

Annual Town Meeting Warrant



Town Hall Fallon Auditorium
June 3, 2013
7:15 P.M.

TOWN OF CLINTON
COMMONWEALTH OF MASSACHUSETTS

WARRANT FOR ANNUAL TOWN MEETING

WORCESTER, SS.

To the Constable of the Town of Clinton in the County of Worcester.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town, qualified to vote in the elections and town affairs, to meet at the Town Hall in said Clinton on Monday, the third day of June 2013 at 7:15 P.M., then and there to act on the following articles:

ARTICLE 1

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

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, Section 108 of the M.G.L., as amended, said salaries and compensation to be effective from July 1, 2013 to June 30, 2014, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2013 to June 30, 2014, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement for Fiscal Year 2014 pursuant to Chapter 44, Section 53F of the M.G.L., as amended, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 5

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

(Finance Committee - Approved)

ARTICLE 6

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

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$121.96, or any other sum, said sum to be used to pay National Grid for an unpaid bill, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to raise and appropriate or take from available funds and transfer to the Health Insurance Trust Fund the sum of \$190,000.00, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate or take from available funds and transfer to the Stabilization Fund the sum of \$190,000.00, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 10

To see if the Town will vote to accept the provisions of M.G.L. Chapter 44, Section 53F½, as amended, to establish a landfill enterprise fund beginning in Fiscal Year 2014.

(Finance Committee - Approved)

ARTICLE 11

To see if the Town will vote to establish a Revolving Fund in accordance with the provisions of Section 53E½ of Chapter 44 of the Massachusetts General Laws for use by the Board of Health into which shall be deposited certain fees paid to the Board of Health for inspection related services, such fund to be used for the pick-up of dead animals, sharps medical waste pick-up and other related expenses, provided that the expenditures from such fund shall not exceed \$10,000.00 in Fiscal Year 2014, or act in any manner relating thereto.

(Finance Committee - Disapproved)

ARTICLE 12

To see if the Town will vote to amend Article XIX of the Administrative Bylaws: Erection, Alteration or Renovation of Buildings, by adding the following new sections, such new sections to take effect within ninety (90) days of approval by the Attorney General:

Section 4.

A Permanent Building Committee consisting of seven (7) appointed members and two ex officio members (Town Administrator and Superintendent of Schools) shall oversee all construction, maintenance or renovation projects of Town buildings and property having a project cost of at least \$50,000.00.

Section 5.

Appointed members of the Permanent Building Committee shall be appointed by the Town Moderator and serve for a term of three years.

ARTICLE 13

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$1,000,000.00, or any other sum, said sum to be expended by the Superintendent of Public Works for the purchase and installation of new water meters, or act in any manner relating thereto.

(Department of Public Works)

(Finance Committee - Approved)

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$40,000, or any other sum, said sum to be expended by the Board of Selectmen for the purchase of approximately 90,866 square feet of land located off South Meadow Road, Clinton and abutting the Boston & Maine Railroad as contained in "A Sketch Plan of Land, Clinton, Mass., Prepared by David E. Ross Associates, Inc. for the Town of Clinton, July 2012," or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 15

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$137,500.00, or any other sum, said sum to be expended by the Board of Selectmen for the purchase of approximately eight acres of land located off South Meadow Road and being that portion or Parcel II located in Clinton only as contained in the deed recorded at Book 47310, Page 233 in the Worcester County Registry of Deeds, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$19,820.00, or any other sum, said sum to be expended by the Parks and Recreation Commission for the purchase of a new four wheel drive lawn tractor equipped with a mower deck, cab and snow blower. This tractor would be used to maintain all parks, public buildings and to snow blow walkways in the parks during the winter, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 17

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$9,000.00, or any other sum, said sum to be expended by the Parks and Recreation Commission purchase a new water pump for the Foster Fountain in Central Park and to perform necessary internal plumbing repairs to restore the fountain to proper function, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$32,045.00, or any other sum, said sum to be expended by the Parks and Recreation Commission for the repainting of the Foster Fountain in Central Park, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 19

To see if the Town will vote to adopt the provision in M.G.L Chapter 40, Section 3, as amended, which provides that the town may allow any monies in a school rental or lease account to remain in said account after the close of the fiscal year in which it was received and may be expended for the upkeep and maintenance of any facility under the control of the school committee; or take any other action relative thereto.

(School Committee)

(Finance Committee -Approved)

ARTICLE 20

To see if the Town will vote to accept the provisions of Section 5N of M.G.L. Chapter 59 to establish a property tax work-off program under which qualified veterans provide volunteer services to the Town of Clinton in exchange for a reduction in their property tax, or act in any manner relating thereto.

ARTICLE 21

To see if the Town will vote to amend the Town's Zoning By-Law by adding a new Section 3700, Temporary Moratorium on Medical Marijuana Treatment Centers, as follows:

3700. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

3710. Purpose. By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning By-Law, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

3720. Definitions. Terms used in this Section 3700 are defined as follows:

3721. *Medical Marijuana Treatment Center.* A "not-for-profit entity", as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

3730. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through December 31, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses, or act in any manner relating thereto.

ARTICLE 22

To see if the Town will vote to amend the Zoning By-Laws of the Town of Clinton to change the zoning district boundaries of the Town of Clinton Zoning Map for the parcel of land at 355 West Boylston Street, further identified on Assessor's map 131, block 4030, with the intent to establish the property within the Industrial zone, or act in any manner relating thereto.

ARTICLE 23

To see if the town will vote to amend the zoning by-law so as to require notice of and a public hearing on applications for site plan review, as follows:

By deleting in their entirety the second, third and fourth sentences of Section 9430, and substituting the following therefor:

Site plan review shall require notice and a public hearing in accordance with the procedures set forth in G.L. c. 40A, §§ 9 and 11. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of the Board as constituted, and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless ninety (90) days lapse from the date of the submittal of the site plan without action by the Planning Board, or act in any manner relating thereto.

ARTICLE 24

To see if the town will vote to amend the zoning by-law so as to allow waivers of strict compliance with its parking, loading, signage and landscaping requirements through site plan review, as follows:

By adding a new Subsection 9436, as follows:

9436. Waivers. The Planning Board may, upon written request of the applicant and by supermajority vote of the Board as constituted, waive any of the parking, loading, signage or landscaping requirements as set forth in Sections 5100, 5200, 5300 and 5400 of the Zoning By-Law, respectively, where such waiver is not inconsistent with public health and safety and will not result in a substantial detriment to the neighborhood or the Town. Such waiver shall be in lieu of any special permit otherwise required under said Sections 5100 through 5400, or act in any manner relating thereto.

ARTICLE 25

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts State Legislature requesting that it oppose any further restrictions on the property commonly known as the Wekepeke Watershed Lands consisting of approximately

564 acres of upland forest and associated wetlands located in the Town of Sterling and Leominster, Worcester County, Massachusetts, which property is already restricted pursuant to a Conservation Easement a/k/a Conservation Restriction granted by the Town of Clinton to the Commonwealth of Massachusetts in June 2008 and recorded at Book 43304, Page 1, in the Worcester County Registry of Deeds, or act in any manner relating thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the purchase and installation of critical technology infrastructure; or take any other action relative thereto.

(Citizens Petition)

(Finance Committee - Approved)

ARTICLE 27

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$610,000, or any other sum, said sum to be expended by the Clinton Public Schools for building infrastructure improvements in the Clinton Middle School; or take any other action relative thereto.

(Citizens Petition)

(Finance Committee - Approved)

ARTICLE 28

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$79,000, or any other sum, said sum to be expended by the Clinton Public Schools for the reconstruction of the front sidewalk at the Clinton High School; or take any other action relative thereto.

(Citizens Petition)

(Finance Committee - Approved)

ARTICLE 29

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$70,000.00, or any other sum, said sum to be used for the renovation of the long-jump event, tennis courts, and for the services of an engineer to design the renovation of the track at the Clinton Veteran's Athletic Complex and manage the bidding and renovation process through completion; or take any other action relative thereto.

(Citizens Petition)

(Finance Committee - Approved)

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

GIVE UNDER OUR HANDS, THIS twenty-first day of May in the year of our Lord, two thousand and thirteen.

BOARD OF SELECTMEN

Michael J. Dziokonski, Chairman
James J. LeBlanc, Vice-Chairman
Mary Rose Dickhaut, Clerk
William F. Connolly, Jr.
David J. Sargent

WORCESTER, SS.

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

James P. Farragher
Constable for the Town of Clinton