

**BERLIN 2019**

**ANNUAL TOWN MEETING**

**WARRANT**



Monday, May 6, 2019 at 7:30PM

And

Tuesday, May 7, 2019 at 7:30PM

Berlin Memorial School  
34 South Street  
Berlin, MA 01503

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

To either of the Constables of the Town of Berlin in the County of Worcester:

Greetings: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the Berlin Memorial School in said Berlin on: (1) Monday, the sixth day of May, 2019, next, at 7:30 o'clock in the evening and on (2) Tuesday, the seventh day of May, 2019, next, at 7:30 o'clock in the evening, then and there to act on the following articles; or in relation thereto:

**CURRENT FISCAL YEAR 2019, ENDING JUNE 30, 2019**

PAYMENT OF SNOW & ICE DEFICIT SPENDING

ARTICLE 1: To see if the Town will vote to transfer a sum of money from available funds to Line Item 72, Snow & Salt Expenses, in the Fiscal Year 2019 budget, or take any action relative thereto. (Selectmen) Finance Committee recommends a payment from Free Cash and in an amount to be finalized by the time of Annual Town Meeting for this purpose, 4-0.

*Summary: This account was overspent for the winter 2018-2019. The Commonwealth allows for overspending in this account when required by the weather. The Town still needs to appropriate the difference.*

**UPCOMING FISCAL YEAR 2020, STARTING JULY 1, 2019**

ARTICLES 2 - 6 - MOVED TOGETHER AS PRINTED IN WARRANT

ARTICLE 2: To see if the Town will vote to fill all vacancies and choose all necessary Town Officers, not required to be chosen by ballot; or take any action relative thereto.

*MOTION: I move 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 by law to be chosen by ballot.*

ARTICLE 3: To see what action the Town will take on the printed reports of the officers and committees of the Town for the year 2018; or take any action relative thereto.

*MOTION: I move 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 4: To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, 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; or take any action relative thereto.

*MOTION: I move to authorize the Treasurer, with the approval of the Selectmen, to borrow money in anticipation of reimbursement to the Town by the Massachusetts Department of Transportation for the repair of roads and bridges.*

ARTICLE 5: To see if the Town will vote pursuant to Massachusetts General Law Chapter 44, Chapter 53E½, to establish annual expenditure limits for Fiscal Year 2020 for the following revolving funds listed in the Revolving Funds bylaw, Article XX of the General By-laws, as set forth below and, further, to eliminate the Permitting Software Revolving Fund by amending the chart set forth in Article XX, Section 1, to delete the entire row for said fund, and to close out any remaining monies to the General Fund;

Dog Licensing	\$600
Library Video Fines	\$1,000
Recreation	\$20,000
Town Hall	\$40,000

Or take any other action relative thereto. *Note that neither the “Assessors Maps” nor “Permitting Software” revolving funds, as outlined in Article XX of the General By-Laws, are to be utilized in FY20, per the Board of Assessors and Building Inspector, respectively.*

*MOTION: I move to fix the maximum amount that may be spent during Fiscal Year 2020 beginning on July 1, 2019 for the revolving funds established under Article XX of the Town General By-laws for certain departments, boards, committees or officers in accordance with Massachusetts General Law Chapter 44, Section 53E½, as printed in Article 5 of the warrant for this Town Meeting*

ARTICLE 6: To see if the Town will vote to authorize the Selectmen to expend from the Highway Department Expense budget, as enacted under Article 9 of this Annual Town Meeting, a sum not to exceed three hundred dollars (\$300) for insect and pest control and a sum not to exceed two thousand dollars (\$2,000) for Dutch Elm disease control, provided that the Tree Warden shall request the expenditure of such funds of the Selectmen; or take any action relative thereto. (Tree Warden)

*MOTION: I move to authorize the Selectmen to expend from the Highway Department Expense Budget, as enacted under Article 9 of this Annual Town*

*Meeting, a sum not to exceed three hundred dollars (\$300) for insect and pest control and a sum not to exceed two thousand dollars (\$2,000) for Dutch Elm Disease control, provided that the Tree Warden shall request the expenditure of such funds of the Selectmen.*

SPECIAL EDUCATION RESERVE FUND AT  
BERLIN-BOYLSTON REGIONAL SCHOOL DISTRICT

ARTICLE 7: To see if the Town will vote to approve the establishment of a Special Education Reserve Fund at Berlin-Boylston Regional School District, as permitted by, and in accordance with MGL Chapter 40, Section 13E, to be utilized in the upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition, or special education transportation. (Berlin School Committee) Finance Committee recommends, 4-0.

*Summary: The regional school district is seeking to establish a reserve fund to be used in the event of extraordinary or unanticipated special education expenses. Use of funds requires approval of Regional School Committee as well as a majority (approval of both towns is needed in a two town region) of town governing bodies (Board of Selectmen). At this time (as part of the FY20 budget), the Regional School District is not seeking to fund this reserve; it anticipates requesting funding as part of the FY2021 budget process.*

OUTSTANDING 2018 TOWN REPORTS

ARTICLE 8: To hear and act on the reports of any outstanding committees, or take any action relative thereto.

FY20 BUDGET

ARTICLE 9: To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds, or otherwise provide all necessary sums of money to defray the Town's expenses for the fiscal year beginning July 1, 2019 and to determine the salaries of the Town Officers for that period, or take any action relative thereto.

CHAPTER 90 HIGHWAY FUNDING

ARTICLE 10: To see if the Town will vote to appropriate the apportionment of Chapter 90 Transportation Bond Issue monies in the amount certified by the Commonwealth of Massachusetts; or take any action relative thereto. (Highway Supt.)

LIBRARY ACCOUNT

ARTICLE 11: To see if the Town will vote to transfer from available funds a sum of money from the Anna Hunt Trust Fund to the Library Account, and, further, to authorize the acceptance of any other monies from various sources, to the Library Account; or take any action relative thereto. (Library Trustees)

## CABLE ACCESS COMMITTEE - P.E.G. SPENDING

ARTICLE 12: To see if the Town of Berlin will vote to appropriate from the Peg Access & Cable Related Fund forty eight thousand five hundred dollars (\$48,500) to be used in accordance with the PEG Access grant and M.G.L. Chapter 44, Section 53F 3/4, said sum to be expended by the Cable Access Committee; or take any action relative thereto (Cable Access Committee). Finance Committee recommends appropriating \$48,500 from the PEG Access and Cable Related Fund for this purpose, 3-0.

*Summary: To appropriate money from the PEG [Public, Educational, and Government Channels] Access & Cable Related Fund account to cover the cost related to the operations of Berlin Cable per the PEG Access agreement.*

## LIBRARY SEPTIC SYSTEM DEP COMPLIANCE

ARTICLE 13: To see if the Town will vote to raise and appropriate and/or borrow or transfer from available funds the sum of one hundred thousand dollars (\$100,000) for the purpose of selecting, designing, engineering and/or installing a new Massachusetts Department of Environmental Protection compliant septic system at 23 Carter Street (Berlin Public Library) and any costs related or incidental thereto, with unexpended funds as of June 30, 2021 being returned to their funding source, or take any action relative thereto. (Library Trustees) Finance Committee recommends \$100,000 from Free Cash for this purpose, 3-0.

*Summary: The Title V Inspection report submitted to the Berlin Board of Health regarding an inspection done on September 5, 2018 determined that the Library's current SDS (Sewage Disposal System) is in a state of failure. The CMR (Code of MA Regulations) requires that the system be upgraded by September 5, 2020.*

## TRANSFER STATION COMPACTOR

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds thirty seven thousand dollars (\$37,000) for the purpose of purchase and installation of a stationary compactor for the transfer station and any costs related or incidental thereto, with unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Board of Health) Finance Committee recommends \$37,000 from Free Cash for this purpose, 3-0.

*Summary: Our existing "original" compactor has been in service for over 30 years. Repairs are becoming more frequent and we are in the territory that could see complete failure of the compactor. A sudden complete failure would cause a 2 to 3-month delay in getting a replacement. We have found that having two working compactors serves the Town the best.*

CEMETERY COMMISSION - CEMETERY MOWER

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide eighteen thousand seven hundred eighty five dollars (\$18,785) to purchase a new Walker mower, or its equivalent, and associated equipment for mowing the cemeteries, said sum to be expended by the Cemetery Commission, with unexpended funds as of June 30, 2020 being returned to their funding source, or take action relative thereto. (Cemetery Commission) Finance Committee recommends \$18,785 from Free Cash for this purpose, 3-0.

*Summary: The Cemetery Department has nursed many years of service from its old mowers, only one of which is under 20 years old. That one will become our backup, and two old machines will be retired.*

COUNCIL ON AGING SOFTWARE/HARDWARE

ARTICLE 16: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds five thousand three hundred dollars (\$5,300) for a scanner-assisted software application to better track data relating to Council on Aging services and programming, including any incidental and related costs, with unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Council on Aging) Finance Committee recommends \$5,300 from Free Cash for this purpose, 3-0.

*Summary: The COA seeks to obtain software to help reduce/eliminate paper records and increase the council's ability to track data and statistics on services provided and inventory related to but not limited to various programs such as: Meals on Wheels, transportation, automatic program registrations, durable medical equipment inventory, donations, etc. as well as send automatic wellness check calls to participating seniors. The cost includes the software, two handheld scanners, and annual licensing fees.*

HIGHWAY SERVICE UTILITY TRUCK

ARTICLE 17: To see if the town will vote to raise and appropriate, borrow, or transfer from available funds forty seven thousand dollars (\$47,000) to purchase a service/utility, three-quarter ton utility body, four-wheel drive truck with plow and any costs incidental or related thereto; or take any action relative thereto. (Highway Supt.) Finance Committee recommends \$47,000 from Free Cash for this purpose, 3-0.

*Summary: This truck will replace the current aged utility truck, allow the crew to have their tools aboard, but also provide for a more practical and efficient vehicle to drive for routine business.*

HIGHWAY HOT TOP

ARTICLE 18: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds seventy thousand dollars (\$70,000) for the purchase of hot top to reclaim and resurface roadways, including any

incidental and related costs; with unexpended funds as of June 30, 2021 being returned to their funding source, or take any action relative thereto. (Highway) Finance Committee recommends \$70,000 from Free Cash for this purpose, 3-0.

*Summary: This money will be used in conjunction with our Chapter 90 money from the State to reclaim and resurface our deteriorating roadways.*

#### PLANNING BOARD - MASTER PLAN

ARTICLE 19: To see if the Town will vote to raise and appropriate, or borrow, or transfer from available funds five thousand dollars (\$5,000) for the continued development of the Master Plan for the Town of Berlin, said sum to be expended by the Planning Board; with unexpended funds as of June 30, 2024 being returned to their funding source, or take any action relative thereto. (Planning Board) Finance Committee recommends \$5,000 from Free Cash for this purpose, 3-0.

*Summary: This article continues the process of completing one part of the Master Plan each year rather than one large effort every five years.*

#### FIRE/EMS PUMPER TANKER

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof, four hundred and forty thousand dollars (\$440,000) for the purpose of acquiring and equipping a Pumper/Tanker and related equipment, and trade in the current Engine 2 towards the purchase and decommission Tender 1; with unexpended funds as of June 30, 2020 being returned to their funding source; and authorize the Board of Selectmen to purchase said Pumper/Tanker, or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends \$440,000 from the Highland Commons Public Safety Mitigation Fund for this purpose, 3-0.

*Summary: This article is to purchase a new Pumper/Tanker which will replace our 1997 Pumper and our 1981 Tanker. Both of these vehicles have exceeded their dependable life expectancy. By combining the two we will save the town over \$400,000 and reduce the fleet by one large vehicle thereby reducing our carbon footprint and reducing future maintenance costs. The Pierce Engine 2 will be traded in. The cab/chassis of Tender 1 is owned by the federal government and was open-term leased to us as surplus property with the proviso that it be returned to the federal government. The vacuum pump/water tank we own and will be removed from the chassis for sale, else scrap or other disposition.*

#### FIRE/EMS SELF-CONTAINED BREATHING APPARATUS

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof, ninety thousand dollars (\$90,000) for the purpose of purchasing of new Self Contained Breathing Apparatus (SCBA) and related equipment; with

unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends \$75,000 from Free Cash and \$15,000 from the Highland Commons Public Safety Mitigation Fund for this purpose, 4-0.

*Summary: This article is to replace our present SCBA which is more than 2 NFPA revision cycles out of compliance and 10+ years old. All but four of our current breathing apparatus are hand-me-downs from a neighboring department.*

#### FIRE/EMS MISCELLANEOUS EQUIPMENT

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof, a fifty thousand dollars (\$50,000) for the purpose of purchasing Minor Departmental Equipment, with no singular item exceeding five thousand dollars (\$5,000) in value, with unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends \$50,000 from the Highland Commons Public Safety Mitigation Fund for this purpose, 3-0.

*Summary: This article is to fund our ongoing minor equipment replacement program. We purchase anything from protective clothing to helmets to hose and nozzles, etc.*

#### FIRE/EMS UNPAID PRIOR YEAR BILL

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow, or any combination thereof, four hundred eighty five dollars and forty one cents (\$485.41) for the purpose of paying an FY18 Invoice for Coastal Medical billing; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends no more than \$485.41 from Free Cash for this purpose, 3-0.

*Summary: The bill was sent for payment after the end of the prior fiscal year.*

#### FIRE/EMS UNPAID PRIOR YEAR BILL

ARTICLE 24: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow, or any combination thereof, one thousand one hundred ninety three dollars and fifty three cents (\$1,193.53) for the purpose of paying an FY18 Invoice for New England Fire Equipment & Apparatus Corp.; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends no more than \$1,193.53 from Free Cash for this purpose, 4-0.

*Summary: The bill was sent for payment after the end of the prior fiscal year.*



FIRE/EMS UNPAID PRIOR YEAR BILL

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, or any combination thereof, three thousand forty five dollars and forty eight cents (\$3,045.48) for the purpose of paying an FY18 Invoice for Fire Tech & Safety of NE; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends no more than \$3,045.48 from Free Cash for this purpose, 4-0.

*Summary: The bill was sent for payment after the end of the prior fiscal year.*

FIRE/EMS UNPAID PRIOR YEAR BILL

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow, or any combination thereof, two hundred fifteen dollars (\$215) for the purpose of paying a FY18 Invoice for UMass Memorial Health Care; or take any action relative thereto. (Fire/EMS Department) Finance Committee recommends no more than \$215.00 from Free Cash for this purpose, 4-0.

*Summary: Bill was unpaid because of a clerical issue with new billing system, changes between Marlborough Hospital and UMass.*

SELECTMEN - UNPAID PRIOR YEAR BILLS

ARTICLE 27: To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds ninety-nine dollars and ninety-nine cents (\$99.99) to cover unpaid prior year FY18 Selectmen expenses to reimburse Webmaster Garth Coleman for website subscriptions and maintenance expenses; or take any action relative thereto. (Board of Selectmen) Finance Committee recommends no more than \$99.99 from Free Cash for this purpose, 3-0.

*Summary: The volunteer Webmaster submitted a reimbursement request after the end of the prior fiscal year. The sum was budgeted in FY18 but the funds were returned unspent to the General Fund at the end of Fiscal Year 2018. The Town has already received the benefit of his out-of-pocket expense which would be reimbursed upon passage of this article.*

POLICE CRUISER

ARTICLE 28: To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds forty seven thousand dollars (\$47,000) to purchase and equip a new police cruiser to replace the 2015 Ford Interceptor SUV, with unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Police Chief) Finance Committee recommends \$47,000 from the Highland Commons Public Safety Mitigation Fund for this purpose, 3-0.

*Summary: The current 2015 SUV is due for replacement as part of our public safety capital plan. The replacement vehicle may be one of Ford Motor Company's new Hybrid Police Interceptors. Ford is replacing the current interceptor SUV with a traditional hybrid as part of its 2020 model year. The hybrid vehicle should help reduce long term operating costs as less fuel will be used at times police vehicles are normally running to keep emergency equipment and systems operating.*

#### POLICE RADIOS/TASERS/ACTIVE SHOOTER EQUIPMENT

ARTICLE 29: To see if the Town will vote to raise and appropriate, and/or borrow, or transfer from available funds fifteen thousand dollars (\$15,000) to purchase police equipment, including portable radios, Tasers, and active shooter response equipment and any incidental costs, with unexpended funds as of June 30, 2020 being returned to their funding source, or take any action relative thereto. (Police Chief) Finance Committee recommends \$15,000 from the Highland Commons Public Safety Mitigation Fund for this purpose, 3-0.

*Summary: The department lacks necessary equipment for proper response to possible active shooter/killer response. Upgrade and replace portable radios allowing proper communications with neighboring communities. Supply officer with less lethal force option to reduce potential for serious injury to officers and suspects. Purchase is part of the Public Safety Capital Plan.*

#### STABILIZATION FUND

ARTICLE 30: To see if the Town will vote to raise and appropriate or transfer from available funds one hundred and twenty five thousand dollars (\$125,000) to the Stabilization Fund; or take any action relative thereto. (Finance Committee) Finance Committee recommends transferring \$125,000 from Free Cash to the Stabilization Fund, 4-0.

*Summary: This article seeks to transfer funds into the Town's Stabilization account in order to ensure that Berlin has a healthy "rainy day fund".*

#### ENERGY COMMITTEE SPECIAL PURPOSE STABILIZATION FUND

ARTICLE 31: To see if the Town will vote pursuant to the provisions of Massachusetts General Law Chapter 40, Section 5B, for the purpose of creating an Energy Committee Special Purpose Stabilization Fund to be used for the payment of project costs associated with action taken by the Town to meet the goals established by the Commonwealth's Green Community program; or take any action relative thereto. (Energy Committee) Finance Committee recommends this action, 3-0.

*Summary: The Energy Committee is seeking to create a fund that will function as a savings account to pay for future projects designed to improve the Town's energy efficiency or conserve water in accordance with the goals established by the Massachusetts Green Community Program. Before*

*Projects funded by money in the stabilization fund could begin, they would need to be approved by a Town Meeting vote.*

FUNDING ENERGY COMMITTEE SPECIAL PURPOSE STABILIZATION FUND

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide four thousand eighty seven dollars (\$4,087) to be placed into the Energy Committee Special Purpose Stabilization Fund; or take any action relative thereto. (Energy Committee) Finance Committee recommends \$4,087 from Free Cash into the Energy Committee Special Purpose Stabilization Fund, 3-0.

*Summary: At the 2018 Annual Town Meeting, we elected to pass over Article 29 which was designed to collect funds raised by an adder to the Municipal Energy Aggregation program. Because a fund was not established at that meeting, the money from the aggregation program was placed into the Town's General Fund. This article seeks to move the money that was already collected in 2018 out of the General Fund and into the Special Purpose Stabilization Fund established in Article 31 of this Meeting. There is no cost associated to taxpayers since this money is paid by participants in the Municipal Energy Aggregation program who take advantage of a lower rate than National Grid's standard offer.*

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The following articles will be taken up at a **second session on Tuesday, May 7, 2019 at 7:30 PM** following disposition of any outstanding articles from the previous session.

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WEAK FIRE CHIEF STATUTE

ARTICLE 33: To see if the Town will vote to rescind its acceptance of the provisions of Massachusetts General Law Chapter 48, Section 42, the so called "Strong (Fire) Chief" statute as approved at the December 14, 2015 Special Town Meeting, Article 4, and, further vote to accept the provisions of Massachusetts General Law Chapter 48, Section 42A to provide for Selectmen oversight of the Fire/EMS Department as provided for in said statute, similar to the nature of the Selectmen's oversight of the Police Department, to take effect on July 1, 2019; or take any action relative thereto. (Board of Selectmen)

*Summary: This article is to place a vote before the Town of Berlin to revoke acceptance of the "Strong Chief" law and vote to accept the "Weak Chief" statute.*

CHANGE TAX COLLECTOR DEMAND FEE

ARTICLE 34: To see if the Town will vote to charge for each written demand issued by the collector a fee of \$15 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section

15, effective as of July 1, 2019; or take any action relative thereto. (Tax Collector) Finance Committee recommends this action, 3-0.

*Summary: A problem encountered by Tax Collectors is when excise tax payments are received late. Taxpayers have a one-day grace period for late payments. After that, a "demand fee" (currently \$10) is added and interest starts accruing. Only a handful of Collectors enforce this rule due to the amount of expense and work required to comply.*

*The dilemma is the cost of added workload created by late payers: returning the check, adding the demand and interest to the balance, and either generating a per diem interest fee or adding a 14-day interest fee for everyone. In practice, most communities accept payments up to two weeks later, and, as long as the demand and interest fees are \$15 or under, write-off the demand, interest or both. Setting a \$15 dollar demand fee is a more efficient collection tool.*

#### PLANNING BOARD – SENIOR RESIDENTIAL DEVELOPMENT

ARTICLE 35: To see if the Town will vote to amend the Zoning By-Law Section 720 Senior Residential Development by eliminating 723.2(b) as shown below in strikethrough and changing 723.2(c) to 723.2(b) as shown below in strikethrough and bold type;; or take any action relative thereto.

723.2 Occupancy Restriction: The following provisions are intended to ensure that the dwelling units in an SRD are used as residences for persons of age 55 and older.

- (a) Each unit in an SRD shall be occupied by at least one person 55 years of age or older.
- ~~(b) Children under age 18 may not reside in a dwelling unit in an SRD for more than six (6) months in any nine (9) month period.~~
- (e)(b)** In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in an SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household. (Planning Board)

*Summary: This article eliminates a conflict in the Zoning By-Law. Section 730 requires all new developments of six or more units to have fifteen percent (15%) of the units be affordable. To be counted as affordable there cannot be an age restriction on children. This article will remove the under age 18 restriction for Senior Residential Developments.*

#### NAME CHANGE: BOARD OF SELECTMEN to SELECT BOARD

ARTICLE 36: To see if the Town will vote to amend the Town By-laws to substitute the term "Board of Selectmen" throughout with the term "Select Board" and the words "selectman, selectmen, selectwoman, or

selectwomen” with the words “select board member(s)” or “member(s) of the select board” in each and every place they appear in the Town By-laws, and, further, to insert the following in Article 1, Section 3, before the existing text thereof, the following:

For purposes of these bylaws, and for all official business of the Town, the board previously referred to as the Board of Selectmen shall hereinafter be referred to as the Select Board, with individual members to be referred to as “select board members” or “members of the select board”, and said Select Board shall have all the powers and duties of a board of selectmen as set forth in the General Laws or any special act applicable to the Town.

Or take any action relative thereto. (Selectmen)

*Summary: The Board of Selectmen was named when women were not allowed on the Board. The term 'Select Board' provides historical continuity while recognizing that this is no longer the case.*

AMEND GENERAL BYLAW - WARRANTS; ANNUAL TOWN REPORTS

ARTICLE 37: To see if the Town will vote to amend Town of Berlin General Bylaw Article II, “Town Meetings, the Warrants and the Town Reports,” by deleting Sections 3 and 12 in their entirety and inserting in place thereof the following new Sections 3 and 12 (with the italicized text representing the major changes); or take any other action related thereto.

SECTION 3. In accordance with Massachusetts General Law Chapter 39, Section 10, attested copies of the warrant for each Town Meeting shall be posted at the Town Offices, the 1870 Town Hall, and at the Post Office in the Town at least seven (7) days before the Annual Town Meeting, and at least fourteen (14) days before any Special Town Meeting. The Selectmen shall cause the warrant for the Annual Town Meeting *and the report of the Finance Committee to be printed and posted to the Town webpage*. At least five (5) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be delivered or mailed to each voting household in the Town a copy of the warrant for said meeting and the report of the Finance Committee. At least fourteen (14) days before the day fixed in the warrant for each Special Town Meeting, the Selectmen shall cause a copy of the articles in the warrant for said meeting to be mailed to each voting household in the town.

SECTION 12. The Selectmen shall cause *a copy of the Annual Town Report to be printed and posted on the Town website for public use with printed copies to be made available at the Town Offices*.

Or take any action relative thereto. (Finance Committee) Finance Committee recommends this action, 4-0.

AMEND SNOW REMOVAL BY-LAW

ARTICLE 38: To see if the Town will vote to amend the Town of Berlin General Bylaws by deleting Article VI "Public Roads, Ways and Places," Section 4 in its entirety and replace it with the following:

SECTION 4. No snow or ice shall be deposited on any public street or sidewalk from any parking lot, business or residential driveway at any time. The penalty for violation of this by-law shall be one hundred dollars (\$100.00).

Or take any action relative thereto. (Selectmen)

*Summary: The current snow removal by-law permits snow to be pushed into the street as long as a plow truck has not yet made a first pass during a storm. This creates a safety hazard. The amendment both stops that unsafe practice of creating impediments in the roadway for motorists, and serves to add a non-criminal disposition fee for violations of the by-law.*

CONSERVATION COMM. – SINGLE-USE BAG BAN

ARTICLE 39: To see if the Town will vote to amend the Town Bylaws by adding a Bylaw, to be consecutively numbered and titled "Single-Use Bag Ban," for the reduction of plastic bags, as follows, and further to authorize the Town Clerk to assign an appropriate Article and Chapter number, and to make ministerial changes to numbering to bring such bylaw into accord with numbering system used in the Town Bylaws:

SECTION 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town Berlin by January 1, 2020.

SECTION 2. Definitions

2.1 Checkout bag: A carryout bag provided by a store to a consumer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 Retail Establishment: Any commercial enterprise, that sells goods and/or services to the public including but not limited to grocery stores, pharmacies, bars, restaurants, markets, liquor stores, retail stores, and convenience stores., jewelry stores, and household goods stores; however,

this does not include bazaars operated by nonprofit organizations or religious institutions.

2.1 Reusable checkout bag: A bag, with handles, made of, cloth, fabric or other durable machine-washable fabric materials, other than Polyethylene or Polyvinyl chloride that is specifically designed for multiple uses. It shall also be specifically designed and manufactured for a minimum of 175 uses and can carry 25 pounds over a distance of 300 feet.

2.2 Thin-film single-use plastic bags: Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

### SECTION 3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishments within the Town of Berlin.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Thin-filmed plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

### SECTION 4. Enforcement Process

This bylaw shall be enforced by the Board of Selectmen, Town Administrator or their designee(s). The Board of Selectmen shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate.

Any retail establishments distributing thin-film, single-use plastic bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under Massachusetts General Laws Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Each day or portion thereof shall constitute a separate offense.

Any such fines shall be paid to the Town of Berlin.

Bylaw	1st Offense	2nd Offense	3rd & Subsequent
Plastic Bag Reduction Bylaw	Warning	\$50.00	\$200.00

*Summary: Single use plastic bags checkout bags have significant impacts on the environment including roadside litter and are a burden on waste collection facilities. Up until recently we were able to at least recycle these bags but since the changes in the Transfer Stations ability to recycle these bags, we feel it is time to follow the lead of 90 plus communities in the Commonwealth that have taken this step. The Conservation Commission has been working with the Town of Hudson to create a single use plastic bag ban by-law. We feel that a joint effort between towns is important because of the shared shopping center at Highland Commons.*

#### CREATION OF COMMUNITY PRESERVATION ACT COMMITTEE

ARTICLE 40: To see if the Town will vote to create a new General Bylaw, to be consecutively numbered and titled "Community Preservation Act Committee," that would establish a Community Preservation Act Committee, pursuant to Massachusetts General Law, Chapter 44B; and further to authorize the Town Clerk to assign an appropriate Article and Chapter number, and to make ministerial changes to numbering to bring such bylaw into accord with numbering system used in the Town Bylaws, or take any action relative thereto.

#### SECTION 1. Establishment

There is hereby established a Community Preservation Act Committee, consisting of seven (7) voting members pursuant to Massachusetts General Law Chapter 44B. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

- a. One member of the Planning Board (Massachusetts General Law Chapter 41, Section 81A) as designated by said Board for a term of three (3) years;
- b. One member of the Conservation Commission (Massachusetts General Law Chapter 40, Section 8C) as designated by said Commission for a term of three (3) years;
- c. One member of the Historical Commission (Massachusetts General Law Chapter 40, Section 8D) as designated by said Commission for a term of three (3) years;
- d. One member of the Recreation Committee (Massachusetts General Law Chapter 45, Section 2) as designated by said Committee for a term of three (3) years;
- e. One member of the Housing Partnership (Massachusetts General Law Chapter 121B, Section 3) as designated by said Partnership for a term of three (3) years; and
- f. Two at-large members appointed by the Board of Selectmen for a term of three (3) years each.



Any member of the Community Preservation Act Committee appointed by a commission, authority or board that made the original designation of appointment shall serve on the Community Preservation Act Committee so long as the member serves said commission, authority or board. Any vacancy on the Community Preservation Act Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the designating authorities under this Chapter be no longer in existence for whatever reason, the appointment authority for that purpose shall become the responsibility of the Board of Selectmen.

Initial appointments to the Community Preservation Act Committee shall be for staggered terms as follows: Planning Board, Conservation Commission, and Historical Commission designees shall serve a three (3) year term; the Recreation Committee and the Housing Partnership shall serve a two (2) year term; the Board of Selectmen appointees shall serve a one (1) year term. All subsequent appointees will serve three (3) year terms as noted above, or for designations under paragraphs (a) through (e), until their service on the underlying board has ended. Any member of the Community Preservation Act Committee may be removed for cause after a hearing by their designating or appointing authority.

## SECTION 2. Duties

1. The Community Preservation Act Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Partnership, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation options and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the Town and on the Town's website. The Committee may use its administrative funds, after proper appropriation, to pay such expenses.
2. The Community Preservation Act Committee shall design, implement and publicize an application process for those seeking grants from the Community Preservation Act Funds under the Committee's management. The Community Preservation Act Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the

acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Act Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Community Preservation Act Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Act Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

### SECTION 3. Requirement for a quorum and cost estimates

The Community Preservation Act Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Act Committee shall constitute a quorum. The Community Preservation Act Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

### SECTION 4. Amendments

The Community Preservation Act Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Act Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Massachusetts General Law Chapter 44B.

### CHAPTER 5. Severability

In case any section, paragraph or part of this chapter is, for any reason, declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

### SECTION 6. Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth and compliance with all bylaw approval procedures under G.L. Chapter 40, Section 32. Each appointing authority shall have sixty (60)

days after approval by the Attorney General to make their initial appointments.

Or take any action relative thereto. (Finance Committee) Finance Committee recommends this action, 3-0.

*Summary: This article would, if approved, create a Community Preservation Act Committee in Berlin that would solicit and evaluate grant proposals for the use of Community Preservation Act funds in the Town. The Community Preservation Act Committee would then recommend the approved grant applications to Town Meeting for final approval and funding.*

2 TAX TITLE LAND PARCELS TO SELECTMEN

ARTICLE 41: To see if the Town will vote to transfer the two (2) parcels of tax title land listed below from the care, custody and control of the Town’s Tax Title Custodian to the care, custody and control of the Berlin Board of Selectmen for general municipal purposes, including, without limitation, for roadway purposes; or take any action related thereto.

<b><u>Map</u></b>	<b><u>Parcel</u></b>	<b><u>Acres</u></b>	<b><u>Address</u></b>
12	11	6,970 sq. ft.	Dudley Road off RRW
12	12	21,780 sq. ft.	Dudley Road off RRW

All the above-listed parcels have been reviewed and agreed to by representatives of the Planning Board, Conservation Commission, Town Treasurer and Highway Superintendent. (Treasurer)

*Summary: Parcels Lots 12-11 and 12-12 are part of the contiguous Dudley Road lots listed in Article 42 [below]. They are at a dead end, and currently used by Highway to safely turn around when plowing snow.*

11 TAX TITLE LAND PARCELS TO CONSCOMM

ARTICLE 42: To see if the Town will vote to transfer the eleven (11) parcels of tax title land listed below from the care, custody and control of the Town’s Tax Title Custodian to the care, custody and control of the Berlin Conservation Commission pursuant to the provisions of Massachusetts General Law Chapter 40, Section 8C for conservation and passive recreation purposes and to dedicate said parcels in perpetuity for such parcels subject to the provisions of Article 97 of the Amendments of the Massachusetts Constitution; or take any action related thereto.

<b><u>Map</u></b>	<b><u>Parcel</u></b>	<b><u>Acres</u></b>	<b><u>Address</u></b>
12	13	0.5	Dudley Road off River Road

			West
12	14	1.0	Dudley Road off River Road West
12	15	1.0	Dudley Road off River Road West
12	33	1.82	Dudley Road off River Road West
13	7	0.69	Boylston Road
19	27	3.63	Allen Road
21	26	2.92	Sawyer Hill Road (Hog Swamp)
26	06	4.36	Lancaster Road
20	15	41,419 sq. ft.	Baker Road
20	16	37,747 sq. ft.	Baker Road
20	17	32,260 sq. ft.	Baker Road

All the above-listed parcels have been reviewed and agreed to by representatives of the Planning Board, Conservation Commission, Town Treasurer and Highway Superintendent. (Treasurer)

*Summary: As stated in the article, these lots were reviewed by the “tax title team” and determined to be lots not likely developable because of size, environmental problems or multiple failed perks. It was determined the best use was for it to be conservation land.*

**CONSERVATION COMMISSION - PEACH HILL ACQUISITION**

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, certain property consisting of 30 acres, more or less, located off of Peach Hill Road and shown on Berlin Assessor’s Map 24 as Lots 6-1 and 13, for conservation purposes, which property shall be in the care, custody and control of the Berlin Conservation Commission under the provisions of Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended and other Massachusetts statutes relating to conservation, and to appropriate and transfer the sum of one hundred thirty thousand dollars (\$130,000) from the Conservation Fund to acquire said property and costs incidental or related thereto, and to authorize the Board of Selectmen and the

Conservation Commission to apply for, accept and expend, on behalf of the Town of Berlin, any and all funds that may be provided by the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of such acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under Massachusetts General Laws Chapter 132A, Section 11 (the LAND grant program) and/or any others in any way connected with the scope of this Article; that said grants awards and/ or reimbursements be placed in the Conservation Fund for other conservation purposes; and that the Board of Selectman and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Berlin to accomplish said purchase; and, further, to authorize the Board of Selectmen to grant a perpetual conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33, over said property to Sudbury Valley Trustees, Inc. or other qualified entity (Conservation Commission) Finance Committee recommends \$130,000 from the Conservation Fund for this purpose, 3-0.

*Summary: The Town and the Conservation Commission have entered into an agreement with Sudbury Valley Trustees and the Wendler Family to purchase approximately 30 acres on Peach Hill Road. This land adds to existing conservation land in both Berlin and Bolton and helping to create an important wildlife corridor in town.*

#### POTAS SOLAR ARRAY P.I.L.O.T. AGREEMENT

ARTICLE 44: To see if the Town will vote to authorize the Board of Selectmen to negotiate and 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 a form acceptable to the Board of Selectmen, between the Town of Berlin and Donald P. Potas and Marcia A. Potas, their successors, assignees or affiliates, on such terms and conditions and for such term not to exceed twenty (20) years, in an amount to be determined 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 ground-mounted solar photovoltaic facility to be located upon an approximately 21.26 acre subset of the whole 50 acre privately-owned land parcel (Assessor's Map 14.0/11, known and numbered as 344 Randall Road) upon which such facility is to be located, and further, to authorize the Board of Selectmen to take such action as many be necessary to carry out the vote taken hereunder and to take all actions necessary to implement such agreement; or take any other action relative thereto. (Board of Selectmen) Finance Committee recommends this action, 3-0.

*Summary: Passage of this article would permit the Selectmen to negotiate in good faith with a solar power generation company on the payment of*

*personal property tax obligation based on the project's full and fair cash valuation.*

SENIOR RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

ARTICLE 45: To see if the Town will vote to establish a Senior Residential Development Overlay District (Section 430, Town of Berlin Zoning) for a 29+/- acre parcel of land located on the northerly side of River Road West. This land is shown as Parcel 29 on Map 7 of the Town of Berlin Tax Map as revised through June 30, 2017. The parcel is owned by Worcester Sand and Gravel Co. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA ESTABLISHMENTS

ARTICLE 46: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed- All types of Marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana craft cultivator cooperatives, marijuana testing facilities, marijuana research facilities, marijuana product manufacturers, marijuana retailers, marijuana microbusinesses or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA RETAILERS

ARTICLE 47: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Retailers as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA MICROBUSINESSES

ARTICLE 48: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Microbusinesses as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA PRODUCT MANUFACTURERS

ARTICLE 49: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Product Manufacturers as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA RESEARCH FACILITIES

ARTICLE 50: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Research Facilities as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA TESTING LABORATORIES

ARTICLE 51: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Testing Laboratories as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA CRAFT CULTIVATORS

ARTICLE 52: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Craft Marijuana Cultivators Cooperatives as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BYLAW BAN OF ALL RECREATIONAL MARIJUANA CULTIVATORS

ARTICLE 53: To see if the Town will vote to amend the General Bylaws of the Town of Berlin by adding a new General Bylaw Article as follows:

Marijuana Not Medically Prescribed. All types of Marijuana Cultivators as defined in MGL Ch. 94G, Section 1(j), shall be prohibited within the Town of Berlin. (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA ESTABLISHMENTS

ARTICLE 54: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana establishments as defined in G.L. Ch. 94G, Section 1(j), including all marijuana cultivators, marijuana craft cultivator cooperatives, marijuana testing facilities, marijuana research facilities, marijuana product manufacturers, marijuana retailers, marijuana microbusinesses or any other type of licensed marijuana-related businesses, in the town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA RETAILERS

ARTICLE 55: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana Retailers as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin?  
(Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA MICROBUSINESSES

ARTICLE 56: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana Microbusinesses as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA PRODUCT MANUFACTURERS

ARTICLE 57: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana Product Manufacturers as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA RESEARCH FACILITIES

ARTICLE 58: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana Research Facilities as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA TESTING LABORATORIES

ARTICLE 59: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Marijuana Testing Laboratories as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA CRAFT CULTIVATORS

ARTICLE 60: To request that the Selectmen place on the Ballot for an election during the next year the following question:

Shall the Town prohibit the operation of all types of Craft Marijuana Cultivator Cooperatives as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

BALLOT BAN OF ALL RECREATIONAL MARIJUANA CULTIVATORS

ARTICLE 61: To request that the Selectmen place on the Ballot for an election during the next year the following question:



Shall the Town prohibit the operation of all types of Marijuana Cultivators as defined in MGL Ch. 94G, Section 1(j), within the Town of Berlin? (Citizens' Petition)

MAY 13, 2019 ANNUAL TOWN ELECTION

Article 62: To meet at the Berlin Town Offices, 23 Linden Street, lower level, in said Berlin on Monday, May 13, 2019, between the hours of 12:00 noon and 8:00 p.m. to elect by ballot the following officers: Moderator for one year; Selectmen for three years; Assessor for three years; Assessor vacancy for two years; Constable for three years; School Committee for 3 years; School Committee vacancy One Year; Library Trustee for three years; Library Trustee vacancy for two years; Trustee of Trust Funds for three years; Trustee of Trust Funds vacancy for two years; Cemetery Commissioner for three years; Planning Board for five years; Board of Health for three years. (Town Clerk)

And you are directed to serve this Warrant, by posting up attested copies thereof as per vote of the Town in said Town, seven (7) days at least before the time of holding said meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 8<sup>th</sup> day of April in the year of our Lord two thousand nineteen.

**BOARD OF SELECTMEN**

Christine Keefe, Chairman

Lisa Wysocki, Vice Chairman

Margaret Stone, Clerk