

**Warrant for the 2019 Annual Town Meeting  
Town of Phillipston  
Commonwealth of Massachusetts**

Worcester, ss.

To either of the Constables of the Town of Phillipston, Greetings:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at the Phillipston Memorial Elementary School, 20 The Common, Phillipston, Massachusetts on Wednesday, May 8, 2019 at 7:00 p.m. to act on the following articles:

**This hereby CERTIFIES the Annual Town Meeting that was called to order at 7:00 pm by Moderator, Kevin Flynn, on May 8, 2019 pursuant to a warrant duly posted and served.**

**Abigail Bennett was recognized for earning the Gold Star award by the Girl Scouts of America. Abigail lead everyone in the pledge of alliance.**

**Motion made to dispense of the reading of all the articles as printed, 2<sup>nd</sup> - So Voted Unanimously**

**CUSTOMARY ARTICLES**

**ARTICLE 1:** To choose all necessary Town Officers and Committees for the ensuing year.

**Motion made and 2<sup>nd</sup> to move the article as written - So Voted Unanimously**

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**ARTICLE 2:** To receive and hear the reports of the Town Officers and Committees for the Fiscal Year 2018, or act in relation thereto.

***[Report of the Selectmen pursuant to Article 24 of the ATM May 9, 2018.]***

***Report given by Selectboard member Kim Pratt. The report stated that the Selectboard was not in favor of implementing retired health care benefits.***

**Motion made and 2<sup>nd</sup> to move the article as written with the deletion of the words "or act in relation there to." - So Voted Unanimously**

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**ARTICLE 3:** To see if the Town will vote, pursuant to Chapter 268A, Section 21A of the General Laws, to approve the appointment of a member of the Board of Selectmen, Board of Health, Board of Cemetery Commissioners, Board of Assessors, Finance Committee, Historical Commission,

Agricultural Commission, Planning Board, Zoning Board of Appeals, and Conservation Commission as Clerk for their respective Boards, or act in relation thereto.

**Motion made to move the article as written deleting the words “or act in relation thereto”, 2<sup>nd</sup> - So Voted**

**ARTICLE 4.** To see if the Town will vote to authorize the Selectmen to apply for, receive and expend any grants which do not require further appropriation of funds by the Town, or act in relation thereto.

**Motion made to move the article as written deleting the words “or act in relation thereto”, 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 5:** To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow in anticipation of revenue for the twelve month period beginning July 1, 2019 in accordance with Chapter 44, Section 4, of the General Laws and to renew any note or notes as may be given for a period of less than one year in accordance with the Chapter 44, Section 17, of the General Laws, or act in relation thereto.

**Motion made to move the article as written deleting the words “or act in relation thereto”, 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 6:** To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow in anticipation of Highway reimbursement funds allotted by Massachusetts Department of Transportation Highway Division for the Fiscal Year 2020 in accordance with the provisions of Chapter 44, Section 6A of the General Laws, and Acts in amendment thereof, for a period of not more than two years from their dates of issue, or act in relation thereto.

**Motion made to move the article as written deleting the words “or act in relation thereto”, 2<sup>nd</sup> - So Voted Unanimously**

**OPERATING BUDGET ARTICLES**

**ARTICLE 7:** To see if the Town will set the salary and compensation of all elective Town Officers as provided by Chapter 41, Section 108 of the General Laws, and raise and appropriate a sum of money therefore, or act in relation thereto:

| Board or Position   | FY19 Approved | FY20 Request | FinCom FY20 Recommendation |
|---------------------|---------------|--------------|----------------------------|
| Assessors           | 4,500         | 4,500        | <b>\$4,500</b>             |
| Board of Health     | 3,558         | 3,558        | <b>\$3,558</b>             |
| Cemetery Commission | 936           | 936          | <b>\$936</b>               |
| Constable           | 300           | 300          | <b>\$300</b>               |
| Moderator           | 350           | 350          | <b>\$350</b>               |
| Planning Board      | 6,398         | 6,561        | <b>\$6,398</b>             |

|                            |                |                |                  |
|----------------------------|----------------|----------------|------------------|
| School Committee           | 5,618          | 5,618          | <b>\$5,618</b>   |
| Selectmen                  | 8,918          | 8,918          | <b>\$8,918</b>   |
| Tax Collector              | 26,748         | 27,283         | <b>\$26,748</b>  |
| Town Clerk                 | 44,907         | 44,907         | <b>\$44,907</b>  |
| <b>ARTICLE GRAND TOTAL</b> | <b>102,233</b> | <b>102,931</b> | <b>\$102,233</b> |

Motion made as written to Raise & Appropriate \$102,233, deleting the words “or act in relation thereto.” 2<sup>nd</sup>

Motion made to amend the motion to say Raise & Appropriate \$102,233, as written in the “FinCom FY20 recommendation” column, 2<sup>nd</sup> - So Voted Unanimously amendment passes

Main motion as amended to read Motion made to move the article as written in the FinCom FY20 Recommendation column, Raise & Appropriate \$102,233, - So Voted Unanimously

**ARTICLE 8:** To raise and appropriate, appropriate from available funds, or otherwise provide such sums of money as may be deemed necessary to pay the Town charges for the twelve month period commencing July 1, 2019, and further that appointing authorities shall set salaries for personnel within the amounts appropriated hereunder in accordance with the provisions of G.L. c.41, §108, or act in relation thereto.

| Board, Committee or Department | FY19 Approved | FY20 Request | FinCom FY20 Recommendation |
|--------------------------------|---------------|--------------|----------------------------|
| <b>Agricultural Commission</b> |               |              |                            |
| Payroll                        | 365           | 365          | <b>365</b>                 |
| Expense                        | 1,310         | 1,620        | <b>1,620</b>               |
| <b>Animal Control</b>          |               |              |                            |
| Payroll                        | 4,432         | 4,432        | <b>4,432</b>               |
| Expense                        | 1,905         | 1,905        | <b>1,905</b>               |
| <b>Board Of Appeals</b>        |               |              |                            |
| Payroll                        | 789           | 789          | <b>789</b>                 |
| Expenses                       | 120           | 120          | <b>120</b>                 |
| <b>Board Of Assessors</b>      |               |              |                            |
| Payroll                        | 22,000        | 24,026       | <b>22,557</b>              |
| Expenses                       | 11,620        | 11,467       | <b>11,467</b>              |
| <b>Board Of Health</b>         |               |              |                            |
| Payroll                        | 28,594        | 32,024       | <b>29,041</b>              |
| Expenses                       | 39,030        | 41,422       | <b>43,034</b>              |
| <b>Board Of Selectmen</b>      |               |              |                            |
| Payroll                        | 92,305        | 94,155       | <b>94,155</b>              |
| Expenses                       | 168,995       | 185,500      | <b>185,500</b>             |
| <b>Building Department</b>     |               |              |                            |
| Expense                        | 5,204         | 3,600        | <b>3,600</b>               |
| Payroll                        | 16,436        | 19,442       | <b>16,784</b>              |
| <b>Capital Improvement</b>     |               |              |                            |

| Board, Committee or Department | FY19 Approved | FY20 Request | FinCom FY20 Recommendation |
|--------------------------------|---------------|--------------|----------------------------|
| <b>Planning Committee</b>      |               |              |                            |
| Expense                        | 50            | 50           | <b>50</b>                  |
| <b>Cemetery Commission</b>     |               |              |                            |
| Expense                        | 11,000        | 5,200        | <b>5,200</b>               |
| Payroll                        | 1,609         | 13,297       | <b>13,247</b>              |
| <b>Conservation Commission</b> |               |              |                            |
| Expense                        | 5,300         | 5,300        | <b>5,300</b>               |
| Clerk Payroll                  | 800           | 800          | <b>800</b>                 |
| <b>Council On Aging</b>        |               |              |                            |
| Expense                        | 500           | 500          | <b>500</b>                 |
| <b>Dispatch Services</b>       |               |              |                            |
| Payroll                        | 62,500        | 64,200       | <b>64,200</b>              |
| <b>Emergency Management</b>    |               |              |                            |
| Payroll                        | 5,125         | 5,215        | <b>5,215</b>               |
| Expense                        | 4,800         | 4,800        | <b>4,800</b>               |
| <b>Finance Committee</b>       |               |              |                            |
| Reserve Fund                   | 50,000        | 50,000       | <b>40,000</b>              |
| Expenses                       | 300           | 300          | <b>300</b>                 |
| Payroll                        | 788           | 788          | <b>788</b>                 |
| <b>Fire Department</b>         |               |              |                            |
| Payroll                        | 182,904       | 198,093      | <b>198,093</b>             |
| Expense                        | 60,500        | 58,450       | <b>58,450</b>              |

|                                   |         |         |   |
|-----------------------------------|---------|---------|---|
| <b>Highway</b>                    |         |         |   |
| Payroll                           | 143,551 | 184,412 | 184,412<br><i><b>Changed to<br/>149,665</b></i> |
| Snow & Ice                        | 50,000  | 50,000  | <b>50,000</b>                                   |
| Expenses                          | 54,590  | 54,000  | <b>54,000</b>                                   |
| <b>Historical Commission</b>      |         |         |   |
| Expense                           | 50      | 50      | <b>50</b>                                       |
| Payroll                           | 50      | 50      | <b>50</b>                                       |
| <b>Insp. Of Barns And Animals</b> |         |         |   |
| Expense                           | 100     | 100     | <b>100</b>                                      |
| Payroll                           | 736     | 736     | <b>736</b>                                      |
| <b>Library</b>                    |         |         |   |
| Payroll                           | 13,991  | 16,057  | <b>14,292</b>                                   |
| Expense                           | 6,146   | 4,583   | <b>4,583</b>                                    |
| Circulation Materials (state)     | 6,258   | 6,500   | <b>6,500</b>                                    |
| <b>Moderator</b>                  |         |         |   |
| Expense                           | 50      | 50      | <b>50</b>                                       |
| <b>PMES Building Committee</b>    |         |         |   |
| Payroll                           | 750     | 750     | <b>750</b>                                      |
| Expense                           | 1200    | 1,200   | <b>1200</b>                                     |
| <b>Planning Board</b>             |         |         |   |
| Payroll                           | 3,795   | 4,669   | <b>3795</b>                                     |

| Board, Committee or Department | FY19 Approved    | FY20 Request     | FinCom FY20 Recommendation                                   |
|--------------------------------|------------------|------------------|--|
| Expense                        | 787              | 806              | <b>806</b>   |
| Consultant                     | carryover        | 23,577           | <b>5,000</b>   |
| <b>Police Department</b>       |                  |                  |  |
| Payroll                        | 219,109          | 259,361          | <b>259,361</b>   |
| Expenses                       | 67,602           | 69,239           | <b>69,239</b>  |
| <b>Recreation</b>              |                  |                  |  |
| Expenses                       | 5,358            | 5,358            | <b>5,358</b>   |
| <b>Tax Collector</b>           |                  |                  |  |
| Expense                        | 14,300           | 14,550           | <b>14,550</b>  |
| Payroll                        | 6,110            | 8,209            | <b>6,261</b>   |
| <b>Town Accountant</b>         |                  |                  |  |
| Expense                        | 9,072            | 8,100            | <b>8,100</b>   |
| Payroll                        | 22,448           | 22,453           | <b>22,453</b>  |
| <b>Town Clerk</b>              |                  |                  |  |
| Election & Regis               | 5,950            | 4,780            | <b>4,780</b>   |
| Expense                        | 3,600            | 4,865            | <b>4,865</b>   |
| Voter Registration             | 250              | 250              | <b>250</b>   |
| Payroll                        | 3,600            | 3,664            | <b>3,634</b>   |
| <b>Treasurer</b>               |                  |                  |  |
| Payroll                        | 24,115           | 25,984           | <b>25,143</b>  |
| Expense                        | 5,700            | 6,236            | <b>6,236</b>   |
| Interest & Cert Notes          | 10,000           | 0                | <b>0</b>   |
| Group Health/Life              | 90,000           | 149,000          | 157,250<br><b><u>Changed to</u></b><br><b><u>137,250</u></b> |
| Medicare                       | 15,000           | 15,338           | <b>16,338</b>  |
| Unemployment Comp.             | 11,000           | 11,248           | <b>11,748</b>  |
| Highway Garage Debt            | 40,161           | 39,420           | <b>39,420</b>  |
| QL Dam Debt                    | 0                | 70,400           | <b>70,400</b>  |
| Brush Truck Debt               | 0                | 46,805           | <b>0</b>   |
| Worcester Reg. Retirement      | 123,033          | 125,801          | <b>131,977</b>   |
| WPAT                           | 7,696            | 7,696            | <b>7,696</b>   |
| Tax Title Software/expense     | 20,000           | 20,000           | <b>20,000</b>  |
| <b>Tree Warden</b>             |                  |                  |  |
| Payroll                        | 1,600            | 1,632            | <b>1,600</b>   |
| Expense                        | 10,200           | 10,500           | <b>10,500</b>  |
| <b>Veterans Services</b>       |                  |                  |  |
| Administration                 | 4,779            | 5,055            | <b>5,055</b>   |
| Direct Benefits                | 10,500           | 10,500           | <b>10,500</b>  |
| <b>ARTICLE GRAND TOTAL</b>     | <b>1,834,046</b> | <b>2,066,342</b> | <b>2,051,350</b>   |

Motion made to vote on the "FinCom FY20 Recommendation" column, and Raise and Appropriate \$1,933,834 and Transfer from WPAT \$7,696 for a total of \$2,051,350, 2<sup>nd</sup>

**Motion made to amend the motion and reduce the Highway Payroll to \$143,551, 2<sup>nd</sup> , Moderator calls for a standing counted vote Yes 35 No 39 Motion does not pass**

**Motion made to amend the Highway Salary to \$149,665, 2<sup>nd</sup> - Moderator calls for a standing counted vote Yes 43 No 29 Motion carries**

Moderator asks for permission for Kelli Pontbriand, Town Accountant, to speak on Town Meeting Floor, No objections

**Motion made to change the Planning Board Consultant line to \$20,000, 2<sup>nd</sup> Motion fails by majority vote**

Moderator asks for permission for Chief Kevin Dodge to speak on Town Meeting Floor there, no objections

**Motion made to change the Treasurers line Group Health/Life to \$137,250, 2<sup>nd</sup> - Majority passes**

**Main motion as amend with changes to Highway Payroll to \$149,665**

**Treasurer Group Health/Life to \$137,250**

**Raise & Appropriate \$1,988,907 and Transfer from WPAT \$7,696 for a total of \$1,996,603 - Majority passes the article**

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**ARTICLE 9:** To see if the Town will vote to raise and appropriate a sum of money for the Supplemental Wage Account and authorize the Selectboard to approve transfers to the appropriate line items to provide 2.5% wage and salary increases to Town employees, or act in relation thereto.

**Motion made to move the article as written by replacing a sum of money with Raise & Appropriate \$26,000 and delete “or act in relation thereto.”, 2<sup>nd</sup> - So Voted, Majority passes the article**

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**ARTICLE 10:** To see if the Town will vote to appropriate \$60,000 from the Ambulance -- Receipts Reserved for Appropriation Account to fund running of the Ambulance Department for the FY20 budget year; any remaining funds will be retained in the Ambulance - Receipts Reserved for Appropriation to be appropriated in further years; or act in relation thereto.

**Motion made to move the article as written with the deletion of “or act in relation thereto.”, 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from available funds, or otherwise provide the sum of \$1,657,099 to pay its share of the Narragansett Regional School District budget for FY20, or act in relation thereto.

**Motion made to move the article as written and Raise & Appropriate \$1,657,099 and deleting the words “or act in relation thereto.”, 2<sup>nd</sup> - So Voted by majority article passes**

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**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from available funds, or otherwise provide the sum of \$93,053 to pay its share of the Narragansett Regional School District budget for FY20, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override question pursuant to Chapter 59, Section 21C(g) of the General Laws, or act in relation thereto.

**Motion made to move the article as written with the deletion of “or act in relation thereto.” 2<sup>nd</sup>**

Moderator asks for permission for Dr. Christopher Casavant, Supt. Of Schools, to speak on Town Meeting Floor - there is no objection. There is a lot of discussion

Motion made to move the question, 2<sup>nd</sup> - By majority vote the question is moved

**Moderator asks for a standing counted vote Yes 60 No 12 - The article passes**

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**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$188,283 to pay its share of the Montachusett Regional Vocation Technical School budget for FY20, or act in relation thereto.

**Motion made to move the article as written and Raise & Appropriate \$188,283 with the deletion of “or act in relation thereto.” - 2<sup>nd</sup>**

Discussion was had and a Motion was made to move the question, 2<sup>nd</sup> - So Voted Unanimously and the question is moved

**The article is Voted Unanimously**

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**ARTICLE 14:** To see if the Town will vote to authorize the Cemetery Commissioners to utilize members of said Commission for work in the cemeteries and set their compensation at \$14.35 per hour, or act in relation thereto.

**Motion made to move the article as written and set the compensation at \$14.74 per hour with the deletion of the words “or act in relation thereto.” - 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 15:** To see if the Town will vote to authorize the Board of Health to utilize members of said Board for work at the Transfer Station, and set their compensation at \$14.35 per hour, or act in relation thereto.

**Motion made to move the article as written and set the compensation at \$14.74 per hour with the deletion of the words “or act in relation thereto.” - 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 16:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$25,000 to be used for repairs and maintenance at the Phillipston Memorial School, including all incidental and related expenses, to be expended at the discretion of the Selectboard, or act in relation thereto.

**Motion made to move the article as written and Raise & Appropriate \$25,000 with the deletion of “or act in relation thereto.” - 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 17:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$40,000 to be used for general repairs and maintenance on any Town owned buildings, including all incidental and related expenses, to be expended at the discretion of the Selectboard, or act in relation thereto.

**Motion made to move the article as written and Raise & Appropriate \$40,000 with the deletion of “or act in relation thereto.” - 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 18:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds to pay the following bills of Fiscal Year 2018:

|          |             |
|----------|-------------|
| WB Mason | \$ 153.93   |
| FireMed  | \$ 2,790.00 |

or act in relation thereto.

**Motion made to Raise and Appropriate \$153.93 for the payment of WB Mason bill, and Raise & Appropriate \$103.31 for the payment to WEX, Deleting the FireMed bill of \$2,790, for a total Raise & Appropriate of \$257.24, 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 19:** To see if the Town will vote in accordance with G.L. c.41, §1B to have its elected Tax Collector become an appointed Collector, and further, that if the voters at the 2020 Annual Town Election approve of the same, upon the effective date of the change in the nature of the position, the appointed Tax Collector position shall be combined with the appointed Treasurer position to become an appointed Treasurer/Collector, or act in relation thereto.

**Motion made to move the article as written with the deletion of “or act in relation thereto.” 2<sup>nd</sup> - Passes by Majority Vote**

Moderator asks permission for Atty. McEnaney to speak on Town Meeting Floor and there are no objections.

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**ARTICLE 20:** To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5, Clause 54 and establish a minimum value of personal property subject to taxation in the amount of

\$2,000 of fair cash value on personal property accounts to be taxed in Fiscal year 2020, or act in relation thereto.

**Motion made to move the article as written with the deletion of “or act in relation thereto.” 2<sup>nd</sup> - So Voted Unanimously**

**CAPITAL PROJECTS**

**ARTICLE 21:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow for the following capital projects, including any incidental and related costs, from the sources and in the amounts indicated:

1. Transfer from free cash and appropriate \$7,500 to install a bathroom in the Highway Barn;
2. Transfer from free cash and appropriate \$36,000 to insulate and paint the Town Hall;
3. Transfer from free cash and appropriate \$46,800 to install five new 3-ton HVAC units at the Phillipston Memorial Elementary School to replace 5 outdated units;
4. Transfer from free cash and appropriate \$9,000 to refurbish the Highway Department loader; and
5. Transfer from free cash and appropriate \$27,000 to purchase and install a plastics compactor at the Transfer Station;

or act in relation thereto.

**Motion made to move the article as written with item No. 2 changed to say repair and paint Town Hall and transfer from Free Cash \$126,300 with the deletion of “or act in relation thereto.” 2<sup>nd</sup> - So Voted Unanimously**

**COMMUNITY PRESERVATION ARTICLES**

**ARTICLE 22:** To see if the Town will vote, pursuant to General Law Chapter 44B, to appropriate \$15,000 from the Historic Resources Reserve Fund to match a grant from the Massachusetts Preservation Project Fund, or other source, for the preservation and rehabilitation of the Historic Town Hall, particularly, for a comprehensive evaluation of the historic Town Hall and all incidental and related costs, or act in relation thereto.

Report given by Don Clifford of the Community Preservation Commission, CPC unanimously supports this article as voted at their last meeting.

**Motion to move the article as written with the deletion of “or act in relation thereto.” 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 23:** To see if the Town will vote, pursuant to General Law Chapter 44B, to appropriate \$12,000 from the Historic Resources Reserve Fund to match \$30,000 in free cash toward the repairs and painting of the historic Town Hall and all incidental and related costs, or act in relation thereto.

Report given by Don Clifford of the Community Preservation Commission, CPC unanimously supports this article as voted at their last meeting.

**Motion made To see if the Town will vote, pursuant to General Law Chapter 44B, to appropriate \$12,000 from the Historic Resources Reserve Fund to match \$36,000 in free cash toward the repairs and painting of the historic Town Hall and all incidental and related costs, 2<sup>nd</sup> - So Voted Unanimously**

**ARTICLE 24:** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation Budget and to appropriate or reserve from the Community Preservation annual revenues the amounts recommended below by the Community Preservation Committee to be expended for the purposes of committee administrative expenses, community preservation projects and other expenses in FY2020, with each line being considered a separate appropriation.

**Reserves:**

|   |                 |
|---|-----------------|
| From FY2020 estimated annual revenues for Historic Resources Reserve..... | \$ TBD-\$9,000  |
| From FY2020 estimated annual revenues for Community Housing Reserve...    | \$ TBD-\$9,000  |
| From FY2020 estimated annual revenues for Open Space Reserve.....         | \$ TBD-\$9,000  |
| From FY2020 estimated annual revenues for Budgeted Reserve.....           | \$ TBD-\$62,500 |

**Appropriations:**

From FY2020 estimated annual revenues for committee administrative expenses.....\$ 500,

or act in relation thereto.

**Motion made and 2<sup>nd</sup> to move the article as written deleting the words “or act in relation thereto.” With the following revisions: Historic Resources Reserve \$9,000, Community Housing Reserve \$9,000, Open Space Reserve \$9,000, Budgeted reserve \$62,500.**

State by Don Clifford , Unanimously recommended by the CPC.

**So Voted Unanimously on Town Meeting Floor.**

## CAPITAL INVESTMENT ARTICLES

**ARTICLE 25:** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$150,000 to the Capital Investment Fund, or act in relation thereto.

**Motion as written with \$150,000 transferred from Free Cash to the Capital Investment Fund and deleting the words “or act in relation thereto.” 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 26:** To see if the Town will vote to transfer and appropriate \$46,805 from the Capital Investment Fund to pay for the second of three annual payments for the Combination Brush/Rescue/Plow truck for the Fire Department, or act in relation thereto.

**Motion made to transfer from the Capital Investment Fund, \$46,805 to pay the second of three final payments for the Combination Brush/Rescue/Plow truck for the Fire Department, 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 27:** To see if the Town will vote to transfer and appropriate \$36,000 from the Capital Investment Fund to pay to repair or replace the exterior doors, windows and siding on the Police Station, and all incidental and related costs, or act in relation thereto.

**Motion made to transfer from the Capital Investment Fund \$43,200 to pay to repair or replace the exterior doors, windows and siding on the Police Station, and all incidental and related costs. 2<sup>nd</sup> - So Voted Unanimously**

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**ARTICLE 28:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, or act in relation thereto.

**Motion made to transfer from Free Cash \$101,804 to the Stabilization Fund, 2<sup>nd</sup> - So Voted Unanimously**

## ZONING BYLAW ARTICLE

### **ARTICLE 29: Marijuana Establishments**

To see if the Town will vote to amend the Town Zoning Bylaw as follows:

1. to amend the Table of Contents to amend the title of Section 21, to state “Registered Marijuana Dispensary (RMD), Off-Site Medical Marijuana Dispensary (OMMD) and Recreational Marijuana Establishments (RME);”
2. to amend Section 1, Definitions, by adding definitions for, Cannabis Control Commission, Host Community Agreement, Registered Marijuana Dispensary and Recreational Marijuana Establishment as defined herein;
3. to amend the Table of Uses by adding under the Commercial Use categories a new paragraph “n” for Registered Marijuana Dispensary, a new paragraph “o” for Off-Site Medical Marijuana

Dispensary and a new paragraph “p” for “Recreational Marijuana Establishments” and allowing such use by right in the Commercial Zone on lots having frontage and access along Route 2A/State Road and within 400 feet set back from the front lot line; and

4. by replacing the existing Section 21, Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD) with a new Section 21 entitled “Registered Marijuana Dispensary (RMD), Off-Site Medical Marijuana Dispensary (OMMD) and Recreational Marijuana Establishments (RME)”, as stated herein, or take any other action relative thereto.

## **Part 1: Amend Table of Contents**

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending the title of Section 21, to: “Registered Marijuana Dispensary (RMD), Off-Site Medical Marijuana Dispensary (OMMD) and Recreational Marijuana Establishments (RME)” within the Table of Contents.

## **Part 2: Amend Definitions**

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by inserting the following terms and definitions alphabetically into the Table of Contents:

Cannabis Control Commission (CCC): The Massachusetts Cannabis Control Commission established by G.L. c. 94G and G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, G.L. c. 94G, and 935 CMR 500.000.

Host Community Agreement (HCA): An agreement, pursuant to General Laws, Chapter 94G, § 3(d), between a Marijuana Establishment and the Town of Phillipston setting forth conditions for the operation of a Marijuana Establishment within the Town.

Off-Site Medical Marijuana Dispensary (OMMD):

Registered Marijuana Dispensary (RMD): Also known as a Medical Marijuana Treatment Center, is an entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Recreational Marijuana Establishment (RME): A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business as defined in 935 CMR 500.

**Part 3: Amend Table of Uses**

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by inserting into the table of Uses, under the Commercial Use categories, new paragraphs n, o and p as follows:

|   | <b>USE</b>                                   | <b>RA District</b> | <b>C1 District</b> | <b>REC</b> |
|---|--|--------------------|--------------------|------------|
| 2 | <b>COMMERCIAL</b>                            |                    |                    |            |
| n | Registered Marijuana Dispensary (RMD)        | N                  | Y*                 | N          |
| o | Off-Site Medical Marijuana Dispensary (OMMD) | N                  | Y*                 | N          |
| p | Recreational Marijuana Establishment (RME)   | N                  | Y*                 | N          |

\*RMDs, OMMDs, and RMEs are allowed by right only in the Commercial Zone, on lots having frontage and access along Route 2A/State Road and within 400 feet set back from the front lot line.

**Part 4: Marijuana Establishments**

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by replacing the existing Section 21, Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD) with a new Section 21 entitled “Registered Marijuana Dispensary (RMD), Off-Site Medical Marijuana Dispensary (OMMD) and Recreational Marijuana Establishments (RME)”, as follows:

**SECTION XX. Registered Marijuana Dispensary (RMD), Off-Site Medical Marijuana Dispensary (OMMD) and Recreational Marijuana Establishments (RME)**

**Section I. Purpose**

The purpose of this bylaw is to allow for the siting of state-licensed Marijuana Establishments in appropriate locations in accordance with applicable state laws and regulations regarding adult use/recreational and medical marijuana, including G.L. c. 94G, G.L. 94I, 935 CMR 500.00, 105 CMR 725.00, 935 CMR 501 and 935 CMR 502, or any successor statutes or regulations thereto, to impose reasonable safeguards to govern the time, place and manner of marijuana establishments for medical and recreational use to ensure public health, safety, well-being and mitigate against undue impacts on the Town and its residents.

**Section II. Definitions**

Where not expressly defined in the Definitions Section of this Zoning Bylaw, terms used in this bylaw shall be interpreted as defined in G.L. c. 94G and G.L. c. 94I and regulations promulgated and/or incorporated thereunder, and otherwise by their plain language.

### **Section III. Requirements / Conditions**

In addition to the standard requirements for uses permitted by the Commercial Site Plan Review, as set forth in Section 19 of this By-law, the following shall also apply to all medical and recreational marijuana establishments (“Marijuana Establishments”):

1. Use
  - a. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
  - b. No marijuana shall be smoked, eaten, topically applied or otherwise consumed or ingested within the premises.
  - c. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment other than a Marijuana Retailer be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises of a Marijuana Retailer between the hours of 8:00 p.m. and 8:00 a.m.
  - d. No Marijuana Establishment may commence operation prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Department of Public Health or Cannabis Control Commission, as applicable.
  
2. Physical Requirements
  - a. All aspects of the any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
  - b. No outside storage is permitted.
  - c. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
  - d. Ventilation – all Marijuana Establishments shall be ventilated in such a manner that no:
    - i. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and/or
    - ii. 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 Marijuana Establishment or at any adjoining use or property.
  - e. Signage shall be displayed on the exterior of the Marijuana Establishment’s entrance in plain sight of the public stating that “Access to this facility is limited to individuals 21 years or older.” in text two inches in height. All other signage must comply with all other applicable signage regulations in the Zoning By-law, as well as 105 CMR 725.00, 935 CMR 500, 935 CMR 501 and 935 CMR 502.
  
3. Location
  - a. Marijuana Establishments are allowed by right, only in the Commercial Zone, on lots having frontage and access along Rte. 2A/State Road and within 400 feet set back from the front lot line.

- b. No Marijuana Establishment shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest point of each property line) of a parcel occupied a public or private elementary, junior high, middle, vocational or high school, college, junior college, university, or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis.
  - c. No Marijuana Retailer shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of each property line) of a parcel occupied by another Marijuana Retailer.
4. Reporting Requirements
- a. Prior to the commencement of the operation or services, the Marijuana Establishment shall provide the Fire Department, Police Department, and Building Department with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the Marijuana Establishment. All such contact information shall be updated as needed to keep it current and accurate.
  - b. The local Building Inspector, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment facility owner/operator/ manager:
    - i. A minimum of 30 days prior to any change in ownership or management of that establishment; and
    - ii. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
  - c. Permitted Marijuana Establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Commercial Site Plan Review.
  - d. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a duly-authorized Town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.
5. Issuance/Transfer/Discontinuance of Use
- a. Commercial Site Plan Reviews shall be issued to the Marijuana Establishment owner.
  - b. Commercial Site Plan Reviews shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.
  - c. Commercial Site Plan Review shall be non-transferable to either another Marijuana Establishment owner or another site/parcel.
  - d. Commercial Site Plan Review shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:
    - i. the Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted), and/or
    - ii. the Marijuana Establishment's registration/license by the Department of Public Health or Cannabis Control Commission expires or is terminated.

- e. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
- f. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

#### **Section IV. Application Requirements**

In addition to the standard application requirements for Commercial Site Plan Review, such applications for Marijuana Establishments shall include the following:

1. The name and address of each owner of the Marijuana Establishment facility/operation;
2. A copy of an approved and fully executed Host Community Agreement;
3. A copy of its Provisional Certificate of Registration from the Department of Public Health, if applicable;
4. If the Marijuana Establishment will be operated in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500 and 935 CMR 502;
5. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500, 935 CMR 501, and/or 935 CMR 502, as applicable;
6. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
7. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
8. In addition to what is normally required in a Commercial Site Plan Review, details showing all exterior proposed security measures for the Marijuana Establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft and other criminal activity;
9. A detailed floor plan identifying the areas available and functional uses (including square footage);
10. All signage being proposed for the facility;
11. A pedestrian/vehicular traffic study to establish the Marijuana Establishment's impacts at peak demand times;
12. A management plan including a description of all activities to occur on the site, including all provisions for the delivery of marijuana and related products to the Marijuana Establishment or off-site direct delivery to patients;
13. Individual written plans which, at a minimum comply with the requirements of 105 CMR 725.000, 935 CMR 500, 935 CMR 501 and 935 CMR 502, as applicable, relative to the Marijuana Establishment's:
  - a. Operating procedures;
  - b. Marketing and advertising;
  - c. Waste disposal;
  - d. Transportation and delivery of marijuana or marijuana products;

- e. Energy efficiency and conservation; and
- f. Security and alarms.

**Section V. Findings**

In addition to the standard findings for Commercial Site Plan Review, the Planning Board must also find all of the following:

1. That the Marijuana Establishment is designed to minimize any adverse visual or economic impact on abutters and other parties in interest;
2. That the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with the applicable state laws and regulations;
3. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of this by-law;
4. That the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health and safety of other individuals, and that all operations of the facility, including storage, cultivation, and delivery are adequately secured on-site and via delivery;
5. That the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

Or take any other action relative thereto.

**Motion made and 2<sup>nd</sup> to move the article as written deleting the words “or act in relation thereto.” 2<sup>nd</sup>**

Bernard Malouin, Planning Board Chairman, makes a report for the Planning Board. The Planning board was unanimously in favor of all the changes, amendments, and updates and strongly recommends the voters pass article No. 29 at this Town Meeting.

**Motion made to amend the article in Section III. Requirements/Conditions - Number 3 Location - section b. change from 300 ft to 500 ft to read - No Marijuana Establishment shall be located on a parcel which is within Five hundred (500) feet (to be measured....., 2<sup>nd</sup> - So Voted Unanimously**

**Motion made to amend the article in Section III. Requirements/Conditions - Number 3 Location - section c. change from 300ft to 500ft to read - No Marijuana Retailer shall be located on a parcel which is within five hundred (500) feet (to be measured....., 2<sup>nd</sup> - So Voted by majority**

**Main motion as amended in Section III, Requirements/Conditions - Number 3 Location - Section b and c change to five hundred (500) ft - So Voted Unanimously**

## ACCEPTANCE OF STATUTES

**ARTICLE 30:** To see if the Town will vote to accept Massachusetts General Law Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, and further that said tax shall take effect on the first day of the calendar quarter commencing at least thirty days after such vote at Town Meeting, or at any other later date determined by the Commissioner of Revenue, whichever occurs first, or taken any other action relative thereto.

**Motion made to move the article as written with the deletion of “or act in relation thereto.” - 2<sup>nd</sup>  
- So Voted Unanimously**

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Motion made to revisit/reconsider Article 12

Moderator calls for a standing counted vote Yes 27 No 19 Reconsideration does not pass

**Motion made to dissolve the Annual Town Meeting at 10:08 . 2<sup>nd</sup> - So Voted Unanimously**