



## **MOTIONS**

**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/MOTION 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**

**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
<b>TOTAL GENERAL FUND UNPAID BILLS</b>		<b>\$13,938.82</b>

DEPARTMENT	VENDOR	AMOUNT
DPW	Bartlett & Brillon	\$ 5,566.30
<b>TOTAL WATER ENTERPRISE UNPAID BILLS</b>		<b><u>\$ 5,566.30</u></b>

<b>TOTAL UNPAID BILLS</b>	<b>\$19,505.12</b>
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I move that the Town vote to appropriate and raise by taxation the sum of \$13,938.82, and to transfer from the Water Enterprise Fund the sum of \$5,566.30 for a total sum of \$19,505.12 for unpaid bills as printed in the warrant

**Shawn Power**

**4/5ths Vote**

**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.

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I move that the Town vote to appropriate and raise by taxation the sum of **\$16,500** to the Unemployment Account.

***Shawn Power***

***Majority Vote***

**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.

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I move that the Town vote to transfer from Certified Free Cash the sum of **\$10,000** to replenish the Sanitary Landfill Monitoring Services Account.

***Jim Bullion***

***Majority Vote***



**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.

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I move that the Town vote to transfer from Certified Free Cash the sum of **\$197,591.50** to fully fund the FY18 Snow & Ice Deficit.

***Jim Bullion***

***Majority Vote***

**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.

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I move that the Town vote to appropriate and raise by taxation 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.

***Peter Berube***

***Majority Vote***



**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.

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I move that the Town vote to increase the spending authorization on the MGL Chapter 44, Section 53-1/2 Recreation Revolving fund up to **\$200,000**.

***Doug Riley***

***Majority Vote***

**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.

\*\*\*\*\*

I move that the Town vote to rescind the approved but unissued debt authorizations as listed in the Warrant.

***Doug Riley***

***Majority Vote***

**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)

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I move that the Town 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.

***Doug Riley***

***2/3rds Vote***

**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:

<b>Department</b>	<b>Item</b>	<b>Cost</b>
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	\$20,000
<b>Total</b>		<b>\$663,018</b>

Or act in any manner relating thereto.

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I move that the Town vote to transfer from Certified Free Cash the sum of \$314,060.34, transfer from the Sewer Enterprise Reserve the sum of \$183,691.33, transfer from the Water Enterprise Reserve the sum of \$14,389.33, for a total sum of \$512,141 to fund the following capital items, and to authorize the Board of Selectmen to enter into a three year Lease/Purchase of One (1) 2018 Police Interceptor Utility and related appurtenances for use by the Police Department:

<b>Department</b>	<b>Item</b>	<b>Cost</b>
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	\$14,871
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 Furniture Replacement	\$20,000
<b>Total</b>		<b>\$512,141</b>

**Craig Schultze**

**2/3rds Vote**

**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.

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I move that the Town vote to appropriate and raise by taxation the sum of **\$50,302.31** for the payment of year two of a three year lease/purchase of 4 police cruisers.

***Pete Jurmain***

***Majority Vote***

**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)

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I move that the Town vote to transfer from Certified Free Cash the sum of \$50,000 for the **OPEB Trust Fund**.

***Pete Jurmain***

***Majority Vote***

**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)

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I move that the Town vote to transfer from Certified Free Cash the sum of \$300,000 for the **Stabilization Fund**.

***Pete Jurmain***

***Majority Vote***



**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.

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I move that the Town vote to amend Section V. Subsection G. of the Zoning Bylaw as described in the warrant.

**Jodie Garzon**

**2/3rds Vote**

**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.

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I move that the Town vote to **amend the Zoning Bylaws**, as most recently amended, by amending the various sections identified in the warrant.

**Jodie Garzon**

**2/3rds Vote**



**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.

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I move that the Town vote to amend the Town of Millis General By-laws, by adding section 49 to Article VIII, Police Regulations, as described in the warrant.

***Peter Berube***

***Majority Vote***



**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.

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I move that the Town vote to amend the Town of Millis General By-laws, by adding section 50 to Article VIII, Police Regulations as described in the warrant.

***Peter Berube***

***Majority Vote***

**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.

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I move that the Town vote to authorize the Board of Selectmen to lease a portion of the Town-owned land located at 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 or any other applicable State entity; 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.

***Peter Berube***

***2/3rds Vote***