

## **SPRING 2018 TOWN MEETING MOTION LIST**

1. Unpaid Bills
2. FY18 Additional Wages and Expenses
3. SEIU 888 & Firefighters Local 4704 Contract Ratification
4. FY19 Operating Budget
5. Sewer Enterprise Fund
6. Water Enterprise Fund
7. Stormwater Enterprise Fund
8. Amendments to Personnel Plan
9. Independent Audit
10. Board of Health Appointing Authority
11. Revolving Funds
12. Capital Items
13. Community Preservation Fund
14. CPC Digitization of Hindy Rosenfeld Collection
15. CPC Currier & Ives Reprints Framing Project
16. Revaluation FY19
17. Previously Approved School Bus Lease
18. Previously Approved Computer Lease
19. Medicare/Medicaid Reimbursement Services
20. OPEB Funding
21. Stabilization Fund
22. Capital Planning Committee Bylaw
23. DPW Director Bylaw
24. Finance Director Bylaw
25. Release of Drainage Easement at Acorn Street
26. Retail Marijuana (1) Special Permit/Zoning
27. Retail Marijuana (2) Limitation
28. Retail Marijuana (3) 3% Sales Tax
29. Site Evaluation & Preliminary Design of Walnut St. Pump Station
30. Board of Selectmen Report – Unfunded Capital Project Requests
31. Citizen's Petition: Town Clerk Stipend Increase/Full Time Elected Official

**ARTICLE 1.** To see if the Town will vote to transfer from available funds or by transfer from the Stabilization Fund, a sum of money to pay **unpaid bills** incurred by Town departments from previous fiscal year(s), or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to transfer from Free Cash the sum of \$135.14 to pay for **unpaid bills** incurred by Town departments from previous fiscal year(s)

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Source</u>
Weights/Measures	James Allhouse	\$87.54	Weights&Measures Exp.
Fire	Konica Minolta	\$47.60	Fire Expenses

## **4/5ths Vote**

**ARTICLE 2.** To see if the Town will vote to transfer from available funds, or by transfer from the Stabilization Fund, a sum of money for **additional wages or expenses** not sufficiently funded under Article 7, Operating Budget, of the June 5, 2017 Annual Town Meeting, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

**I move that the Town vote to Table Article 2 for the purposes of defeat.**

## **Majority vote**

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds or transfer from the Stabilization Fund a sum of money to **fund the estimated first-year cost items contained in the contracts between the Town of Millis and SEIU Local 888, and the Town of Millis and Professional Firefighters Local 4704**, both to be effective July 1, 2018, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to raise and appropriate the sum of **\$55,000 to fund the estimated first-year cost items contained in the contracts between the Town of Millis and SEIU Local 888, and the Town of Millis and Professional Firefighters Local 4704**, both to be effective July 1, 2018

## **Majority vote**

**ARTICLE 4.** To see if the Town will vote to fix the compensation of elected officers, provide for a reserve fund, and determine what sums of money the Town will raise and appropriate, including appropriations from taxation, by transfer from available funds, and/or the Stabilization Fund to **defray charges and expenses to the Town, including debt and interest, and a reserve fund**, for the fiscal year beginning July 1, 2018, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to fix the compensation of elected officers, provide for a reserve fund, and to raise and appropriate, including appropriations from taxation, by transfer from available funds, the sum of **\$31,808,862.57** to defray charges and expenses to the Town, including debt and interest, and a reserve fund, for the general fund, for the fiscal year beginning July 1, 2018 and ending June 30, 2019 as outlined in Table 2 of the Finance Committee Report with the following revenue sources:

Taxation	\$30,861,110
Ambulance Fund	\$255,000
Perpetual Care Interest	\$332
Sale of Cemetery Lots	\$7,000
Cell Tower Revenue	\$53,000
Overlay Surplus	\$64,173

And to authorize the following transfers:

Sewer Fund Indirect Costs to General Fund \$197,539

Water Fund Indirect Costs to General Fund \$241,436

Stormwater Fund Indirect Costs to General Fund \$129,272

## **Majority Vote**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the sewer enterprise fund beginning July 1, 2018**, including a reserve fund, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to appropriate, from Sewer Department Receipts, the following sums to **operate the sewer enterprise fund beginning July 1, 2018**:

<b>Salaries/Wages</b>	<b>\$247,074.83</b>
<b>Expenses</b>	<b>\$933,975.92</b>
<b>Total</b>	<b>\$1,181,050.75</b>

## **Majority Vote**

**ARTICLE 6.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the water enterprise fund beginning July 1, 2018**, including a reserve fund, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to appropriate, from Water Department Receipts, the following sums to **operate the water enterprise fund beginning July 1, 2018**:

<b>Salaries/Wages</b>	<b>\$335,967.88</b>
<b><u>Expenses</u></b>	<b><u>\$763,634.10</u></b>
<b>Total</b>	<b>\$1,099,601.98</b>

## **Majority vote**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Stormwater enterprise fund beginning July 1, 2018**, including a reserve fund, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to appropriate, from Stormwater Receipts, the following sums to **operate the Stormwater enterprise fund beginning July 1, 2018**:

<b>Salaries/Wages</b>	<b>\$132,048.87</b>
<b>Expenses</b>	<b>\$338,679.00</b>
<b>Total</b>	<b>\$470,727.87</b>

## **Majority Vote**



**ARTICLE 8.** To see if the Town will vote to adopt **amendments to Schedule A-Salary Plan of the Town of Millis Personnel Plan** effective July 1, 2018, or take any other action in relation thereto.

(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to adopt the following **amendments to Schedule A-Salary Plan of the Town of Millis Personnel Plan** effective July 1, 2018:

- **2% Salary/Wage Increase**
- **Add DPW Director - Grade 17**
- **Remove Deputy DPW Director - Grade 16**
- **Adjust Payment Schedule of Inspectors**

## **Majority Vote**

**ARTICLE 9.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for **an independent audit** of all accounts of all departments of the Town, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to raise and appropriate the sum of **\$36,000** for **an independent audit** of all accounts of all departments of the Town.

## **Majority Vote**

**ARTICLE 10.** To see if the Town will vote in accordance with M.G.L., Chapter 41, section 4A, and Chapter 268A, to **authorize the Board of Health to appoint any of its members to another town office or position for which it has appointing authority**, for the term provided by law, if any, otherwise for a term not exceeding one year, and fix the salary of such appointee, notwithstanding the provision of M.G.L. Chapter 41, Section 108, or act in any manner in relation thereto.  
(Submitted by the Board of Health)

## **Motion**

I move that the Town vote in accordance with M.G.L., Chapter 41, section 4A, and Chapter 268A, to **authorize the Board of Health to appoint any of its members to another town office or position for which it has appointing authority**, for the term provided by law, if any, otherwise for a term not exceeding one year, and fix the salary of such appointee, notwithstanding the provision of M.G.L. Chapter 41, Section 108.

## **Majority Vote**

**ARTICLE 11.** To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E½, to:

Amend Article VI, Section 12 of the Town's General Bylaws by adding two new revolving funds to the existing table of revolving funds, as follows:

Tobacco Control Program	Permit fees from Tobacco vendors	Board of Health
Recreation Department	Fees from Recreation Programs	Recreation Department

And

Establish the following fiscal year spending limit for the Town's established revolving funds for Fiscal year 2019:

AUTHORIZED REVOLVING FUNDS	FISCAL YEAR EXPENDITURE LIMIT
Oak Grove Farm Maintenance Fund	\$35,000.00
Animal Control Shelter Fund	\$3,000.00
Fire Alarm Fund	\$10,000.00
Historical Commission Fund	\$12,000.00
Ambulance Department Fund	\$20,000.00
Council on Aging Transportation Fund	\$5,000.00
VMB Custodial/Maintenance Fund	\$6,000.00
Food Service Fund	\$4,500.00
Stormwater Management Fund	\$10,000.00
BOH Medical Services/Vaccination Fund	\$8,500.00
BOH Rabies Clinic/Program Fund	\$2,500.00
Continuing Education Fund	\$50,000.00
School Athletic Fields Fund	\$35,000.00
School Extracurricular Fund	\$8,000.00
Library Special Use Fund	\$10,000.00
Recreation Fund	\$60,000.00
Tobacco Control Program	\$1,000.00

Or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## Motion

I move that the Town vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E½, to:

Amend Article VI, Section 12 of the Town's General Bylaws by adding two new revolving funds to the existing table of revolving funds, as follows:

Tobacco Control Program	Permit fees from Tobacco vendors	Board of Health
Recreation Department	Fees from Recreation Programs	Recreation Department

And

Establish the following fiscal year spending limit for the Town's established revolving funds for Fiscal year 2019:

AUTHORIZED REVOLVING FUNDS	FISCAL YEAR EXPENDITURE LIMIT
Oak Grove Farm Maintenance Fund	\$35,000.00
Animal Control Shelter Fund	\$3,000.00
Fire Alarm Fund	\$10,000.00
Historical Commission Fund	\$12,000.00
Ambulance Department Fund	\$20,000.00
Council on Aging Transportation Fund	\$5,000.00
VMB Custodial/Maintenance Fund	\$6,000.00
Food Service Fund	\$4,500.00
Stormwater Management Fund	\$10,000.00
BOH Medical Services/Vaccination Fund	\$8,500.00
BOH Rabies Clinic/Program Fund	\$2,500.00
Continuing Education Fund	\$50,000.00
School Athletic Fields Fund	\$35,000.00
School Extracurricular Fund	\$8,000.00
Library Special Use Fund	\$10,000.00
Recreation Fund	\$60,000.00
Tobacco Control Program	\$1,000.00

## Majority Vote

**ARTICLE 12.** To see if the Town will vote to raise and appropriate or transfer from available funds, by transfer from the Stabilization Fund, or by borrowing the sum of \$596,573 to fund the following capital items:

<b>Department</b>	<b>Capital Item</b>	<b>Amount</b>
Buildings	VMB- HVAC for Gym	\$107,000
Buildings	VMB Drainage/HVAC Re-piping	\$ 15,150
IT	IT/Data Processing Infrastructure	\$ 11,000
Fire	ALS Equipment	\$ 40,537
Fire	ALS Medications & Equipment	\$ 14,761
Fire	Fire Department Vehicle	\$ 51,872
DPW	Fuel Dispense System	\$ 50,000
DPW	E45 T4 Bobcat Excavator	\$ 56,253
COA	Senior Van (Town Share)	\$ 15,000
School	Leased School Bus Purchase	\$ 45,000
School	Auditorium Repairs	\$ 90,000
School	Varsity Baseball Field Reconstruction	\$ 60,000
School	Upgrade MS/HS Bathrooms	<u>\$ 40,000</u>
<b>Total</b>		<b>\$596,573</b>

Or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to borrow the sum of **\$581,573** to fund the Capital Items as listed in Article 12 and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws, Chapter 44 or any other enabling authority.

## **2/3rds Vote**

**ARTICLE 13.** To see if the Town will vote to raise and appropriate a sum of money or reserve a sum of money from the **Community Preservation Fund**, for the Historic Resources Reserve, the Community Housing Reserve, the Open Space Reserve, or the Budgeted Reserve from annual revenues in the amounts recommended by the Community Preservation Committee for administrative expenses, community preservation projects and/or other expenses in fiscal year 2019, with each item to be considered a separate appropriation or act in any manner in relation thereto.  
(Submitted by the Community Preservation Committee)

## **Motion**

I move that the Town vote to appropriate and reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and/or other expenses in Fiscal Year 2019, with each item to be considered a separate appropriation as follows:

### **Appropriations:**

From 2019 estimated revenues for Committee Administrative Expenses	\$8,477
(To be divided equally: \$4,238.50 CPC Salary Account: \$4,238.50 CPC Expenses)	
From Undesignated Fund Balance for Long Term Debt- Principal:	\$25,000
From Undesignated Fund Balance for Long Term Debt-Interest:	\$13,075

### **Reserves:**

From FY2019 Estimated revenues for Historic Resource Reserve	\$17,300
From FY2019 Estimated revenues for Community Housing Reserve	\$17,300
From FY2019 Estimated revenues for Open Space Reserve	\$17,300
From FY2019 Estimated revenues for Budgeted Reserve	\$80,000

## **Majority Vote**

**ARTICLE 14.** To see if the Town will vote to appropriate a sum of money from the Community Preservation Historic Resource Reserve Fund for the **Preserving & Disseminating of Millis Town History Through Digitization and Publicizing the Hindy Rosenfeld Collection Project**, or act in any manner relating thereto.  
(Submitted by the Community Preservation Committee)

## **Motion**

I move that the Town vote to appropriate the sum of **\$250** from the Community Preservation Historic Resource Reserve Fund for the **Preserving & Disseminating of Millis Town History Through Digitization and Publicizing the Hindy Rosenfeld Collection Project**.

## **Majority Vote**



**ARTICLE 15.** To see if the Town will vote to appropriate a sum of money from the Community Preservation Historic Resource Reserve Fund for the **Currier & Ives Reprints Framing Project**, or take any other action in relation thereto.  
(Submitted by the Community Preservation Committee)

## **Motion**

I move that the Town vote to appropriate the sum of **\$2,390.81** from the Community Preservation Historic Resource Reserve Fund for the Currier & Ives Reprints Framing Project.

## **Majority Vote**

**ARTICLE 16.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the stabilization fund, a sum of money for **revaluing fiscal year 2019 Personal Property values**, data collection, as required by M.G.L. Chapter 40, Section 56, or act in any manner relating thereto.  
(Submitted by Board of Assessors)

## **Motion**

I move that the Town vote to raise and appropriate the sum of **\$5,000 for revaluing fiscal year 2019 Personal Property values**, data collection, as required by M.G.L. Chapter 40, Section 56.

## **Majority Vote**

**ARTICLE 17.** To see if the Town will vote to raise and appropriate or transfer from available funds, or by transfer from the Stabilization fund, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling authority, a sum of money for **previously approved lease/purchase(s) for School buses**, or take any other action in relation thereto.

(Submitted by the School Committee)

## **Motion**

I move that the Town vote to transfer from Free Cash the sum of **\$87,000 for the lease/purchase(s) of School buses.**

## **Majority Vote**

**ARTICLE 18.** To see if the Town will vote to raise and appropriate or transfer from available funds, or by transfer from the Stabilization fund, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling authority, a sum of money for **previously approved lease/purchase(s) for School computers**, or take any other action in relation thereto.

(Submitted by the School Committee)

## **Motion**

I move that the Town vote to raise and appropriate the sum of **\$45,872.14**, and transfer from **Free Cash** the sum of **\$24,027.86**, for a total sum of **\$69,900** for **previously approved lease/purchase(s) for School computers**

## **Majority Vote**

**ARTICLE 19.** To see if the Town will vote to raise and appropriate or transfer from available funds, or by transfer from the Stabilization fund, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling authority, a sum of money for **Medicare/Medicaid Reimbursement Services**, or take any other action in relation thereto. (Submitted by the School Committee)

## **Motion**

I move that the Town vote to raise and appropriate the sum of **\$5,000** for **Medicare/Medicaid Reimbursement Services**

## **Majority Vote**

**ARTICLE 20.** To see if the Town will vote to raise and appropriate or transfer from available funds, **a sum of money for the Other Post-Employment Benefits (OPEB) fund**, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

**I move that the Town vote to Table Article 20 for the purposes of defeat.**

## **Majority Vote**

**ARTICLE 21.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the **Stabilization Fund**, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to transfer from Free Cash the sum of **\$233,013** for the **Stabilization Fund**

## **Majority Vote**

**ARTICLE 22.** To see if the Town will vote to amend Article V, Section 27 of the Millis General Bylaws by the following:

Delete Article V, Section 23 in its entirety and replace with the following:

Capital Planning Committee

- a. There shall be a Capital Planning Committee (the “Committee”) appointed by the Board of Selectmen consisting of seven voting members, including one member of the Board of Selectmen, one member of the Finance Committee, and one member of the School Committee. Members shall serve for a term of two years. The Town Administrator shall also serve on the Committee as an ex-officio non-voting member.
- b. Definition: For the purposes of this bylaw, a capital improvement shall be defined to include, but not be limited to, all equipment, vehicles, buildings, roads and bridges with expected cost in excess of \$10,000 per item. At the discretion of the Town Administrator and/or Board of Selectmen, certain items less than \$10,000 may be considered by the Committee as capital improvements.
- c. Administration:
  1. The Committee shall develop forms on which each department’s capital budget shall be submitted.
  2. By August 1<sup>st</sup>, the Town Administrator shall provide the Committee with a calendar of relevant events for the fiscal year.
  3. Each department shall submit its capital budget recommendations to the Town Administrator annually at an agreed upon date. Upon receipt of each department budget, the Town Administrator shall immediately transmit a copy of the capital budget request to the Committee.
  4. The Town Administrator shall include capital budget recommendations in the budget plan submitted to the Finance Committee and Board of Selectmen. The Committee shall submit their recommendations to the Board of Selectmen and Finance Committee by a date determined by the Town Administrator. The Committee’s recommendation shall include:
    - i. A summary of its contents;
    - ii. A list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the needs of each such capital improvement;
    - iii. Cost estimates, possible methods of financing, recommended priorities and time schedules and expected useful life for each improvement; and
    - iv. The estimated annual cost of operating and maintaining each facility and the price and cost of maintenance of all major equipment involved.
    - v. This information, including priorities, is to be revised annually with regard to the capital improvements still pending and/or in the process of being acquired, improved or constructed and capital equipment to be purchased and maintained.



- d. Report: The resulting review and summary shall be known as the Annual Capital Improvement Summary. This summary, along with the Finance Committee's relevant recommendations, shall be included in and published as a separate section in the Town Report

Or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to amend Article V, Section 27 of the Millis General Bylaws as printed in the warrant.

## **Majority Vote**

**ARTICLE 23.** To see if the Town will vote to amend Article V Section 27 of the Millis General Bylaws by the following:

Delete the title of Section 27 and replace it with the following:

*“27. DPW Management by Director of Public Works”*

And by deleting the first sentence of the text of Section 27 and replacing it with the following:

“The Town Administrator, with the approval of the Board of Selectmen, shall appoint a Director of Public Works, who shall exercise and perform the duties of said office under the supervision and direction of the Town Administrator. The Director of Public Works shall be specially fitted by education, training and experience to perform the duties of said office, and may or may not be a resident of the town.”

Or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to amend Article V Section 27 of the Millis General Bylaws as printed in the warrant

## **Majority vote**

**ARTICLE 24.** To see if the Town will vote to accept the provisions of M.G.L. Chapter 71 Section 37M and authorize consolidation of the financial functions of the school committee with those of the town, provided that such consolidation only occur upon a majority vote of the School Committee. If so accepted by the Town Meeting and School Committee, and further to delete Section 30 of Article V of the Millis General Bylaws in its entirety, and replace with the following:

*“30. Finance Department*

The Finance Department shall be managed by the Finance Director appointed by the Board of Selectmen under the supervision of the Town Administrator and, with respect to school finances, the Superintendent of Schools. The Finance Director shall be responsible for the operations of the Finance Department and shall oversee the activities of and be responsible for day to day supervision of the following offices:

1. Accounting
2. School Finance
3. Treasury
4. Tax Collection
5. Assessing
6. Data Processing/IT”

Or take any other action in relation thereto.

(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to accept the provisions of M.G.L. Chapter 71 Section 37M and authorize consolidation of the financial functions of the school committee with those of the town, provided that such consolidation shall not otherwise impact the School Committee and School Department’s independent hiring authority with respect to employees under its jurisdiction, and further provided that such consolidation only occur upon a majority vote of the School Committee, and further, if so accepted by the School Committee, to delete Section 30 of Article V of the Millis General Bylaws in its entirety, and replace with the following:

*“30. Finance Department*

The Finance Department shall be managed by the Finance Director appointed by the Board of Selectmen under the supervision of the Town Administrator and, with respect to school finances, the Superintendent of Schools. The Finance Director shall be responsible for the operations of the Finance Department and shall oversee the activities of and be responsible for day to day supervision of the following offices:

1. Accounting
2. School Finance
3. Treasury
4. Tax Collection
5. Assessing
6. Data Processing/IT”

## **Majority Vote**

**ARTICLE 25.** To see if the Town will vote to authorize the Board of Selectmen to release a drainage easement conveyed to the Town by Grant of Drain Easement filed with the Norfolk County Registry of Deeds Land Court Section as Document #114000 in which easement being released affects solely the parcel of land shown as “Drain easement over and Though Land of Clifton E. Thomas et ux” on a plan filed with said Deeds Land Court Section with Document #14000 and also shown as “Drain Easement” on Land Court Plan No. 11412 F filed with Norfolk County Registry of Deeds Land Court Section, said easement being no longer required for drainage purposes, or take any action in relation thereto.

(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to authorize the Board of Selectmen to release a drainage easement conveyed to the Town by Grant of Drain Easement filed with the Norfolk County Registry of Deeds Land Court Section as Document #114000 in which easement being released affects solely the parcel of land shown as “Drain easement over and Though Land of Clifton E. Thomas et ux” on a plan filed with said Deeds Land Court Section with Document #14000 and also shown as “Drain Easement” on Land Court Plan No. 11412 F filed with Norfolk County Registry of Deeds Land Court Section, said easement being no longer required for drainage purposes.

## **2/3rds Vote**

**ARTICLE 26.** 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, by repealing Subsection G. "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017.

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:

	<b>R-T</b>	<b>R-S</b>	<b>R-V</b>	<b>R-V-C</b>	<b>C-V</b>	<b>C-V-2</b>	<b>V-B</b>	<b>I-P</b>	<b>I-P-2</b>
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.

There shall be a minimum separation of 300 feet between Marijuana Retailers, as that term is defined by 935 CMR 500.00 and G.L. c. 94G, § 1.

(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. Hours of operation, including dispatch of home deliveries;
- b. 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;
- c. 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;
- d. 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;
- e. The special permit shall terminate on the five (5) year anniversary of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted to the Planning Board at least 120 days prior to the expiration of the special permit;
- f. The special permit shall be limited to the original applicant and is not transferrable;



- g. 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;
- h. 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;
- i. 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;
- j. 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.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to amend the Zoning Bylaws, as most recently amended, by amending Section V, Use Regulations, by repealing Subsection G. "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017, and as further described in the warrant.

## **2/3rds Vote**

**ARTICLE 27.** To see if the Town will vote to amend the Zoning Bylaw, as most recently amended, by amending Section XIII.V., Marijuana Establishments, to limit the number of Marijuana Retailers to no more than the 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:

Amend section XIII.V.2., General Regulations: Marijuana Establishments, by adding the underlined language to the existing paragraph 2, as follows:

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, provided that 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.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to amend the Zoning Bylaw, as most recently amended, by amending Section XIII.V., Marijuana Establishments, to limit the number of Marijuana Retailers to no more than the 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:

Amend section XIII.V.2., General Regulations: Marijuana Establishments, by adding the underlined language to the existing paragraph 2, as follows:

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, provided that 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.

## **2/3rds Vote**

**ARTICLE 28.** To see if the Town will vote to accept the provisions of M.G.L. Chapter 64N, Section 3, to impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Millis to anyone other than a marijuana establishment at a rate of three (3%) percent, or the highest amount that may be permitted by law, of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of this Town Meeting. Or take any other action relative thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to accept the provisions of M.G.L. Chapter 64N, Section 3, to impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Millis to anyone other than a marijuana establishment at a rate of three (3%) percent, or the highest amount that may be permitted by law, of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of this Town Meeting.

## **Majority Vote**

**ARTICLE 29.** To see if the Town will vote to transfer from available funds, a sum of money for **the evaluation of a potential site and preliminary design of the Walnut Street pump station**, or take any other action in relation thereto.  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to transfer from Water Enterprise-Retained Earnings, the sum of **\$10,000** for the evaluation of a potential site and preliminary design of the Walnut Street pump station.

## **Majority Vote**

**ARTICLE 30.** To see if the Town will hear and accept the report of the Board of Selectmen on the status of **all unfunded current capital project requests.**  
(Submitted by Board of Selectmen)

## **Motion**

I move that the Town vote to hear and accept the report of the Board of Selectmen on the status of all unfunded current capital project requests.

## **Majority Vote**

**ARTICLE 31. Citizen's Petition**

To See if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the stabilization fund, a sum of money to increase the stipend of the Town Clerk, for the purpose of making the elected Town Clerk position a full-time elected position; or act in any manner relating thereto.

(Submitted by Citizens' Petition)

**Motion**

I move that the Town vote to Table Article 31 for the purposes of defeat.

**Majority Vote**