

The Commonwealth of Massachusetts
TOWNSEND, MASSACHUSETTS
SPECIAL TOWN MEETING

TOWN OF TOWNSEND
TOWN CLERK



MIDDLESEX SS.

To either of the Constables of the Town of Townsend in the County of Middlesex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on **November 28, 2017, at 7:00 PM**, then and there to act on the following articles:

CURRENT FISCAL YEAR FINANCIAL ARTICLES
(majority vote)

ARTICLE 1

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury \$23,000 to replenish the FY18 Finance Committee Reserve Fund; or take any other action in relation thereto.

SUBMITTED BY: Finance Committee

BOARD OF SELECTMEN: 3-0 RECOMMEND

Special Town Meeting
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ARTICLE 2

To see if the town will vote to reduce the FY18 Police Department Personnel Budget by \$44,000.00, or take any other action in relation thereto.

SUBMITTED BY: Town Accountant

BOARD OF SELECTMEN: 3-0 RECOMMEND

PRIOR FISCAL YEAR BILLS (9/10th vote)

ARTICLE 3

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$13,015.34, to fund the following bills from a prior fiscal year:

VENDOR	DEPARTMENT	FY	AMOUNT
1. Richard Cowell Tactical	Police	15	\$ 425.50
2. Comcast	Police	16	\$1945.23
3. Zoll Medical	Police	16	\$ 96.76
4. Zoll Medical	Police	16	\$ 186.15
5. Powerphone	Police	16	\$ 369.00
6. McGee Equine	Police/ACO	16	\$ 910.37
7. Axon	Police	16	\$ 69.37
8. Municipal Police Institute	Police	17	\$1080.00
9. Verizon	Police	15-17	\$3686.28
10. Virtual Town Hall	MIS	17	\$1667.00
11. P. Davis Emerg. Services	Facilities	17	\$2579.68

or take any other action in relation thereto.

SUBMITTED BY: As noted

BOARD OF SELECTMEN: 3-0 RECOMMEND

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CAPITAL PLAN ARTICLES
(majority vote)

ARTICLE 4

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury \$250,000, to supplement the Capital Stabilization Fund; or take any other action in relation thereto.

SUBMITTED BY: Capital Planning Committee

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$50,000, to fund the additional capital requests contained in the revised FY18 capital plan as follow:

- \$25,000-repair and or replacement, and any costs associated thereto, of certain audio visual equipment in the Meeting Room between the Library and the Senior Center;
- \$25,000-design,engineering and replacement of the sidewalks in the town common; or take any other action in relation thereto.

SUBMITTED BY: Capital Planning Committee and (Council on Aging Director, Library Director, MIS Coordinator, Facilities Coordinator, Fire Chief, Town Administrator and the Cemetery and Parks Commission)

BOARD OF SELECTMEN: 3-0 RECOMMEND

HOME RULE CHARTER
(majority vote)

ARTICLE 6

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below, amending the Town Charter to conform the makeup of the Housing Authority to state law; provided however that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is

authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

An Act Relative to the Charter of the Town of Townsend

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Subsection 3-15(a) of article 3 of the charter of the town of Townsend, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the following words: -“four shall be elected for a five year term by the voters and one shall be appointed in the manner provided by the General Law”, and inserting in place thereof the following words: -“three members shall be elected for a five year term by the voters of the town and two members shall be elected or appointed in the manner provided by the General Laws.”

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative thereto.

SUBMITTED BY: _____

BOARD OF SELECTMEN: 2-0-1 RECOMMEND

**GENERAL BYLAW ARTICLES
(majority vote)**

ARTICLE 7

To see if the Town will vote to amend the Town's General Bylaw 102 by adding a new §102.5, §102.6 and §102.7 as follow:

102.5 Unlawful disposal of waste –

A. Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged any waste in a public way or upon any public property shall be punished by a fine of \$200 for each offense.

B. Waste in a Town of Townsend container: Whoever with Town authority disposes of waste by placing it in a dumpster, cart, barrel or other container owned, control or operated by the Town of Townsend shall be punishable by a fine of \$300.

C. Importation of Waste

1. Whoever brings, disposes, stores, or places any waste from any location not eligible for curbside collection to a household shall be punished by a fine of \$300. Each piece of waste shall constitute a separate offense.

2. Whoever brings, disposes, stores or places any waste including Construction and Demolition, CRTs and White Goods, from any location to another, within the Town, for the purpose of "centralizing", dismantling, remanufacturing, disassembling, shall be punished by a fine of \$300.

D. Banned waste, Restricted Material: Unless otherwise specified under this chapter, whoever places for curbside collection any waste banned by state or federal law, rule or regulation, including but not limited to hazardous waste, hazardous materials, universal waste, sewage, ash, sludge, coal, cans containing paint or aerosol, mirrors, window glass, motorized equipment, motorized vehicles and parts, tires and rims, motor vehicle products, oils, machinery, stumps, all branches and limbs not defined as yard waste, electronics, construction and demolition materials, rocks, boulders, concrete footings, asphalt, pavement, brick, concrete, metal and wood, sheetrock/plaster/lath, roofing, siding, insulation, chemicals, explosives and storage tanks, shall be punished by a fine of \$300. Each piece of waste shall constitute of a separate offense.

E. Waste in or adjacent to a privately controlled container: Whoever without the owner's authority disposes of waste by placing it in a dumpster, cart, barrel or other container owned, controlled or operated by a private party shall be punished by a fine of \$300.

F. Waste on Private Property: Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged any waste on a private way or upon any private property shall be punished by a fine of \$300 for each offense.

102.6 Scavenging of curbside collection materials

It shall be a violation of this section if any person, other than authorized agents of the Town acting in the course of their employment or contract, collects or causes to be collected any waste so placed. Each and every such collection in violation

hereof from one or more locations shall constitute a separate and distinct offense. Any violation of this subsection shall be punishable by a fine of \$300.

102.7 Severability

The provisions of this chapter are severable and the invalidity of any section or provision of these Regulations, as determined by a Court of competent jurisdiction, shall not invalidate any other section or provision thereof.

Non-Criminal Disposition: Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Separate Violations: Each day any violation exists shall be deemed to be a separate offense.

Enforcement: Enforcement of this regulation shall be by the Townsend Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Townsend Board of Health or its designated agent(s) and the Board shall investigate.

SUBMITTED BY: The Board of Health

BOARD OF SELECTMEN: 3-0 RECOMMEND

ZONING BYLAW ARTICLES (2/3 vote)

ARTICLE 8

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new § 145-89

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 145-89 "Temporary Moratorium on Recreational Marijuana Establishments:"

§ 145-89 Temporary Moratorium on Recreational Marijuana

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Townsend Zoning Bylaw.

The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such 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 Townsend Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. This temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments will allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

A. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

B. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018 or until a bylaw is approved. During the moratorium period, the Planning Board, on behalf of the Town of Townsend, shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding

Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.

SUBMITTED BY: Planning Board

BOARD OF SELECTMEN: 2-0-1 RECOMMEND

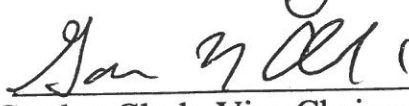
And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET in said Town, at least FOURTEEN (14) days before the time of holding said meeting.

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

Given under our hands this 14th day of November, in the year TWO THOUSAND SEVENTEEN.

BOARD OF SELECTMEN


Cindy King, Chairman


Gordon Clark, Vice Chairman


Sue Lisio, Clerk

Special Town Meeting
November 28, 2017

A true copy. ATTEST:

Michelle Dold CONSTABLE

