

FINANCE COMMITTEE REPORT

FISCAL PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019 ANNUAL FALL TOWN MEETING
CONTAINING THE RECOMMENDATIONS OF THE FINANCE COMMITTEE

PLEASE BRING THIS REPORT WITH YOU TO THE ANNUAL TOWN MEETING



ANNUAL FALL TOWN MEETING – MONDAY, NOVEMBER 5, 2018 AT 7:30 PM
MIDDLE/HIGH SCHOOL AUDITORIUM

PRE-TOWN MEETING – TUESDAY, OCTOBER 30, 2018 AT 7:30 PM
VETERANS MEMORIAL BUILDING – ROOM #229

Annual Fall Town Meeting – November 5, 2018

Finance Committee Report

The Town of Millis gathers twice a year to vote on the spending of town funds, authorizing the borrowing of funds for town projects and the changing of local zoning, bylaw and charter changes. Generally, the Spring Town Meeting is where we pass the town's annual budget and the Fall Town Meeting is where we address any funding or other issues that arise between the Spring Town meetings. These include emergency appropriations for such items as fixing and replacing critical equipment, budget adjustments, accounting reviews, legal issues and other issues that can't wait until the Spring Town Meeting. Most major appropriations and capital expenditures are deferred until the Town Meeting in the Spring.

The Finance Committee is appointed by the Moderator to study and make recommendations on all Warrant Articles presented by the Board of Selectmen. Neither the Finance Committee nor the Board of Selectmen has any authority to spend funds or make zoning, bylaw or charter changes on their own. These responsibilities rest solely with Town Meeting, so it is important that everyone who cares about how the town is run attend and vote at Town Meeting.

Status Update:

Free Cash

At this Town Meeting we are fortunate that we are not facing any major issues or responding to a major crisis. However, that doesn't mean that we don't have important town business to conduct. If you recall, last fall we had only \$250,000.00 in Free Cash. Free Cash is certified by the state and is made up of turn backs from unused departmental funds from prior fiscal year budgets, revenues in excess of our estimates and unused Warrant Article funds from prior fiscal years. This amount is typically between \$400,000.00 and \$500,000.00. This year we have \$1,461,322 currently certified in Free Cash. Over \$600,000 of this free cash is a one-time release of a Bond Premium from fiscal year 2017 that was reserved in error. Due to the erratic nature of Free Cash, we typically use it to fund one time or non-recurring items. Where we see such large swings in free cash from one year to the next, we as the Finance Committee do not recommend using these one-time funds for regularly-recurring town expenses.

Capital Expenses

Over the past couple of years, the Board of Selectmen in coordination with the Town Administrator and the Finance Department have been working hard to get Millis on track to better report town finances and challenges in a way that every town meeting member can understand. Our Capital Planning Committee is nearing the end of a very long process to properly account for all of the capital needs for each department in the town and will be presenting its recommendations and schedules at the next Spring Town Meeting. For this Town Meeting, we have Article #9 which aggregates several capital items into one article for our most pressing capital needs at this time, as put forward by the Board of Selectmen.

It is likely that once we see all of the town's capital needs in one place it will seem overwhelming to anticipate funding for such a small town with a predominately residential tax base of relatively modest incomes compared to some of the neighboring communities. Our town has grown slowly over the past few years, but we have some significant developments which are now progressing. The population of

residents over the age of 65 is increasing, and we are hopeful that with the new elementary school, our number of young families will also increase in coming years.

Because the commercial and industrial tax base is small, paying for town services and equipment falls mostly to the tax paying residents. The cost of these services is not insignificant, and without growing our population base and encouraging commercial development, the tax burden to every household will only continue to increase. Every few years, there are many new programs and costs that have been legislated and that must now be managed but are not otherwise funded. Most of these programs are unfunded or underfunded mandates such as providing special education services to our students, funding comprehensive stormwater management, adequately funding our town employee retirement benefits, and more frequently replacing equipment for our first responders so that they are safe as they work to protect all of us in town.

Significant Articles:

All articles are important, but there are a few that we'd like to highlight:

Retail Marijuana Zoning, Licensing, and Public Consumption (Articles #13 - 16): These four articles relate to the retail sale, cultivation and public use of marijuana. In November 2016 Millis voted "YES" on the state-wide ballot to allow retail marijuana. Without a new ballot (and a majority "No" vote) and a Town Meeting vote, there is no way to prevent retail sales in our town. Furthermore, medical marijuana dispensaries are allowed by the law to convert to retail (non-medical) sales. In the near future a medical dispensary will open in Millis on Route 109, and this shop has the right and has stated its intent to expand to include retail sales. Therefore, we will have at least one retail marijuana shop in Millis at some point.

At the November 2017 Town Meeting, Millis passed a moratorium preventing any retail marijuana establishments from opening in town for one year. This moratorium will expire in December 2018. When this moratorium expires, if Millis has not passed appropriate Zoning By-laws, there will be no restrictions on the location and number of retail shops and cultivation facilities. The by-law change in Article #14 was proposed for the Spring Town Meeting but did not pass. The Retail Marijuana Committee and the Board of Selectmen have unanimously voted to support the articles that are presented in the warrant. **If we do not pass a zoning article at this Town Meeting, there will be no restrictions on the location and number of retail shops and cultivation facilities.** Regardless of your views on recreational marijuana, I think we can agree that it is not acceptable for the Town's governing bodies to have no guidance or control over where marijuana shops can go in Millis.

Related to these articles has been discussion of nuisance odors and regulations. The Board of Selectmen, the Retail Marijuana Committee, the Planning Board and the Board of Health agree that a single set of standards will be established with the Board of Health as the enforcement agent. The Board of Health's Rules and Regulations would not require a Town Meeting vote, and therefore are more easily adopted and revised as needed on an on-going basis. Other provisions for the operations of a retail marijuana establishment can be addressed through the Board of Selectmen's License to Operate, as would be authorized by Article #15. The other two articles address the number of retail marijuana establishments that would be authorized for the town of Millis and restrictions on the public consumption of marijuana similar to the existing liquor regulations.

OPEB and Stabilization Fund: As mentioned earlier, this year we have \$1,461,322.00 in Free Cash. Over \$600,000 of this free cash is a one-time release of a Bond Premium from fiscal year 2017 that was

reserved in error. With our stabilization fund (about \$1.4 million) at over 5% of our Operating Budget, we can now look to put some funding into our OPEB trust account. OPEB (Other Post-Employment Benefits) refers to Town employee retirement benefits, including insurance, retirement pay and other items. Currently the Town is covering such claims as needed out of the General Operating Budget. The Town should be setting aside additional funds for future OPEB obligations. These liabilities are now approximately \$32 million, but the town has only allocated \$100,000.00 for this fund to date. There isn't a chance that we, the Town, will ever fund it 100% without inflicting unacceptable taxation hardships on every resident, but it is an obligation that we have to address. As part of the Town's Stabilization Fund Policy, we are obligated to appropriate a minimum of \$50,000 to the OPEB fund if our Stabilization Fund has been fully funded and additional funds are available. In accordance with our Stabilization Policy, the Finance Committee will be recommending approval of Article #11 in the amount of \$50,000.00 from Free Cash.

Beyond these extraordinary items, we have the typical expenditures: unpaid bills, new police vehicles, IT upgrades, school busses and FY18 Snow and Ice deficit, increasing authorization on revolving funds, rescinding borrowing on old authorizations, and authorizing a cell phone tower lease, all of which are typical of a November Town Meeting.

Millis is a beautiful small town with a rich history. We've seen a lot of changes to our town in the past few years, and the new elementary school and other large developments will no doubt bring other changes. However, what remains is that we love our town and we, the people of Millis, are in control of the town's governance and budgets. As a town meeting body, we must all consider every article presented and collectively make the best choices for our town as we move forward together.

Thank you for your consideration of these articles and please join us at Town Meeting to make your voices heard on these important matters.

Respectfully Submitted,

Jodie Garzon, Chair
Jim Bullion
Craig Schultze

Peter Berube, Vice Chair
Peter Jurmain

Doug Riley, Clerk
Shawn Power

Article #1: Unpaid Bills

This is an annual article to fund bills incurred in previous fiscal years, which were not processed prior to the close of FY18. The bills for this Town Meeting total \$19,505.12.

The Finance Committee recommends approval of this article.

Article #2: Unemployment Account

This article will fund the Unemployment Account in the amount of \$16,500.00. Statutorily required payments to the state are submitted based on invoices the town receives.

The Finance Committee recommends approval of this article.

Article #3: Sanitary Landfill Monitoring Services

When the Town closed its sanitary landfill, it was required by the State to monitor the site for any leakage or contamination. The Town employs a contractor to provide these services at an average annual cost of \$10,000. These costs are paid out of the Sanitary Landfill Monitoring Services Account, which is replenished periodically to ensure that funding is always available for these mandatory services.

The Finance Committee recommends approval of this article.

Article #4: FY18 Snow & Ice Deficit

The Town budgeted \$218,727.00 for snow and ice removal for FY18. The actual cost of snow and ice removal was \$416,318.50, leaving a deficit of \$197,591.50. This Article transfers funds to pay for that deficit.

The Finance Committee recommends approval of this article.

Article #5: FY19 Financial & Economic Development Director/Planner Consulting

This article, if approved, would allocate funding in the amount of \$42,500.00 to the Board of Selectman – Professional Consulting budget line. These resources would fund a consultant, formerly the Interim Finance Director, to aid the transition of the newly hired town Finance Director for 6 months. Additionally, a separate consultant would be hired as a Financial and Economic Development Director on a part-time basis and in partnership with another municipality.

The Finance Committee recommends approval of this article.

Article #6: Increase Spending Authorization on Recreation Revolving Fund

The purpose of this article is to raise the maximum spending limit on the Recreation Revolving Fund to \$200,000.00. Due to the department's efforts at expanding programs, inflows (and associated outflows) have exceeded the current spending authorization level.

The Finance Committee recommends approval of this article.

Article #7: Rescind Balance of Unneeded Borrowing Authorizations

This article would rescind borrowing authorizations for several projects approved through Articles at prior Town Meetings. The projects are complete, and the actual amounts borrowed were less than what was authorized.

The Finance Committee recommends approval of this article.

Article #8: Purchase of Used School Bus

This article authorizes the use of funds, currently in the School Bus Stabilization Fund, to purchase one of the town's school buses at the end of the lease term.

The Finance Committee recommends approval of this article.

Article #9: Capital Items

This article will fund a variety of capital purchases. These items are listed in the article and will be described in detail at Town Meeting. The total amount requested is \$663,018.00, though we have applied for grants to fund several of the School's Articles and are investigating other options to fund items; the total cost could be less by the time Town Meeting arrives.

The funding of this article will:

- Modernize our voting systems, with new voting booths and tablets for poll workers,
- Contribute towards funding software and hardware for the Town (we have received a grant for a portion of this project),
- Replace floors in Council on Aging, purchase or lease a new police cruiser,
- Address various DPW needs (some of which will be paid from Sewer and Water Enterprise Funds),
- Fund various improvements to the Middle School and High School (by Town Meeting, several of these will be grant funded and withdrawn from the article).

The Finance Committee recommends approval of this article.

Article #10: Police Cruisers Lease Payment

This article appropriates funds for payment in the amount of \$50,302.31 for the second year of a three-year lease for four police cruisers. The second lease payment is due in December.

The Finance Committee recommends approval of article in the amount of \$50,302.31 from New Growth.

Article #11: OPEB Trust Fund

This Article would add funds to the Other Post-Employment Benefits fund. To date, the Town has transferred a total of \$100,000 to the OPEB account. In accordance with the Town's Stabilization Fund Policy, the Town is obligated to appropriate a minimum of \$50,000 to the OPEB fund if the Town's Stabilization Fund has been fully funded and if the OPEB fund balance is \$50,000 or greater.

The Finance Committee recommends approval of this article in the amount of \$50,000 from Free Cash.

Article #12: Stabilization Fund

This Article appropriates funds to the Stabilization Fund to be used for unforeseen and emergency purposes which is essentially the town's rainy-day fund. As a result of an accounting correction, the town has a significant and unusual amount of Free Cash in the amount of \$1,461,322.00, a portion of which has been allocated for other purposes in this Town Warrant. After considering these other allocations, the Finance Committee recommends approval of adding \$300,000 to the Stabilization Fund and leaving \$338,793.16 in Free Cash.

The Finance Committee recommends approval of this article in the amount of \$300,000.00 from Free Cash.

Article #13: Retail Marijuana (1) Licensing Limitations/Zoning

This first article concerning Retail Marijuana would limit the number of Retail Marijuana Establishments to be no more than the greater of one or 25% of the number of licenses issued by the town for the sale of alcoholic beverages, currently 3, therefore only permitting one such establishment at this time.

The Finance Committee recommends approval of this article.

Article #14: Retail Marijuana (2) Special Permit/Zoning

This article authorizes Special Permitting and Zoning for Recreational Marijuana Retail Establishments and other non-retail establishments like cultivation and processing facilities. In November 2017, Millis Town Meeting put in place a moratorium on Retail Marijuana establishments that will expire in December 2018. The town needs adequate control regarding the location of Retail Marijuana Establishments; Zoning Permits may be changed in the future based upon our experience with the implementation of this By-law. However, without the By-law there would be no restrictions and no possibility of remedial action on the part of the town. Not passing the By-law opens the door for a Retail Marijuana Establishment to be set up anywhere in town with minimal restrictions, which is not acceptable. This article will put a Retail Marijuana Special Permit and Zoning By-law in place to ensure the town has sufficient control and guidance for Retail Marijuana Establishments.

The Finance Committee recommends approval of this article.

Article #15: Retail Marijuana (3) Board of Selectmen as Licensing Authority

This article would establish the Board of Selectmen as the Licensing Authority for all Marijuana Establishments in Millis and as such will be responsible for determining the specific rules and regulations that will govern authorized Retail Marijuana outlets in the Town of Millis. Applicants for such a license would need to file annually to legally operate in Millis. The Board of Selectmen would also issue orders, warnings and fines as appropriate to aid in the enforcement of the regulations and rules that have been established.

The Finance Committee recommends approval of this article.

Article #16: Retail Marijuana (4) Public Consumption

This article would establish the rules for the public consumption of marijuana or THC in similar ways to how the public consumption of alcohol is controlled. Recognizing that the public consumption of marijuana can impact others via second hand smoke, this restricts usage to non-public areas in town and authorizes the enforcement of this By-law in Millis.

The Finance Committee recommends approval of this article.

Article #17: Cell Tower Lease Authorization

This article, if approved, authorizes the Board of Selectman to lease town owned land for 30 years located at 121 Norfolk Road for a cell tower, pending negotiation of terms and approval by the Mass. DEP.

The Finance Committee recommends approval of this article.



WARRANT

2018

FALL ANNUAL TOWN MEETING

TOWN OF MILLIS COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

GREETING:

To either of the Constables of the Town of Millis in said county, in the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millis qualified to vote in elections and in town affairs, to meet on Monday, the fifth day of November, AD 2018 at 7:30 p.m. in the Middle-Senior High School Auditorium in said Millis:

**FOR THE BUSINESS MEETING, THEN AND THERE,
TO ACT ON THE FOLLOWING ARTICLES, VIZ**

WARRANT INSTRUCTIONS

OPENING MOTIONS

Pledge of Allegiance

Opening Comments (Moderator, Finance Committee Chairman)

Opening Motions

(Erin Underhill) Moderator recognizes Finance Committee Chairperson

(Jodie Garzon) I move that the reading of the warrant and return of service thereof be omitted

(Peter Berube) Second

Discussion

Vote

(Erin Underhill) Moderator recognizes Finance Committee Chairperson

(Jodie Garzon) I move that the Moderator be granted unanimous consent to omit the reading of the articles and to refer to them by number and subject matter.

Second (Peter Berube)

Discussion

Vote

FALL 2018 TOWN MEETING ARTICLE LIST

- 1. Unpaid Bills (\$19,505.12)**
- 2. Unemployment Account**
- 3. Sanitary Landfill Monitoring Services**
- 4. FY18 Snow & Ice Deficit**
- 5. FY19 Financial & Economic Development Director/Planner Consulting**
- 6. Increase Spending Authorization on Recreation Revolving Fund**
- 7. Rescind Balance of Unneeded Borrowing Authorizations**
- 8. Purchase of Used Bus (from Bus Stabilization Account)**
- 9. Capital Items**
- 10. Police Cruisers Lease Payment**
- 11. OPEB**
- 12. Stabilization Fund**
- 13. Retail Marijuana (1) Licensing Limitations/Zoning**
- 14. Retail Marijuana (2) Special Permit/Zoning**
- 15. Retail Marijuana (3) Board of Selectmen as Licensing Authority**
- 16. Retail Marijuana (4) Public Consumption**
- 17. Cell Tower Lease Authorization**

TOWN OF MILLIS

NOVEMBER 5, 2018 FALL ANNUAL TOWN MEETING WARRANT

ARTICLE 1. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds the sum of **\$19,505.12** for unpaid bills, or act in any manner relating thereto.

(Submitted by Board of Selectmen)

DEPARTMENT	VENDOR	AMOUNT
VARIOUS	Patriot Disposal	\$515.25
SELECTMEN	TCG NETWORK SERVICES	\$1,080.00
SELECTMEN	Mead, Talerman & Costa	\$6,693.25
SELECTMEN	Eversource	\$700.16
SELECTMEN	Eversource	\$2,000.66
LIBRARY	Commercial Boiler Systems	\$1,900.00
DPW	SiteOne	\$259.50
ZBA	Member Stipend	\$790.00
TOTAL GENERAL FUND UNPAID BILLS		\$13,938.82
DEPARTMENT	VENDOR	AMOUNT
DPW	Bartlett & Brillon	\$ 5,566.30
TOTAL WATER ENTERPRISE UNPAID BILLS		<u>\$ 5,566.30</u>
TOTAL UNPAID BILLS		\$19,505.12

ARTICLE 2. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds the sum of **\$16,500** to the Unemployment Account, or act in any manner relating thereto.

ARTICLE 3. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds the sum of **\$10,000** to replenish the Sanitary Landfill Monitoring Services Account, or act in any manner relating thereto.

ARTICLE 4. To see if the Town will vote to transfer from available funds the sum of **\$197,591.50** to fully fund the FY18 Snow & Ice Deficit, or act in any manner relating thereto.

ARTICLE 5. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds the sum of **\$42,500** to increase the Board of Selectmen Expenses -Professional Consulting Line Item from Article 4 of the Annual Town Meeting of May 14, 2018, or act in any manner relating thereto.

ARTICLE 6. To see if the Town will vote to increase the spending authorization on the MGL Chapter 44, Section 53-1/2 Recreation Revolving fund up to **\$200,000**, or act in any manner relating thereto.

ARTICLE 7. To see if the Town will vote to rescind the following approved but unissued debt authorizations:

\$30,000 - Article 8 of the ATM of November 2, 2009 for the water main at the Pleasant Street Bridge.

\$96,000 - Article 29 of the ATM of May 13, 2013 for the water system improvements.

\$25,000 – Article 49 of the ATM of May 12, 2014 for masonry repair at the Veterans Memorial Building.

\$16,400 – Article 20 of the ATM of November 15, 2012 for culvert improvements on Main Street.

Or act in any manner relating thereto.

ARTICLE 8. To see if the Town will vote to transfer from the School Bus Stabilization Fund the sum of **\$45,000** for the purchase/buy-out of one used school bus at the end of lease, or act in any manner relating thereto.
(Submitted by the School Committee)

ARTICLE 9. To see if the Town will vote to appropriate and raise by taxation, transfer from available funds, or borrow the sum of **\$663,018** to fund the following capital items:

Department	Item	Cost
Elections	Purchase of Poll Pads & Voting Booths	\$20,000
IT	Purchase of Hardware & Software	\$50,000
Buildings/COA	Replace Flooring in Room 21 of VMB	\$10,000

Police	New Police Cruiser	\$41,143
DPW	Sewer I/I Phase V	\$169,302
DPW	4X4 Pickup Truck & related equipment	\$43,168
DPW	Pavement Management Plan	\$39,800
School	MS/HS Intercom/Phone/PA System	\$100,000
School	MS/HS Library Floor Replacement	\$45,000
School	MS/HS Auditorium Repair	\$104,605
School	MS/HS Locker Replacement	\$20,000
School	MS/HS Furniture Replacement	<u>\$20,000</u>
Total		\$663,018

Or act in any manner relating thereto.

ARTICLE 10. To see if the Town will vote to appropriate and raise by taxation, or transfer from available funds the sum of **\$50,302.31** for the payment of year two of a three year lease/purchase of 4 police cruisers, or act in any manner relating thereto.

ARTICLE 11. To see if the Town will vote to appropriate and raise by taxation, or transfer from available funds a sum of money for the **OPEB Trust Fund**, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 12. To see if the Town will vote to appropriate and raise by taxation, or transfer from available funds a sum of money for the **Stabilization Fund**, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 13. To see if the Town will vote to amend the Zoning Bylaw by amending Section V., Use Regulations, by repealing Subsection G., "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting in November, 2017, and replacing it with the following new Subsection G, the purpose of which is **to limit the number of Marijuana Retailers to no more than greater of one (1) or 25% of the number of licenses issued within the Town** under § 15 of M.G.L. c. 138, for the retail sale of alcoholic beverages not to be drunk on the premises where sold, as follows:

G. Marijuana Retailers.

The number of Marijuana Retailers, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, that shall be permitted in the Town of Millis is limited to the greater of one (1) or twenty-five percent (25%) of the number of licenses issued within the Town under § 15 of M.G.L. c. 138 for the retail sale of alcoholic beverages not to be drunk on the premises where sold.

Or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to **amend the Zoning Bylaws**, as most recently amended, by amending the various sections identified herein as follows, or to take any other action related thereto.

By amending Section V, Use Regulations, Table 1, Use Regulations, Retail & Service uses, by adding a new use #42, "Recreational Marijuana Establishments" so that such use is allowed by special permit in the I-P-2 zoning district, as follows:

	R-T	R-S	R-V	R-V- C	C-V	C-V-2	V-B	I-P	I-P-2
42. Recreational Marijuana Establishments	N	N	N	N	N	N	N	N	SPB

By amending Section XIII, Special Permit Conditions, by adding a new Subsection V. Recreational Marijuana Establishments, as follows, and to amend the Table of Contents to add Section XIII, Subsection V. Recreational Marijuana Establishments:

V. Recreational Marijuana Establishments

1. Purpose: To provide for the placement of Marijuana Establishments, in accordance with G.L. c. 94G, and 935 CMR 500.000, in locations suitable for lawful Marijuana Establishments and to minimize adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate, by regulating the siting, design, placement, security, and removal of Marijuana Establishments.

2. General Regulations: Marijuana Establishments, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw.

a. Location

(1) Marijuana Retailers, as that term is defined in G.L. c. 94G, § 1 and 935 CMR 500.000, may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, and 1,500 feet of the following other uses within the Town of Millis:

- (a) child care facility;
- (b) library;
- (c) playground;
- (d) public park;

- (e) youth center;
- (f) public swimming pool;
- (g) video arcade facility;
- (h) similar facility in which minors commonly congregate in an organized, ongoing basis;
- (i) place of worship; or
- (j) residential zoning district as identified in Section III. A. of the Millis Zoning Bylaws.

(2) Marijuana Establishments, other than Marijuana Retailers, may not be located within 500 feet of the following uses within the Town of Millis:

- (a) pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
- (b) child care facility;
- (c) library;
- (d) playground;
- (e) public park;
- (f) youth center;
- (g) public swimming pool;
- (h) similar facility in which minors commonly congregate in an organized, ongoing basis; or
- (i) place of worship.

(3) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Marijuana Establishment.

(4) Marijuana Establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with another licensed Marijuana Establishment or Medical Marijuana Treatment Center.

b. Location waiver: The distance requirements may be reduced by twenty-five percent or less, but only if:

(1) the applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the municipality; and

(2) the applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to minors.

c. Procedure

(1) Application: In addition to the materials required under Section XII.Q., the applicant shall include:

- (a) a copy of its license issued by the Massachusetts Cannabis Control Commission ("CCC");
- (b) a detailed floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment;
- (c) detailed site plans that include the following information:
 - (i) compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - (ii) convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (iii) convenience and safety of vehicular and pedestrian traffic off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - (iv) adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable.
 - (v) design and appearance of proposed buildings, structures, free-standing signs, screening and landscaping; and
 - (vi) adequacy of water supply, surface and subsurface drainage and light.
- (d) a description of security measures, including employee security policies, approved by the CCC;
- (e) a copy of the emergency procedures approved by the CCC;
- (f) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana products, as those are defined by G.L. c. 94G, § 1;
- (g) a copy of proposed waste disposal procedures; and
- (h) a description of any waivers from the CCC regulations issued for the Marijuana Establishment.

(2) The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Department of Public Works and the Board of Selectmen, acting as Board of Water Commissioners. These boards/departments shall review the application and shall submit their written recommendations to the Planning Board. Failure to make written recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(3) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon the application.

3. Special Permit Conditions on Marijuana Establishments: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this By-law. In addition to any specific conditions applicable to the applicant's Marijuana Establishment, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

- a. The permit holder, or the Marijuana Establishment Agent, as defined by 935 CMR 500.002, shall file a copy of any Incident Report required under 935 CMR 500.000 with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Marijuana Establishment. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
- b. The permit holder, or the Marijuana Establishment Agent, shall file a copy of any deficiency statement, plan of correction, limitation of sales, summary cease and desist order, cease and desist order, quarantine order, summary suspension order, notice of violation, notice of hearing, and notice of final action issued by the CCC, or any other adjudicatory agency, as applicable, regarding the Marijuana Establishment, with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Marijuana Establishment or Marijuana Establishment Agent;
- c. The permit holder, or the Marijuana Establishment Agent, shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number, and electronic mail address of the Marijuana Establishment Agent in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder and the Marijuana Establishment Agent;
- d. The special permit shall be limited to the original applicant and is not transferrable;
- e. The special permit shall lapse if the permit holder ceases operation of the Marijuana Establishment for a period of thirty (30) days, or upon the expiration, termination or nonrenewal of the applicant's license issued by the CCC;
- f. The permit holder, or the Marijuana Establishment Agent, shall annually provide the Zoning Enforcement Officer and the Planning Board with a copy of the renewed license issued by the CCC, as well as any modification of the existing license, as approved by the CCC;
- g. The permit holder, or the Marijuana Establishment Agent, shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration, termination or nonrenewal of the license issued by the CCC;

- h. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

4. Prohibition Against Nuisance: No Marijuana Establishment shall be permitted to create a nuisance to abutters or to the surrounding areas, or create any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise, or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Any Marijuana Establishment that the Zoning Enforcement Officer or Planning Board finds has become a nuisance for any reason may be found in violation of the special permit.

5. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to amend the Town of Millis General By-laws, by adding the following section 49 to Article VIII, Police Regulations, or take any action thereto:

49. Marijuana License

No person shall carry on the business to cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless annually licensed therefore by the Board of Selectmen.

The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Applicants for a license annually shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant annually shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Authority. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article III, Section III-2, Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

ARTICLE 16. To see if the Town will vote to amend the Town of Millis General By-laws, by adding the following section 50 to Article VIII, Police Regulations, or take any action thereto:

50. Public Consumption Of Marijuana Or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen to lease

a portion of the Town-owned land located 121 Norfolk Road for wireless communication purposes for a period not to exceed 30 years and upon such terms and conditions as the Board of Selectmen shall determine to be in the best interest of the Town and subject to the approval of the Massachusetts Department of Environmental Protection; and to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate the purposes of this article; or act in any manner relating thereto.

And, you are hereby directed to serve this Warrant by posting attested copies hereof fourteen days before time of said meeting as directed by the vote of the Town. Hereof fail not and make due return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 15th day of October in the Year of Our Lord two thousand and eighteen.

**TOWN OF MILLIS
BOARD OF SELECTMEN**

Catherine C MacInnes

Catherine C. MacInnes, Chair

Loring Barnes

Loring Barnes, Vice-Chair

James J. McCaffrey

James J. McCaffrey, Clerk

A True Copy, Attest

Lisa J. Hardin
Lisa J. Hardin, Town Clerk

Helen R. Kubacki
Helen R. Kubacki, Constable
Town of Millis

Oct. 17, 2018

ANNUAL FALL TOWN MEETING

Middle/High School Auditorium

Monday, November 5, 2018 at 7:30 PM

PRESORT – STANDARD

U.S. POSTAGE PAID

MILLIS, MA 02054

PERMIT NUMBER 20

ECRWSS

PRE-TOWN MEETING

Veterans Memorial Building, Room #229

Tuesday, October 30, 2018 at 7:30 PM

MILLIS BOARD OF SELECTMEN

Catherine C. MacInnes, Chairman

Loring Barnes Edmonds, Vice Chairman

James J. McCaffrey, Clerk

TO: POSTAL CUSTOMER
MILLIS, MA 02054