Annual Town Meeting Warrant

Town Hall Fallon Auditorium
June 6, 2016
7:15 P.M.

TOWN OF CLINTON
COMMONWEALTH OF MASSACHUSETTS

WARRANT FOR ANNUAL TOWN MEETING

WORCESTER, SS.

To the Constable of the Town of Clinton 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 the Town, qualified to vote in the elections and town affairs, to meet at the Town Hall in said Clinton on Monday, the sixth day of June 2016 at 7:15 P.M., then and there to act on the following articles:

ARTICLE 1

To receive the reports of the town officers and to act thereon.

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, §108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2016 to June 30, 2017, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2016 to June 30, 2017, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement with a banking institution for Fiscal Year 2017 pursuant to Chapter 44, §53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $4,800.00, or any other sum, said sum to be expended for social services in accordance with programs as approved by the Board of Selectmen, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $15,000.00, or any other sum, said sum to be expended as the Town of Clinton's share to the Wachusett Health Education Action Team (WHEAT, Inc.), which committee is a delegate agency of the United Way of Tri-County, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote to authorize or reauthorize the use of revolving funds containing receipts from the fees charged to users of the services provided by various boards, committees, departments or offices of the Town, in accordance with the provisions of Chapter 44, §53E ½, of the Massachusetts General Laws, or act in any manner relating thereto.

Revolving Fund	Authorized to Expend	Revenue Source	Use of Fund	Spending Limit
Gas/Plumbing Inspection	Gas & Plumbing Inspector	Inspection Fees	Salaries/Expenses	$50,000.00
Council on Aging	Council on Aging	User Charges	Salaries/Expenses	$ 2.000.00
Town Hall Use	Board of Selectmen	Rental Fees	Salaries/Expenses	$ 5,000.00
Olde Home Day	Olde Home Day Committee	Fees	Expenses	$25,000.00
Fuller Field	Fuller Field Commission	User Fees	Salaries/Expenses	$ 3,000.00
Town Clerk	Town Clerk	Fees	Expenses	$10,000.00

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of $15,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2017, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $100,000.00, or any other sum, to the Health Insurance Trust Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $127,000.00, or any other sum, to the Stabilization Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $16,792.00, or any other sum, said sum to be expended by the Board of Selectmen to join the Devens Regional Household Products Collection Center, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 12

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $21,000.00, or any other sum, said sum to be expended for repairs and replacement of the HVAC system at the Clinton Police Station; or act in any manner relating thereto.

(Police Chief) (Finance Committee - Approved)

ARTICLE 13

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of $225,000.00, or any other sum, said sum to be used for the support of cable access related services and programming, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $85,000.00, or any other sum, said sum to be expended for the purchase and installation of a new district wide telephone system for the Clinton Public Schools; or act in any manner relating thereto.

(School Committee) (Finance Committee - Approved)

ARTICLE 15

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $60,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the purchase of textbooks and technology; or act in any manner relating thereto.

(School Committee) (Finance Committee - Approved)

ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $25,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the creation of an additional long jump pit at the Veterans Athletic Complex and fencing improvements and repairs in and around school property; or act in any manner relating thereto.

(School Committee) (Finance Committee - Approved)

ARTICLE 17

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $544,258.00, or any other sum, said sum to be expended by the Parks and Recreation Commission for the Phase I Savage Field Renovation Project and to fund this appropriation by authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to said amount and to issue bonds and notes therefore in accordance with Chapter 44 of the Massachusetts General Laws, or any other enabling authority, such appropriation and debt authorization to be contingent upon the passage of a debt exclusion override of Proposition 2½ so-called by the voters of the Town of Clinton; or act in any manner relating thereto.

(Parks & Recreation) (Finance Committee - Approved)

ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $16,000.00, or any other sum, said sum to be expended by the Parks and Recreation Commission towards the repair and reconstruction of the fountain pump system for Foster Fountain. Work will include installing a bigger pump box, purchasing a new pump, introducing a chemical dispensing system, checking for leaks and repairing the silicon at the base of the fountain, or act in any manner relating thereto.

(Parks & Recreation) (Finance Committee - Approved)

ARTICLE 19

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $160,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a six wheel sander truck; or act in any manner relating thereto.

(Public Works) (Finance Committee - Approved)

ARTICLE 20

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of $200,000.00, or any other sum, said sum to be expended by the Department of Public Works for piping upgrade at the Clinton Water Filtration Plant; or act in any manner relating thereto.

(Public Works) (Finance Committee - Approved)

ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of $100,000.00, or any other sum, said sum to be expended by the Department of Public Works for the construction and installation of a replacement water main on Franklin Street; or act in any manner relating thereto.

(Public Works) (Finance Committee - Approved)

ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of $4,000.00, or any other sum, said sum to be expended by the Library Board of Trustees for the repair and pointing of the chimney system at Bigelow Free Public Library, or act in any manner relating thereto.

(Library Board of Trustees) (Finance Committee - Approved)

ARTICLE 23

To see if the Town will vote to appropriate, transfer, or borrow, the sum of $208,500, and authorize the Treasurer with the approval of the Board of Selectmen, according to M.G.L. Chapter 44, Section 8C, to expend said sum for the acquisition and project costs associated with acquiring for conservation and passive recreation purposes, by negotiated purchase or otherwise, a certain property consisting of 25.54 acres owned by the Ciesluk Family Realty Trust, located off of Chase Street and described on Clinton Assessors Map 213 as Parcels 2338 and 1745; that said property be conveyed to said Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by

the Conservation Commission; that the Board of Selectmen and the Conservation Commission be authorized to convey a perpetual conservation restriction in accordance with M.G.L. Chapter 184 Sections 31-32 to Sudbury Valley Trustees, Inc.; that the Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; 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 to affect said purchase. Provided, however, that the funds appropriated hereunder shall not be expended unless the Town is approved for a Local Acquisitions for Natural Diversity (LAND) grant from the Massachusetts Department of Conservation Resources in the amount of $141,780 and a contribution in the amount of $66,720 is made to the Town by Sudbury Valley Trustees prior to closing, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 24

To see if the Town will vote to amend the Administrative By-Laws by adding the following new section, or act in any manner relating thereto.

ARTICLE ____: MOTEL/HOTEL OPERATION PERMIT

No person shall operate a motel or hotel, as defined in G.L. c.64G, §1(c) §1(e), but excluding private clubs, without first obtaining a permit from the Board of Selectmen in addition to any other permits or licenses required by state or local law or regulations, such permit being subject to annual renewal by the Board of Selectmen. The Board of Selectmen may promulgate regulations to implement this bylaw, and may revoke the permit for violation of this bylaw and/or any regulations adopted hereunder.

Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Clinton including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c.40, §21D. Each day a violation exists shall constitute a separate violation.

The penalties shall be as follows:

First violation:	$100.00
Second Violation:	$200.00
Third and subsequent violations:	$300.00

ARTICLE 25

To see if the Town will vote to create a special purpose stabilization fund as provided under M.G.L. c. 40, §5B for the purpose of capital projects and infrastructure improvement projects, or act in any manner relating thereto.

ARTICLE 26

To see if the Town will vote to amend the Town's Zoning By-Law by adding a new Section 6700, Medical Marijuana Treatment Centers, as follows.

Section 6700: Medical Marijuana Treatment Centers

6710. Purpose. This Section 6700 ("Section") is established to provide for the placement of Medical Marijuana Treatment Centers (MMTC), in accordance with the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725, et seq.

The Intent of this Section is to:

6711. Establish specific zoning standards and regulations for the placement, location, design, security, and removal of MMTC.

6712. Minimize adverse impacts of MMTC on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate

6713. Establish submittal and review requirements under zoning for MMTC.

6720. Applicability

6721. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a MMTC under this Section.

6722. No MMTC shall be established except in compliance with the provisions of this Section.

6723. Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

6724. Any capitalized terms used in this Section not defined in this Section or defined in Section 10000, Definitions, of the Zoning By-Law shall be as defined in the Humanitarian Medical Use of Marijuana Act and 105 CMR 725, et seq.

6730. General Requirements

6731. *Structures.* All MMTC shall be contained within a building or structure. Facilities shall be ventilated such that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.

6732. *Medical Offices.* A MMTC shall not be located in buildings that contain any

medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

6733. *Residential Buildings*. No MMTC shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

6734. *Minimum Separations*. No MMTC shall be located on a parcel which is within five hundred (500) feet of parcels occupied by any school attended by children under the age of 18, child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or any playground, public athletic field or similar public recreational facility. No MMTC shall be located within 500 feet of another MMTC. The 500 foot distance under this section is measured in a straight line from the nearest property line of the facility in question to the nearest point of the proposed MMTC.

6735. *Area Limitations.* A MMTC shall not exceed 3,000 gross square feet for client dispensary and consultation area, and shall provide adequate interior space to accommodate all activities inside the building so as not to have patient queuing on sidewalks, parking areas, or other areas outside the building.

6736. *Hours of Operation*. The hours of operation of a MMTC shall be set by the Special Permit Granting Authority, but in no event shall said facility be open and/or operating between the hours of 8:00 PM and 8:00 AM.

6737. *Use of Product on Premises*. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises or property on which a MMTC is located.

6738. *Signage*. Signage for MMTC shall comply with the requirements of Section 5300 of this by-law, as well as Massachusetts Department of Health Regulations105 CMR 725.105.L.

6739. An MMTC shall comply with Massachusetts Department of Public Health Regulations 105 CMR 725.

6740. Special Permit. A MMTC shall only be allowed in the Commercial or Industrial Districts by special permit from the Planning Board, in accordance with the requirements of this Section and Section 9300 of this By-law.

6741. *Uses*. A special permit for a MMTC shall be limited to one or more of the following uses:

a. Cultivation of Marijuana for Medical Use;

b. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and

c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

6742. *Submittal Requirements*. In addition to the submittal requirements described in Section 9300 of this By-law, applications under this Section 6700 shall include the following:

a. The name and address of each owner of the MMTC facility/operation;

b. A copy of its registration as a Registered Marijuana Dispensary (RMD) from the Massachusetts Department of Public Health (DPH) or documentation that demonstrates that said RMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the DPH;

c. Evidence that the applicant has site control and right to use the site for a RMD;

d. A copy of the security procedures approved by DPH for the RMD, including location and specification of lighting, fencing, gates, alarms, and other security devices.

e. A copy of the emergency procedures approved by DPH for the RMD;

f. A detailed floor plan identifying the areas available and functional uses (including square footage); and

g. All signage being proposed for the facility;

h. A description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to RMD's or off-site direct delivery to patients.

6743. *Mandatory Findings.* In addition to the criteria established under Section 9320 of this By-law, the Special Permit Granting Authority shall not issue a special permit for a MMTC unless it finds that:

a. The MMTC is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;

b. The MMTC demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

c. The applicant has satisfied all of the conditions and requirements of this Section 6700.

6744. *Duration*. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and/or lease of the premises as a MMTC. A special permit may be transferred to a new owner only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit, subject to a review conducted in a public hearing and consistent with the requirements of this Section

a. *Rescission:* A special permit issued under this Section shall lapse if not exercised within two years of the date of approval.

6750. Abandonment or Discontinuance of Use

6751. A MMTC shall be required to remove all materials, plants, equipment and other paraphernalia:

a. prior to surrendering its state issued licenses or permits; or

b. within six months of ceasing operations; whichever comes first.

6760. Severability: The provisions of this Section are severable. If any provision, paragraph, sentence, or clause, 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 Section.

And also, to amend Section 3130, Table of Use Regulations, as follows to include Medical Marijuana Treatment Centers.

3130. Table of Use Regulations.

PRINCIPAL USE	R2	R1	BR	C	I
C. COMMERCIAL USES					
3. Medical Marijuana Treatment Centers	N	N	N	PB	PB

And also, to amend Section 5140, Table of Parking Requirements, as follows, to include Medical Marijuana Treatment Centers

5140. Size and Number of Spaces.

TABLE OF PARKING REQUIREMENTS

PRINCIPAL USE	NUMBER OF PARKING SPACES
C. COMMERCIAL USES	
25. Medical Marijuana Treatment Centers	1 space for each 300 square feet of gross floor area, but not less than 2 spaces for each tenant or separate enterprise

And also, to amend Section 10000, Definitions, to replace the existing definition of Medical Marijuana Treatment Center with the following.

MEDICAL MARIJUANA TREATMENT CENTER (MMTC): A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

And also, to remove Section 3700, Temporary Moratorium on Medical Marijuana Treatment Centers, in its entirety.

ARTICLE 27

To see if the Town will vote to accept the private way known as Jackie Way as a public way in the Town of Clinton, as shown on a plan entitled "Acceptance Plan of Bufton Farm in Clinton, MA" on file in the Office of the Town Clerk and available for public inspection during regular Town Hall business hours, or act in any manner related thereto.

ARTICLE 28

Shall the Town of Clinton be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first 2016 by an amount equal to $1,000,000? This amount will be a reduction in the School Department budget. This is contingent upon the passage of a Proposition 2½ referendum question under Chapter 59 Section 21C of the Massachusetts General Laws.

(Citizens Petition) (Finance Committee - Disapproved)

HEREOF FAIL NOT, and make due return of this warrant with your doing thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

GIVE UNDER OUR HANDS, THIS eighteenth day of May in the year of our Lord, two thousand and sixteen.

BOARD OF SELECTMEN

James J. LeBlanc, Chairman
William F. Connolly, Jr., Vice-Chairman
Michael J. Dziokonski, Clerk
David J. Sargent
Marc S. Iacobucci

WORCESTER, SS.

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Clinton aforesaid, qualified to vote in elections and town affairs, to meet at the time and place for the purpose within named, by publishing in The Item, a newspaper published in the said Town, as hereby directed.

Kevin R. Haley
Constable for the Town of Clinton