

**Proceedings at the Annual Town Meeting –
May 1, 2023**

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Monday, May 1, 2023 at 7:30 p.m. Assistants were James H. Wheeler and Tim Wysocki overseeing the electronic voting system. Mary Wheeler, Debra Towle and Amy Grenier as checkers and Police Chief Eric Schartner and Officer Kevin Pond. Cable television coverage was provided by Brittany Blaney, 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 of KP Law, PC served as Town Counsel.

Barry W. Eager, Moderator, called the meeting to order at 7:33 p.m. There were approximately 183 voters present. There were 2,790 registered voters. 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.

The 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 178 to NO 5 to approve the rule.

Select Board Chair R. Scott Hawkins, opening comments to the Annual Town Meeting

The Berlin Select Board publicly thanks:

Fire Chief Michael McQuillen

Police Chief Eric Schartner

Highway Superintendent Fred Cummings,

And **ALL** of our Highway & Public Safety Personnel who responded to the series of emergencies that occurred last month.

Thank you – *each* and *every* day – for all that you do to keep Berlin safe.

Regarding the fatal house explosion on April 14th, we express our greatest thanks to very special neighbors on Pleasant Street.

These individuals ran directly into the blast zone to locate the sole survivor and lift the shattered house frame off her.

Their brave acts allowed Berlin Police Officer Molly Plante to swiftly carry the surviving victim to safety... Just moments before the second and third explosions leveled the structure.

To our neighbors on Pleasant Street – AND OFFICER MOLLY PLANTE – The Town of Berlin is forever grateful for your selfless acts.

Finally, we remember our cherished friend – Judy Christensen – who lost her life in the disaster.

Judy is deeply missed by all. Thank you.

Current Fiscal Year 2023 ending June 30, 2023

Article 1. **Voted YES 175 NO 6** to transfer \$1,000 from Free Cash for the payment of the following unpaid prior years' expenses for Michael Barry, FY 20 & FY21 Armorer Stipend. The Finance Committee recommended this motion 4-0.

Article 2. **Voted YES 169 to NO 7** 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 (additional funding);

STM FY22 Article 7-2 Old Fire Station Roof;

STM FY22 Article 7-3 Ambulance Replacing 2009

STM FY22 Article 7-5 Recreation Court Upgrades;

ATM FY22 Article 20 Cemetery Paving. The Finance Committee recommended this motion 4-0.

Article 3. **Voted YES 181 to NO 10** to transfer \$50,000 from Free Cash to replenish FY23 Reserve Fund. The Finance Committee recommended this motion 4-0.

Article 4. **Voted YES 177 NO 20** 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. The Finance Committee recommended this motion 4-0.

Article 5. **Voted YES 154 NO 40** to authorize the Select Board to convey a perpetual historic preservation restriction encumbering the Bullard House and a portion of the Bullard House land located at 4 Woodward Avenue, Berlin, and identified by the Board of Assessors as Parcel 10.3-15-0 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, said portion of the parcel to include the land around the Bullard House itself, but not the land occupied by other buildings and structures on the site. Meets the 2/3's vote **requirement**.

Article 6. **Voted YES 167 NO 18** 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.

Article 7. **Voted YES 183 NO 15** 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 Mass General Laws Chapter 59, Section 5, Clause 45th, an agreement for payments in lieu of taxes 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 continuous 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.

Article 8. **Voted unanimously** to pass over this article. Ongoing discussion over acquisition or disposition of River Run Parcel 6 B.

Article 9. **Voted YES 188 NO 6** The article 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. The Finance Committee recommended this motion 4-0. This was a 96% vote, requirement was 2/3's.

Article 10. **Voted YES 153 NO 3** to transfer and reserve unallocated Community Preservation Fund revenues from FY 2022 as written in the warrant. The Finance Committee recommended this motion. 4-0.

Article 11. **Voted YES 117 NO 84** 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 written in the warrant. The Finance Committee recommended this motion. 4-0.

There was a motion to call the question which shuts off discussion. **Voted YES 178 NO 13**

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

Article 12. **Voted YES 148 NO 14** to raise and appropriate \$1,542,136 to fund items 1 through 45, as recommended by the Finance Committee for FY 2024.

100 General Government			
001	114-5110	Moderator – Salary	50
002	114-5700	Expenses	85
003	122-5110	Select Board – Stipend	3,861
004	122-5112	Wages -FT	70,819
005	122-5200	Consulting	20,500
006	122-5700	Expenses	8,508
007	123-5111	Town Administrator – Salary	144,000
008	123-5700	Expenses	3,965
009	131-5700	Finance Committee- Expenses	180

010	132-5781	Reserve Fund	110,000
011	135-5111	Accountant Salary	96,342
012	135-5112	Wages-FT	51,613
013	135-5700	Expenses	10,936
014	136-5700	Audit	20,000
015	141-5110	Assessor- Elected Salary	2,441
016	141-5113	Assistant-PT Salary	78,925
017	141-5114	Wages-PT	69,897
018	141-5700	Expenses	54,567
019	142-5000	Revaluation Expenses	17,300

020	145-5111	Treasurer/Collector-Salary	92,250
021	145-5114	Wages – PT	49,872
022	145-5170	Incentive	1,000
023	145-5700	Expenses	50,756
024	151-5700	Legal – Expenses	75,000
025	152-5700	Personnel – Expenses	250
026	153-5000	Tax Title – Expenses	15,000
027	155-5700	Data Systems – Expenses	103,388
028	161-5110	Town Clerk – Salary	40,000
029	161-5114	Wages-PT	16,692
030	161-5700	Expenses	3,420
031	162-5124	Elections – Wages PT	5,000
032	162-5700	Expenses	5,700
033	163-5113	Registration	100

034	163-5114	Wages – PT	600
035	163-5700	Expenses	150
036	171-5114	Conservation Comm.- Wages PT	12,081
037	171-5700	Conservation Expenses	2,000
038	171-5700	Planning Board – Expenses	1,000
039	176-5700	Zoning Bd. Of Appeals – Exp.	500
040	176-5700	Agricultural Comm.-Expenses	1,375
041	192-5700	Public Buildings- Expenses	111,418
042	102-5701	Repairs (Town owned property)	10,000
043	192-5211	Electricity	80,000
044	192-5212	Fuel Oil	97,010
045	195-5700	Town Report – Expenses	3,585
Total General Government			1,542,136

Article 12. **Public Safety. Voted YES 166 NO 20** to raise and appropriate \$2,259,989 to fund items 46 through 64, transfer from the Public Safety Special Stabilization Fund \$262,297 to item 47 Police Wages-FT and to appropriate from Ambulance Receipts Reserved for Appropriation \$100,000 to item 51 Fire & EMS Wages-FT, for the sum total \$2,622,286. The Finance Committee recommended this motion for FY2024. Passed with required 2/3's vote.

200 Public Safety			
046	210-5111	Police-Salary	139,052
047	210-5112	Wages FT	922,916
048	210-5114	Wages PT	141,822
049	210-5700	Expenses	118,577
050	221-5111	Fire & EMS – Salary	151,875
051	221-5112	Wages FT	194,917
052	221-5114	Wages PT	350,629
053	221-5700	Expenses	153,964
054	241-5111	Bldg. Insp. – Salary	98,643
055	241-5114	Wages – PT	34,799

056	241-5700	Expenses	26,821
057	242-5700	Plumbing & Gas Insp.-Expenses	300
058	243-5700	Elec. Insp. – Expenses	600
059	249-5113	Animal Insp. – Salary	2,125
060	249-5700	Expenses	500
061	292-5113	Animal Control Officer-Salary	5,760
062	292-5700	Expenses	1,820
063	296-5112	Communications-Wages FT	49,816
064	296-5700	Expenses	227,350
Total Public Safety			2,622,286

Article 12. **Public Works/Facilities. Voted YES 175 NO 11** to raise and appropriate \$781,448 to fund items 65 through 75, to appropriate from the Transfer Station Sticker and Recycling Offset Receipts Account the sum of \$4,615 to item 73 Transfer Station Wages-PT and the sum of \$120,000 to item 74 Transfer Station Expenses, and to appropriate the sum of \$12,450 from General Cemetery Receipts and the sum of \$1,100 from Sale of Lots to item 75 Cemetery Expenses, for the sum total \$919,613. The Finance Committee recommended this motion for FY2024.

065	422-5111	Highway-Salary	88,959
066	422-5112	Wages FT	286,897
067	422-5114	Wages PT	25,937
068	422-5700	Expenses	146,680
069	423-5112	Snow & Ice – FT OT	45,567
070	423-5114	Wages PT	11,790

071	423-5700	Expenses	89,600
072	424-5211	Street Lights	9,225
073	433-5114	Transfer Station – Wages PT	44,509
074	433-5700	Expenses	154,390
075	491-5700	Cemetery-Expenses	16,059
Total Public Works			919,613

Article 12. **Human Services. Voted YES 170 NO 15** to raise and appropriate \$126,958 to fund items 76 through 87 as recommended by the Finance Committee for FY2024.

076	510-5110	Board of Health-Salary	2,004
077	510-5114	Wages PT	6,831
078	510-5700	Expenses	1,000
079	511-5200	Nashoba Health	10,592
080	522-5200	Nashoba Nursing	4,855
081	541-5112	COA/Social Services Wages FT	34,383
082	541-5114	Wages PT	25,248

083	541-5700	Expense	17,341
084	543-5111	Veterans Salary	9,354
085	543-5700	Expenses	350
086	543-5800	Benefits	11,000
087	599-5200	Community Social Services	4,000
Total Human Services			126,958

Article 12. Culture and Recreation. **Voted YES 178 NO 14** to raise and appropriate \$193,529 to fund items 88 through 94 as recommended by the Finance Committee for FY2024.

088	610-5114	Library-Wages PT	137,864	092	691-5700	Historic Comm.-Expenses	615
089	610-5700	Expenses	34,000	093	692-5700	Memorial Day-Expenses	2,000
090	630-5700	Recreation-Expenses	17,550	094	694-5700	Festive Events-Expenses	---
091	631-5700	Cultural Council-Expenses	1,500	Total Culture & Recreation			193,529

Article 12. Debt & Interest **Voted YES 159 NO 10** to raise and appropriate \$291,175 to fund items 95 and 96 as recommended by the Finance Committee for FY2024.

095	752-5800	Interest	101,175	Total Debt & Interest			291,175
096	752-5900	Principal	190,000				

Article 12. Intergovernmental Expenditures. **Voted YES 166 NO 15** to raise and appropriate \$974 to fund item 97 as recommended by the Finance Committee for FY2024.

097	800-5641	CMRPC	974
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Article 12. Intergovernmental Expenditures. **Voted YES 166 NO 15** to appropriate from the Affordable Housing Account \$7,000 to fund item 98 as recommended by the Finance Committee for FY2024.

098	840-5700	Assabet Reg. Housing Cons.	7,000
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Intergovernmental Expenditures. **Voted YES 158 NO 19** to raise and appropriate \$771,568 to fund item 99 and 100 as recommended by the Finance Committee for FY2024.

099	835-5321	Assabet Assessment	705,398	100	835-5901	Assabet Capital Assessment	66,170
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Intergovernmental Expenditures. **Voted YES 156 NO 27** to raise and appropriate \$3,924,434 and to transfer from Free Cash 382,715 to fund item 101 and to transfer from Free Cash \$468,410 to fund item 102 Berlin Memorial Capital Assessment as recommended by the Finance Committee for FY2024 as follows:

101	835-5320	Berlin Memorial Assessment	4,307,149	102	835-5903	Berlin Mem. Capital Assess.	468,410
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Intergovernmental Expenditures. **Voted YES 149 NO 23** to raise and appropriate \$3,649,133 to fund items 103 and 105 and to transfer from Free Cash \$211,599 to fund item 104. Tahanto Capital Assessment as recommended by the Finance Committee for FY2024 as follows:

103	835-5322	Tahanto Assessment	3,206,381	105	835-5902	Tahanto Debt Repayment	442,752
104	835-5900	Tahanto Capital Assess.	211,599				

Article 12. **Misc. Benefits & Insurance Voted YES 144 NO 13** to raise and appropriate \$1,672,236 to fund items 106 through 113 as recommended by the Finance Committee for FY2024.

106	911-5200	Worcester Regional Retirement	664,381	111	919-5190	Sick Pay	40,775
107	912-5200	Workers Comp	23,000	112	920-5170	Medicare	48,000
108	912-5200	Unemployment Insurance	35,000	113	945-5170	Property / Liability Ins.	101,055
109	915-5175	Ch. 32B Ins. (Health & Dental+)	734,825	Total Misc. Benefits & Ins.			1,672,236
110	916-5200	Police & Fire Sick & Acc Ins.	25,200				

Article 13. **Voted YES 142 NO 19** 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: as recommended by the Finance Committee for FY2024.

#	DEPT	ITEM	AMOUNT	SOURCE				
1	Berlin Memorial	BMS Capital	468,410	Free Cash	5	Highway	Town Offices Façade Repairs & Painting	15,873 Free Cash
2	Tahanto	Tahanto Capital	211,599	Free Cash	6	Highway	Town Offices Flooring Replacement	28,000 Free Cash
3	Board of Health	Replace retaining wall at Transfer Station	25,000	Free Cash	7	Fire/EMS	AED (Defibrillator) Replacement- 6 units	14,898 Free Cash
4	Highway	Replace 2013 Mower	10,500	Free Cash				

8	Fire/EMS	Personal Protective Equip. (PPE)- 5 sets	36,806	Free Cash
9	Fire/EMS	Fire Pumper Engine (\$880,000)	880,000	Public. Safety 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
13	Cable Access	Server Replacement	35,000	Free Cash
		Total	1,791,898	

Voted both Berlin Memorial capital plan, Line item 102 for 468,410; Tahanto capital plan Line item 104 for 211,599. The balance which should have been voted of the Capital Plan was 231,889 from Free Cash. Accountant will correct.

Article 14. **Voted YES 121 NO 2** 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 $\frac{3}{4}$, said sums to be expended by the Cable Access Committee. The Finance recommended this motion for FY2024

Article 15. **Voted YES 122 NO 2** pursuant to Massachusetts General Law Chapter 44, Chapter 53E $\frac{1}{2}$, 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

The Finance recommended this motion for FY2024

Article 16. **Voted YES 117 NO 6** 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 written in the warrant. The Finance recommended this motion for FY2024

Article 17. **Voted YES 108 NO 3** to appropriate from Free Cash the sum of \$7,057.75, as required by the Boston Business Services (BBS) Payroll Fraud restitution settlement, to the Massachusetts Interlocal Insurance Agency (MIIA). The Finance recommended this motion for FY2024

Article 18. **Voted YES 113 NO 2** to accept MGL Chapter 59, §5, Clause 17E regarding adjusted asset limits as written in the warrant.

Article 19. **Voted YES 112 NO 4** to adjust income and asset limits set forth in MGL. Chapter 59, §5, Clause 41D.

Article 20. **Voted YES 110 NO 4** to approve the FY24 Community Preservation Act budget as written in the warrant. The Finance recommended this motion for FY2024

Article 21. **Voted YES 92 NO 18** 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 F.L. C. 40, §8C, and appropriate and transfer \$125,000 from the FY 20233 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 written in the warrant.

Article 22. **Voted YES 90 NO 21** to appropriate and transfer \$150,000 from the CPA FY23 Budgeted Reserve for the South Common Pavilion project as written in the warrant. The Finance recommended this motion for FY2024

Article 23. **Voted YES 87 NO 5** to transfer \$307,729 from Free Cash to the General Stabilization account. The Finance recommended this motion for FY2024

Article 24. **Voted YES 89 NO 9** to amend the Town of Berlin Zoning District Map as written in the warrant. This was a 90.8% vote meeting the 2/3's requirement.

The Berlin Planning Board held a Public Hearing on April 11, 2023, to consider comments concerning Article 24 on the Annual Town meeting Warrant, to be held on May 1, 2023.

At the Planning Board meeting also held on Tuesday April 11, 2023, the Planning Board voted 3 in favor, 0 opposed to Article 24.

The Attorney General _____.

Article 25. **Voted YES 73 NO 23** 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 25 as written in the warrant.

At the Planning Board meeting also held on Monday May 1, 2023, the Planning Board voted 5 in favor, 0 opposed to support Article 25.

Article 26. **Voted YES 73 NO 20** to accept Pollard 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.

At the Planning Board meeting also held on Monday May 1, 2023, the Planning Board voted 5 in favor, 0 opposed to Article 26.

Article 27. **Voted unanimously** to adjourn this meeting to Monday, May 8, 2023 at 12 noon at the Berlin Town Offices, 23 Linden Street, lower level, at which time and place the polls will be open for the election of town officers under Article 27, and that following the announcement of the results of the election, this meeting be dissolved.

The meeting adjourned at 10:30 PM. Two hundred thirteen (213) registered voters took part in this meeting. There were 2,790 registered voters as of April 21, 2023 Open Voter Registration.

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