

Annual Town Meeting Warrant



Town Hall Fallon Auditorium
June 4, 2018
7:00 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 fourth day of June 2018 at 7:00 P.M., then and there to act on the following articles:

ARTICLE 1

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

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41 §108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2018 to June 30, 2019, 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, 2018 to June 30, 2019, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement with a banking institution for Fiscal Year 2019 pursuant to Chapter 44, §53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 5

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

(Finance Committee - Approved)

ARTICLE 6

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

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote pursuant to the provisions of Chapter 44, §53E½ of the Massachusetts General Laws to set the limits on the total amounts that may be expended from each of the Town's revolving funds established under the Town's Administrative By-Laws, or act in any manner relating thereto.

Revolving Fund	Spending Limit
Gas/Plumbing Inspection	\$50,000.00
Council on Aging	\$ 2,000.00
Town Hall Use	\$ 5,000.00
Olde Home Day	\$25,000.00
Fuller Field	\$ 3,000.00
Town Clerk	\$10,000.00

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of \$15,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2019, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 9

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

(Finance Committee - Approved)

ARTICLE 10

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

(Finance Committee - Approved)

ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from the Landfill Enterprise Fund Retained Earnings the sum of \$2,000,000.00, or any other sum, to the Capital Projects & Infrastructure Improvements Stabilization Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 12

To see if the Town will vote to transfer from the Stabilization Fund or take from available funds a sum of money to be expended by the Fire Department to fund retroactive wages as part of a negotiated agreement between the Town of Clinton, through the Board of Selectmen, and the International Association of Fire Fighters – Local 3189 for the period July 1, 2017 to June 30, 2020, having been negotiated in accordance with M.G.L. Chapter 150E, as amended, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 13

To see if the Town will vote to transfer from the Stabilization Fund or take from available funds a sum of money to be expended by the Police Department to fund retroactive wages as part of a negotiated agreement between the Town of Clinton, through the Board of Selectmen, and the Massachusetts Coalition of Police – Local 151 for the period July 1, 2017 to June 30, 2020, having been negotiated in accordance with M.G.L. Chapter 150E, as amended, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 14

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

(Finance Committee - Approved)

ARTICLE 15

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the purchase of textbooks and technology, or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$140,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for capital improvements and maintenance at the Clinton Public Schools, or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

ARTICLE 17

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$200,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a new six-wheel dump truck and sander, act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow or transfer from the Rubbish Enterprise Fund the sum of \$250,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a rubbish packer truck, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 19

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$40,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of new trash and recycle containers and street furnishings for the downtown area, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 20

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$350,000.00, or any other sum, said sum to be expended by the Department of Public Works for water main replacement projects on Spruce Street, Greeley Street and Walnut Street, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Landfill Enterprise Fund the sum of \$1,500,000.00, or any other sum, said sum to be expended by the Department of Public Works for the Phase I Landfill Closure Project and related work, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$20,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of lighted speed notification signage, or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 23

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$50,000.00, or any other sum, said sum to be expended by the Board of Selectmen for a study to determine the feasibility of creating a paramedic service at the Clinton Fire Department, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 24

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64L – Local Option Meals Excise, to impose a local sales tax upon restaurant meals within the Town of Clinton, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 25

To see if the Town will vote to amend the Zoning By-Law to add the following:

New Section: Section 6800: Recreational Marijuana Establishments

6810. Purpose. The purposes of this Section 6800 (“Section”) are:

6811. To protect the health, safety, and general well-being of Clinton residents, the public, and customers seeking to purchase marijuana for recreational or adult use.

6812. To minimize any adverse impacts of Marijuana Establishments on abutters, residential neighborhoods and sensitive land uses.

6813. To regulate the siting, design, security, safety, and discontinuance of Marijuana Establishments.

6820. Applicability

6821. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for recreational or adult use is prohibited unless permitted as a Marijuana Establishment under this Section.

6822. No Marijuana Establishment use shall commence except in compliance with the provisions of this Section.

6823. Any capitalized terms used in this Section not defined in this Section or defined in Section 10000, Definitions, of the Zoning By-Law shall be as defined in Massachusetts General Laws Chapter 94G and 935 CMR 500, et seq.

6830. General Requirements

6831. *Structures.* All Marijuana Establishment operations shall be contained within a building, unless otherwise provided for by Special Permit of the Planning Board. Facilities shall be ventilated such that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.

6832. *Residential Buildings.* No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and

dormitories, or inside a movable or mobile structure such as a van or truck.

6833. *Buffer Zone.* No Marijuana Establishment shall be located on a lot that is within five hundred (500) feet of any lot occupied by a school attended by children under the age of 18, or any playground, public athletic field, or similar public recreational facility. No Marijuana Retailer shall be located on a lot that is within five hundred (500) feet of any other lot in use as a Marijuana Establishment or Medical Marijuana Treatment Center, except where the marijuana facilities are operated by the same individual, organization, or affiliated organization. For purposes of this provision, distance shall be measured in a straight line from property boundary line to property boundary line.

6834. *Area Limitations.* A Marijuana Establishment shall provide adequate interior space to accommodate all activities inside the building so as not to have customer queuing on sidewalks, parking areas, or other outdoor areas. For Marijuana Retailers, the area of the building dedicated to customer sales shall not exceed 3,000 gross square feet.

6835. *Hours of Operation.* The hours of operation of a Marijuana Retailer shall be set by the Planning Board, but in no event shall said facility be open and/or operating between the hours of 8:00 PM and 8:00 AM.

6836. *On-Site Consumption.* No smoking, burning, consumption, or use of marijuana or of any product containing marijuana or marijuana-related products shall be permitted on the premises or property of a Marijuana Establishment.

6838. *Signage.* Signage for Marijuana Establishments shall comply with the requirements of Section 5300 of this By-Law, as well as Cannabis Control Commission regulations.

6839. *Limit on Number of Marijuana Retail Licenses:* The Planning Board shall not issue more Special Permits for Marijuana Retail licenses than the number that is 20% of the liquor licenses for off-premises alcohol consumption that have been issued by the Board of Selectmen pursuant to M.G.L. c. 138, §15, as rounded up to the nearest whole number.

6840. Special Permit. A Marijuana Establishment shall only be allowed in the Commercial or Industrial Districts by special permit from the Planning Board, in accordance with the requirements of this Section and Section 9300 of this By-Law.

6841. *Uses.* A special permit for a Marijuana Establishment shall be limited to one or more of the following uses:

- a. Marijuana Cultivator;
- b. Marijuana Product Manufacturer;
- c. Marijuana Retailer;
- d. Independent Testing Laboratory; and
- e. Other Type of Licensed Marijuana-Related Business.

6842. *Submittal Requirements.* In addition to the submittal requirements described in Section 9300 of this By-law, applications under this Section shall include the following:

- a. The name and address of each owner of the Marijuana Establishment;
- b. A copy of the license from the Cannabis Control Commission;
- c. Evidence that the applicant has site control and right to use the site for a Marijuana Establishment;
- d. A copy of the security procedures approved by the Cannabis Control Commission for the Marijuana Establishment, including location and specification of lighting, fencing, gates, alarms, and other security devices.
- e. A copy of the emergency procedures approved by Cannabis Control Commission for the Marijuana Establishment;
- f. A detailed floor plan identifying the areas available and functional uses (including square footage);
- g. Depictions of all signage being proposed for the facility; and
- h. A description of all activities proposed for the site.

Upon written request from the applicant, the Planning Board may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the application. The Planning Board's waiver decision shall be set forth in the written special permit decision.

6843. *Mandatory Findings.* In addition to the criteria established under Section 9320 of this By-law, the Planning Board shall not issue a special permit for a Marijuana Establishment unless it finds that:

- a. The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;
- b. The Marijuana Establishment demonstrates that it will meet all the licensing requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- c. The applicant has satisfied all of the conditions and requirements of this Section.

6844. *Duration.* A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and/or lease of the premises as a Marijuana Establishment. A special permit may be transferred to a new owner only with the

approval of the Planning Board in the form of an amendment to the special permit, subject to a review conducted in a public hearing and consistent with the requirements of this Section.

6845. *Lapse.* A special permit issued under this Section shall lapse if not exercised within two years of the date of approval.

6850. Abandonment or Discontinuance of Use

6851. A Marijuana Establishment shall be required to remove from the premises all materials, plants, equipment, and other paraphernalia:

- a. prior to surrendering its state issued licenses or permits; or
- b. within six months of ceasing operations; whichever comes first.

6860. Severability: The provisions of this Section are severable. If any provision, paragraph, sentence, or clause, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section.

New Definitions in Section 10000:

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT: marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process, and package marijuana/marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to the other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA: RETAILER: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments to consumers.

INDEPENDENT TESTING LABORATORY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the

Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

OTHER TYPE OF LICENSES MARIJUANA-RELATED BUSINESS: a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or marijuana retailer.

Amendment to Use Table, Section 3110:

C. COMMERCIAL USES	R2	R1	BR	C	I
31. Marijuana Establishments	N	N	N	PB	PB

Amendment to Section 3750 (Marijuana Moratorium):

Delete in its entirety.

ARTICLE 26

To see if the Town will vote to accept Section 3 of Chapter 64N of the Massachusetts General Laws, as amended by Section 13 of Chapter 55 of the Acts of 2017, and 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 a rate of three percent (3%) of the total sales price received by the marijuana retailer as a consideration for the sale of the marijuana or marijuana products; or act in any manner relating thereto.

ARTICLE 27

To see if the Town will vote to amend the Administrative By-Laws to add the following:

New Section: Public Consumption or Use of Marijuana or Tetrahydrocannabinol

No person shall consume or use marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, including, but not limited to, parks and or playgrounds.

No person shall use or consume marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes on town owned property or within town owned buildings to which the public has a right of access. No person shall use or consume any marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes at any event or function, be that event or function public or private, held on town property or within town owned buildings.

Any person who violates this section shall be punishable by a fine of three hundred dollars (\$300.00) for each such violation.

Any person upon whom is imposed a fine pursuant to this bylaw shall have the right to appeal the imposition of such fine in a non-criminal proceeding under Chapter 40, §21D by making a written request within twenty-one (21) days to the Clerk Magistrate for the Clinton District Court.

All marijuana being used in violation of this section shall be seized and safely held by the Clinton Police Department. If no appeal is filed, the seized marijuana shall be forfeited and destroyed pursuant to Clinton Police Department procedures. If an appeal is filed, the seized marijuana will be held by the Clinton Police Department pending final adjudication of such appeal.

The Clinton Police Department shall be the enforcing authority of this section.

(Police Chief)

ARTICLE 28

To see if the Town will vote to amend the Zoning By-Law of the Town of Clinton by inserting a new Section 3800, Temporary Moratorium on Multi-Family Dwelling Units, or act in any manner thereto;

Section 3800. TEMPORARY MORATORIUM ON MULTI-FAMILY DWELLING UNITS

3810. Purpose. In recent years, the preponderance, rate and volume of multi-family residential permitting and construction within the Town of Clinton have proceeded at levels that substantially vary from the community's prior experience. These changes to local development patterns may potentially have an adverse or unanticipated effect on community character and existing neighborhoods. While the Town of Clinton Zoning By-law contains sections which specifically address the creation of multi-family dwellings within the context of Planned Unit Developments, Mixed Use Districts, and Flexible Developments, there is a community need to establish thoughtful criteria for consideration and approval of multi-family dwelling units within neighborhood contexts and within downtown Clinton. In order for the Town to undertake comprehensive planning to formulate and adopt such criteria under zoning, the Town intends to adopt a temporary moratorium on the consideration and approval of multi-family proposals under sections 3130 and 4130 of the Zoning By-law, subject to the exceptions indicated in subsection 3830.

3820. Definitions. For the purpose of this section, " Multi-Family Dwelling" shall be defined as "a building containing three or more dwelling units."

3830. Exceptions. This section shall not be interpreted to prevent application for multi-family special permits under the following sections of the Zoning By-law:

- 3831. Section 3400, Accessory Apartments
- 3832. Section 7100, Flexible Development
- 3833. Section 7200, Mill Conversion, Planned Development
- 3834. Section 8400, Mixed Use Overlay District

3840. Moratorium. Notwithstanding any other provision in the Zoning Bylaw to the contrary, no special permit approval for multi-family housing, except as exempted in section 3830, may be issued until after July 1, 2019. The purpose of this temporary moratorium is to allow 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.

ARTICLE 29

To see if the Town will vote to accept the local option provisions of Chapter 41 §25 of the Massachusetts General Laws which provides for the appointment of the Board of Assessors, or any in any manner relating thereto.

ARTICLE 30

To see if the Town will vote to accept the local option to reduce the minimum age and increase the income limits as set forth in Clause 41C of Chapter 59 §5 of the Massachusetts General Laws for property tax exemptions to allow applicants who reach the age of 65 by July 1st of the Fiscal Year and receive less than \$15,000 for single income and \$20,000 for married income will be considered eligible to apply, all other requirements remain in effect as defined by the statute, or any in any manner relating thereto.

(Board of Assessors)

ARTICLE 31

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen to grant a Chapter 138, Section 15 all alcohol package store license to 1044 Main Street Clinton LLC, for premises located at 1044 Main Street Clinton MA, notwithstanding the limitation on the number of such licenses which may be granted, or act anything thereon.

(Citizens Petition)

ARTICLE 32

To following citizens petition to see if the Town will vote to amend the Town of Clinton Bylaws to ban toxic lawn chemicals linked to childhood cancer, birth defects and a number of other diseases on all public and private lands, including schools, athletic fields, daycare center lawns, and private lawns, in order to protect public health and public safety.

(Citizens Petition)

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 sixteenth day of May in the year of our Lord, two thousand and eighteen.

BOARD OF SELECTMEN

David J. Sargent, Chair
William F. Connolly, Jr., Vice-Chair
Sean J. Kerrigan, Clerk
Marc S. Iacobucci
Michael J. Dziokonski

WORCESTER, SS.

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

Kevin R. Haley
Constable for the Town of Clinton