EMS Wages-FT, for the sum total \$2,519,395, as recommended by the Finance Committee for FY2023. This vote satisfied the 2/3's vote requirement.

050	Police, Salary	135,660.00
051	Police, Wages FT	869,028.00
052	Police, Wages PT	137,875.00
053	Police, Expenses	109,362.00
054	Fire & EMS, Salary FT	128,981.00
055	Fire EMS Wages FT	206,382.00
056	Fire EMS Wages PT	350,629.00

057	Fire EMS Expenses	150,210.00
058	Bldg. Insp., Salary	96,237.00
059	Bldg. Insp Wages FT	0.00
060	Bldg. Insp Wages PT	32,769.00
061	Bldg. Insp Expenses	26,696.00
062	Plumb. & Gas, Wages PT	0.00
063	Plumbing & Gas Exp.	300.00

064	Elect. Insp., Wages PT	0.00
065	Elect. Insp., Expenses	600.00
066	Animal Inspector, Salary	2,073.00
067	Animal Inspector, Exp.	500.00
068	Animal Cont. Off. Sal.	5,619.00

PUBLIC WORKS - Voted YES 103, NO 5 to raise and appropriate the sum of **\$760,925** to fund items 72 through 83, to appropriate from the Transfer Station Sticker and Recycling Offset Receipts Account the sum of **\$4,400** to item 80 Transfer Station Wages PT and the sum of **\$120,000** to item 81 Transfer Station Expenses, and to appropriate the sum of **\$10,450** from General Cemetery Receipts and the sum of **\$1,400** from Sale of Lots to item 83 Cemetery Expenses, for the sum total \$897,175, as recommended by the Finance Committee for FY2023

HUMAN SERVICES - Unanimously voted to raise and appropriate the sum of **\$123,618** to fund items 84 through 96 in the Finance Committee's recommended FY2023.

084	Board of Health, Salary	1,953.00
085	Board of Health, Wages PT	6,515.00
086	Board of Health, Expense	1,000.00
087	Nashoba Health	9,853.00
088	Nashoba Nursing	4,516.00
089	COA, Director PT Wages*	33,544.00
090	COA, PT Wages	0.00
091	Wages PT	24,625.00
092	Council on Aging, Exp.	14,186.00
093	Veterans, Salary	9,126.00
094	Veterans, Expenses	300.00
095	Veterans, Benefits	11,000.00
096	Community Social Services	7,000.00
TOTAL HUMAN SERVICES		123,618.00

*Off-budget ARPA funding for FT COA/Social Services Director =\$35,528

CULTURE AND RECREATION – Unanimously voted to raise and appropriate the sum of **\$186,479** to fund

069	Animal Cont. Off. Exp.	1,820.00
070	Comm. Wages.	47,753.00
071	Communication Expenses	216,901.00
TOTAL PUBLIC SAFETY		2,519,395.00

072	Highway, Salary	85,105.00
073	Highway, Wages FT	281,049.00
074	Highway Wages PT	24,790.00
075	Highway Expenses	143,920.00
076	Snow & Ice, FT OT	44,473.00
077	Snow & Ice, Wages PT	11,502.00
078	Snow & Ice, Expenses	87,500.00
79	Street Lights	9,000.00
080	Transfer Station, Wages PT	43,248.00
081	Transfer Station, Exp.	150,920.00
082	Cemetery, Salary PT	0.00
083	Cemetery, Expenses	15,668.00
TOTAL PUBLIC WORKS		897,175.00

items 97 through 103, as recommended by the Finance Committee for FY2023.

097	Library, Wages PT	134,379.00
098	Library, Expenses	33,090.00
099	Recreation, Expenses	14,410.00
100	Cultural Council, Exp.	1,500.00
101	Historical Comm., Exp.	600.00
102	Memorial Day, Expenses	2,000.00
103	Festive Events, Expenses	500.00
TOTAL CULTURE & REC.		186,479.00

DEBT & INTEREST – Unanimously Voted to raise and appropriate the sum of **\$298,775** to fund items 104 and 105, as recommended by the Finance Committee for FY2023.

104	Interest	108,775.00
105	Principal	190,000.00
TOTAL DEBT & INTEREST		298,775.00

INTERGOVERNMENTAL EXPENDITURES:

CMRPC – Unanimously voted to raise and appropriate the sum of **\$951** to fund item 106, as

recommended by the Finance Committee for FY2023.

106	Central MA Reg. Plan. Com.	951.00
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Assabet Regional Housing

Consortium Unanimously voted to appropriate from the Affordable Housing Account the sum of **\$12,000** to fund item 107, as recommended by the Finance Committee for FY2023.

107	Assabet Reg. Housing Cons.	12,000.00
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Assabet Voke School– Voted YES 87, NO 3 to raise and appropriate the sum of **\$649,597** to fund items 108 and 109, as recommended by the Finance Committee for FY2023.

108	Assabet Voke Assessment	581,420.00
109	Assabet Capital Assess.	68,177.00

Berlin Memorial School – Voted YES 105, NO 6 to raise and appropriate the sum of **\$3,598,326** to fund items 110, and to transfer from Free Cash, the sum of **\$68,000** to Item 111 Berlin Memorial Capital Assessment, as recommended by the Finance Committee for FY 2023.

110	Berlin Memorial Assessment	3,598,326.00
111	Berlin Mem. Capital Asses.	68,000.00

Tahanto – VOTED YES 94, NO 3 to raise and appropriate the sum of **\$3,450,800** to fund items 112 and 113, and transfer from Free Cash the sum of \$10,538 to item 113, as recommended by the Finance Committee for FY 2023.

112	Tahanto Assessment	2,942,997.00
113	Tahanto Capital Assessment	518,341.00
Total Intergovernmental Exp.		7,790,212.00

MISCELLANEOUS BENEFITS AND

INSURANCE – Voted YES 89, NO 2 to raise and appropriate the sum of **\$1,534,032** to fund items 114 through 121 in the Finance Committee's recommended FY 2023 Budget.

114	Worcester Reg. Retirement	605,652.00
115	Workers Compensation	25,300.00
116	Unemployment	25,000.00
117	Chap 32B Health Ins.	665,000.00
118	Police & Fire Sick & Acc Ins.	24,000.00
119	Sick Pay	39,780.00
120	Medicare	45,900.00
121	Property/Liability Ins.	103,400.00
TOTAL MISC BENEFITS		1,534,032.00
TOTAL BUDGET*		14,728,485.00

COMMUNITY PRESERVATION ACT FISCAL YEAR 2023 BUDGET

ARTICLE 21: Voted YES 108, NO 4 to appropriate or transfer/reserve from the Community Preservation fund annual revenues in the amounts recommended by the Community Preservation Act Committee for committee administrative expenses, community preservation projects, and other expenses in Fiscal Year 2023, as printed in the warrant for this meeting.

Appropriations:

From FY 2023 estimated revenues	
For Committee Administrative Expenses	28,125.00
From FY 2023 estimated revenues	
For Budgeted Reserve	365,625.00

Revenues:

From FY 2023 estimated revenues	
For Community Housing Reserves	56,250.00
From FY 2023 estimated revenues	
For Committee Historic Reserve	56,250.00
From FY 2023 estimated revenues	
For Open Space Reserve	56,250.00

Finance Committee recommendation, 3-0.

COMMUNITY PRESERVATION ACT FISCAL YEAR 2023 PROJECTS

ARTICLE 22: Voted YES 97, NO 18 to appropriate the total sum of \$100,000 from the Community Preservation Fund, with the sum of \$48,466.70 to be transferred from the Fund Balance Reserved for Historic Resources Fiscal Year 2022 and the sum of \$51,533.30 to be transferred from the Fund Balance Reserved for Historical Resources Fiscal Year 2023, for architectural services including engineering and associated design costs to support the Massachusetts Historical Commission (MHC) Grant and for structural rehabilitation at the historic Bullard House located at 4 Woodward Avenue in the Town of Berlin, and, further, to amend the vote taken under Article 9 of the November 8, 2021 Special Town Meeting, pursuant to which \$77,483.73 was appropriated from the CPA Fund Balance Reserved for Historic Resources, to allow up to \$30,000 of said funds to be used to engage a licensed architect to support said Massachusetts Historical Commission (MHC) Grant and structural rehabilitation, including any incidental and related purposes; said funds to be expended by the Historical Commission in consultation with the Community Preservation Act Committee. The Finance Committee recommended 3-0.

ARTICLE 23: Voted YES 114, NO 6 to (This satisfies the 2/3's majority vote)

- A. Authorize the Select Board to acquire, for open space purposes, three parcels of land near the junction of Linden Street and Lyman Road in the Town of Berlin, 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 Assessors Map 10 as Parcel 6 (containing 7.67 acres, more or less), with the care, custody, and control of said parcels to be held by the Conservation Commission pursuant to M.G.L. Chapter 40, §8C;
- B. Authorize the Select Board, or its designee, to apply for, accept, and expend on behalf of the Town of Berlin any funds that may be provided by the Commonwealth 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 LAND Act grant program (M.G.L. Chapter 132A, §11) and/or the Land and Water Conservation Fund, and any other funds in any way connected with the scope of this acquisition;
- C. Appropriate the total sum of \$660,000 toward the acquisition of said parcels and pay for costs incidental or related thereto, which appropriation shall be funded as follows:

Date	Amount	Funding Source
5/2/22 ATM	\$ 48,466.70	CPA Fund Balance Reserved for Open Space 2022
5/2/22 ATM	\$ 283,724.25	CPA Budgeted Reserve 2022
5/2/22 ATM	\$ 17,809.05	CPA Fund Balance Reserved for Open Space 2023
5/2/22 ATM	\$ 50,000	Free Cash
5/2/22 ATM	\$ <u>260,000</u>	Conservation Commission Open Space account
	\$ 660,000	Total this meeting
11/8/21 STM	\$490,000	Undesignated Community Preservation Fund Balance
1/20/22	\$100,000	Sudbury Valley Trustees fundraising for the purpose of this land acquisition
		TOTAL AMOUNT FOR ACQUISITION \$1,250,000

And, further,

E. 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 the Sudbury Valley Trustees, or any other organization qualified and willing to hold, a perpetual conservation restriction on said parcels in accordance with M.G.L. Chapter 184. The Finance Committee recommended this motion 3-0. The Capital Planning Committee recommendation was 3-0.

ARTICLE 24: Unanimously voted to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59, § 5, Clause 41A from 5% (five percent) to 2% (two percent), with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2022, for Fiscal Year 2023. The Finance Committee recommended this motion: 4-0.

ARTICLE 25: Unanimously voted to appropriate from the Public Safety Special Stabilization fund the sum of forty-five thousand dollars (**\$45,000**) to pay for costs associated with two years of Bridge Academy training for part-time officers under the Police Reform Law. The Finance Committee recommended this motion: 4-0.

ARTICLE 26: Unanimously voted to appropriate from Free Cash the sum of one hundred ninety-seven thousand six hundred fourteen dollars (**\$197,614**) to fund the General Stabilization Fund in the fiscal year ending June 30, 2022. The Finance Committee recommended this motion: 5-0.

ARTICLE 27: Voted YES 107, NO 2 pursuant to Massachusetts General Law c.44, s.55C to establish an Affordable Housing Trust for the purpose of providing for the preservation and creation of affordable housing in the Town of Berlin for the benefit of low- and moderate-income households, as set forth in the Town Meeting handout titled "May 2, 2022, Annual Town Meeting Article 27: Berlin Municipal Affordable Housing Trust. The Finance Committee recommended this motion: 5-0.

ARTICLE 28: Voted YES 99, NO 9 to establish an Other Post-Employment Benefits (OPEB) Fund pursuant to Massachusetts General Law c.32B, s.20(b) for the purpose of funding post-retirement health benefits for eligible Town of Berlin employees. The Finance Committee recommended this motion: 5-0.

ARTICLE 29: Voted YES 100 NO 0 to amend the General Bylaws by deleting Article VIII Personnel and Procedures in its entirety and replacing it with the text shown on the Town Meeting handout titled "May 2, 2022 Annual Town Meeting Article 29: General Bylaw Amendment - Article VIII Personnel Bylaw" on file in the Town Clerk's office. The Personnel Committee recommended this motion 3-0.

ARTICLE 30: Voted YES 95, NO 12 to amend the General Bylaws by inserting in Article VI Public Roads, Ways and Places, a new "Section 9. Excessive noise from compression brakes prohibited", as follows:

It is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated along any public way maintained by the Town of Berlin, any compression brake, engine brake, dynamic brake, or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, if such device or devices result in excessive, loud, or otherwise unusual noise.

This section may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If enforced through non-criminal disposition, any person who violates any provision of this section shall be subject to a penalty of two hundred fifty dollars (\$250.00) per violation, and, for such purposes, the Police Chief and any Police Officer of the Town shall be the enforcing authority.

ZONING BYLAWS

ARTICLE 31: Voted YES 95, NO 6 to amend the Zoning By-law Article 14, Definitions, by inserting in proper alphabetical order the new definitions as listed in the warrant for the meeting. (As shown below) This vote was 94% meeting the 2/3's vote requirement.

Contractor yard: Any land or buildings used for the housing, storage, or repair of equipment, vehicles, machinery (new or used), supplies, materials, or components used by the owner or occupant of the premises, or on behalf of a contractor, stored for use offsite.

Salesroom: a building or any part thereof in which only goods which are not readily portable are kept exposed for sale or auction by a retailer or wholesaler; showroom.

Service establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises excluding Home Occupations requiring a Special Permit. Service establishment means any business, or professional providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples include, but shall not be limited to, residential real estate sales, medical offices, and employment agencies. Also included shall be personal service shops that administer personal services, including but not limited to beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar uses.

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 31 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 31.

ARTICLE 32: Voted YES 97, NO 8 to amend the Zoning Bylaw Article 14, Definitions, "Floor Area", by deleting the existing text in its entirety and replacing it with the language printed in the warrant for this meeting.

"Floor Area: The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of any common walls separating two buildings. The floor area measurement is exclusive of areas of unfinished basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator, or stair bulkheads, and accessory structures." This vote meets the 2/3's threshold with 92%.

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 32 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 32.

ARTICLE 33: Voted YES 81, NO 14 to amend the Zoning By-law, Section 540, Home-Based Contracting Business, as printed in the warrant for this meeting. (As shown below)

- A. Add the following sentence to the end of Section 540.1: "The business shall be owned and operated by a resident and owner of the dwelling.
- B. Insert, in the first sentence of Section 540.5, the word "incidental" before the word "materials" so that the sentence will read: "Machinery and incidental materials used in the conduct of the business, if stored outside, shall be completely screened from public view."
- C. Insert the following new sentence at the end of Section 540.6: "Any vehicle displaying the name of, or any advertising for, the home-based contracting business shall not be considered a private use vehicle."

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 33 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 33. This vote meets the 2/3's threshold with 85%

ARTICLE 34: Voted YES 85, NO 17 to amend the Zoning By-law, Section 1020, Noise, by deleting Section 1021, General Requirements, in its entirety, and replacing it with the language printed in the warrant for this meeting. (As shown below)

1021 General Requirements

1021.1 Noise as measured at any property line of the lot shall not exceed the following intensities:

7:00 A.M. – 10:00 P.M. 60 dBA

10:00 P.M. – 7:00 A.M. 50 dBA

1021.2 The above limitations shall not apply to:

(a) Temporary construction activity that takes place between the hours of 7:00 A.M. and 7:00 P.M.

(b) Snow removal operations

(c) Parking lot vacuuming/sweeping operations or trash removal operations that take place between the hours of 7:00 A.M. and 7:00 P.M.

(d) Noise making devices which are maintained and utilized exclusively to serve as warning devices.

(e) Use of power tools and equipment such as lawn mowers, chain saws, tractors used for non-agricultural purposes, and similar equipment for the maintenance of property.

(f) Sounds emitted during and associated with parades, public gatherings, concerts, or sporting events, for which permits have been issued provided that said parades, public gatherings, concerts, or sporting events in Berlin do not cause noise in another city or town.

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 34 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 34. This vote meets the 2/3's threshold with 83%

ARTICLE 35: Voted YES 72, NO 8 (This vote meets the 2/3's threshold with 72%) to amend the Zoning By-Law, Section 340, Table of Accessory Use Regulations, by deleting the current listing for the use titled, "Home Occupation", and replacing it as printed in the warrant for this meeting. (As shown below)

	RA	MD	CV	C	LB	LI	ACR
Home Occupation	SR	SR	YR	YR	N	N	N

Unanimously voted to amend the motion under Article 35 to add zone ACR with "N" under.

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 35 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 35

ARTICLE 36: Voted YES 70, NO 7 to amend Article 11: Nonconforming Uses and Structures by deleting the current text in its entirety and replacing it as printed in the warrant for this meeting. (As shown below)

ARTICLE 11: NONCONFORMING USES AND STRUCTURES

1110 APPLICABILITY

This Zoning By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s.5, at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

1120 NONCONFORMING USES in Non-Residential-Agricultural Zones

The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

(a) Change or substantial extension of the use.

(b) Alteration to the existing structure to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent,

(c) Change from one nonconforming use to another, less detrimental, nonconforming use.

1125 NONCONFORMING USES in the Residential-Agricultural Zone

A nonconforming use in the Residential-Agricultural Zone may not be extended, altered, or changed.

1130 NONCONFORMING STRUCTURES in Non-Residential-Agricultural Zones

The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

(a) Reconstruction, extension, or structural change to the existing structure,

(b) Reconstruction after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within twelve (12) months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

1140 NONCONFORMING SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES

1141 Allowed Changes

Nonconforming single and two-family residential structures may be reconstructed, or structurally changed upon a determination by the Zoning Enforcement Officer that such proposed reconstruction, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit where applicable.

1142 Changes Requiring a Special Permit

In the event that the Zoning Enforcement Officer determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

1150 ABANDONMENT OR NON-USE

A nonconforming use or structure which has been abandoned, or not used for a period of two (2) years, shall lose its protected status and be subject to all the provisions of this zoning by-law.

1160 REVERSION TO NONCONFORMITY

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

The Berlin Planning Board held a Public Hearing on April 26, 2022, to consider comments concerning Article 36 on the Annual Town meeting Warrant, to be held on May 2, 2022.

At the Planning Board meeting also held on Tuesday April 26, 2022, the Planning Board voted 4 in favor 0 opposed to Article 36

This is a 90% vote to satisfy the 2/3's vote requirement.

ARTICLE 37: Unanimously voted to adjourn this meeting to Monday, May 9, 2022, at 12:00 noon at the Berlin Town Offices, 23 Linden Street, lower level, at which time and place the polls will be open until 8:00 p.m. for election of town officers under Article 37 of the warrant for this meeting, and that upon the announcement of the results of the election, this meeting be dissolved.

The meeting adjourned at 9:09 p.m. One hundred twenty-two (122) registered voters took part in this session. There are 2,661 total registered voters.

Barry W. Eager, Moderator

Eloise E. Salls, Town Clerk