

The TOWN OF WILLIAMSBURG
Annual Town Meeting
June 5, 2017

Hampshire SS:

To the Constable of the Town of Williamsburg

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, **to meet at the Anne T. Dunphy School, 1 Petticoat Hill Road**, in said town on Monday, the fifth of June next, Two Thousand Seventeen, at seven o'clock in the evening, then and there, to act on the following articles.

Article 1 **To see if the Town will vote** to raise and appropriate or transfer from available fund the sum of \$190 to pay Elm Electric for work performed for the Water Department in **Fiscal Year 2016 (FY16)**, or take any other action relative thereto.

Article 2 **To see if the Town will vote** to raise and appropriate or transfer from available fund the sum of \$38.16 to pay Florence Savings Bank for deposit booklets bought in **Fiscal Year 2016 (FY16)**, or take any other action relative thereto.

Article 3 **To see if the Town will vote** to raise and appropriate or transfer from available fund the sum of \$20.00 to pay Kathleen A. McKeown, former Planning Board member, for costs associated with attending the Pioneer Valley Planning Commission Annual Meeting in **Fiscal Year 2016 (FY16)**, or take any other action relative thereto.

Article 4 **To see if the Town will vote** to raise and appropriate or transfer from available fund the sum of \$1,765.92 to pay KP|Law for professional services in **Fiscal Year 2016 (FY16)**, or take any other action relative thereto.

- Article 5** **To see if the Town will vote** pursuant to M.G.L. c.268A, §21A to authorize the Board of Selectmen, Board of Water/Sewer Commissioners, Board of Assessors, Board of Health, Board of Appeals, Finance Committee, and the Trustees of Libraries to appoint their own members to positions under their respective jurisdictions at such salaries or wage rates to be established by the Board of Selectmen, or take any other action relative thereto.
- Article 6** **To see if the Town will vote** to authorize the Moderator to choose a committee to expend the income from the Whiting Street Fund, or take any other action relative thereto.
- Article 7** **To see if the Town will vote** to approve a Capital Improvement Plan, as prepared by the Capital Planning Committee and approved by the Finance Committee, including recommended capital improvements for the following five fiscal years, or take any other action relative thereto.
- Article 8** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$13,269.49, an amount equal to one-half of the amount received by the Town as Medicare Part D reimbursements, to the Williamsburg School Department, or take any other action relative thereto.
- Article 9** **To see if the Town will vote** to fix the salary and compensation of all elected and appointed officers of the Town for the twelve month period ending June 30, 2018, as provided in M.G.L. c.41, §108, as amended, and to see if the Town will vote to raise and appropriate such sums of money as shall be deemed necessary to defray the expenses of the Town for that same period, or take any other action relative thereto.
- Article 10** **To see if the Town will vote** to accept monies from the Massachusetts Department of Transportation, including but not limited to Chapter 90 funds, for the maintenance and reconstruction of Town roads and bridges, and to authorize expenditure of the same without further appropriation, or take any other action relative thereto.

Article 11 **To see if the Town will vote** pursuant to M.G.L. c.44, §54E½, as most recently amended, to (1) authorize revolving funds for certain Town departments for Fiscal Year 2018; (2) further, to amend the Town General Government By-laws by inserting a new By-law entitled “Revolving Funds;” (3) to establish fiscal year spending limits, all as set forth below; and (4) to re-authorize the revolving funds listed below at such annual spending limits for the fiscal year beginning July 1, 2017, or take any other action relative thereto.

Revolving Funds

1. Purpose. This By-law establishes and authorizes revolving funds for use by the Town Departments, Boards, Committees, Agencies or Officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.
2. Expenditure Limitations. A Department or Agency head, Board, Committee or Officer may incur liabilities against and spend monies from a revolving fund established and authorized by this By-law without appropriations subject to the following limitations:
 - A. Fringe benefits of full-time employees subject to the following limitations, except for those employed as school bus drivers.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall be subject to the limitation established by Town Meeting or any increase therein as may be authorized in accordance with M.G.L. c.44, §53E½.
 - D. Interest. Interest earned on monies credited to a revolving fund established by this By-law shall be credited to the general fund.
3. The following is a list of authorized revolving funds setting forth the name of the fund, the entity authorized to expend such funds, the revenue source and the use of such fund.

Revolving Fund	Authorized to Spend Fund		Revenue Source	Use of Fund
Gas Inspector Revolving Fund	Gas Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Electrical Inspector Revolving Fund	Electrical Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Plumbing Inspector Revolving Fund	Plumbing Inspector		Fees charged for inspections required under the permit process	Salary of the Inspector and expenses related to the issuance of permits.
Transfer Station Open Box Revolving Fund	Board of Health		Fees and charges for services related to the Transfer Station and disposal areas.	Disposal costs of the open box and management of the Transfer Station and disposal areas.
Planning Board Revolving Fund	Planning Board		Fees charged specific to proposed subdivisions within Williamsburg and new construction	Expenses associated with proposed subdivisions within Williamsburg and other related expenses associated with new buildings
Animal Control Officer Revolving Fund	Town Clerk		Fees specific to dogs	Expenses associated with licensing and dogs and controlling animals and to pay the Animal Control Officer salary.
Recreation Commission Revolving Fund	Recreation Commission		Fees specific to recreation programs	Pay cost of operating recreation programs.
Council on Aging Revolving Fund	Council on Aging Executive Director		Fees specific to advertising in the Council on Aging newsletter	Pay for printing and distribution of the Council on Aging newsletter
Conservation Commission Revolving Fund	Conservation Commission		Fees specific to NOI/WPA filing fees	Pay expenses associated with WPA filing fees for administration and Enforcement of Wetlands Protection Act.
Board of Appeals Revolving Fund	Board of Appeals		Fees specific to applications	Pay expenses associated with processing of applications, purchase of laptop computer and software for record keeping
Fire Dept. Revolving Fund	Fire Chief		Fees specific to inspections (smoke, CO, etc.)	Salary of the Inspector and expenses related to the issuance of permits

And to set Fiscal Year 2018 spending limits for each of the above Revolving Funds as follows:

Revolving Fund	FY18 Spending Limit
Gas Inspector Revolving Fund	\$ 1,500
Electrical Inspector Revolving Fund	\$ 7,500
Plumbing Inspector Revolving Fund	\$ 3,500
Transfer Station Open Box Revolving Fund	\$18,000
Planning Board Revolving Fund	\$30,000
Animal Control Officer Revolving Fund	\$ 5,000
Recreation Commission Revolving Fund	\$30,000
Council on Aging Revolving Fund	\$ 2,000
Conservation Commission Revolving Fund	\$ 5,000
Board of Appeals Revolving Fund	\$ 6,000
Fire Dept. Revolving Fund	\$ 3,000
Total Spending	\$111,500

Article 12 To see if the Town will vote to raise and appropriate the sum of \$198,289 composed of the amounts listed below, for the purpose of operating and maintaining and constructing the Town water system, including the laying of mains, for fiscal year 2018, and take said sum from Water Enterprise Revenue, or take any other action relative thereto.

Salaries	\$ 2,800
<u>Expenses</u>	<u>\$195,488</u>
Total	\$198,288

Article 13 To see if the Town will vote to raise and appropriate the sum of \$168,188 composed of the amounts listed below, for the purpose of operating, maintaining and constructing the Town sewer system for fiscal year 2018, and take said sum from Sewer Enterprise Revenue, or take any other action relative thereto.

Salaries	\$ 2,800
<u>Operation & Maintenance</u>	<u>\$165,388</u>
Total	\$168,188

Article 14 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,604 for the purpose of purchasing and installing a turnout gear washer, and any other incidental and related expenses, or take any other action relative thereto.

Article 15 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$46,000 for the purchase of a 2017 Ford Utility Police Interceptor and any related equipment for the Police Department, or take any other action relative thereto.

Article 16 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$65,000 to conduct a comprehensive study of topography, parcel data, right of way, wetland boundaries and other crucial site information for ongoing planning efforts by the Mill River Greenway Committee and other committees, or take any other action relative thereto.

Article 17 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$16,000 to purchase and install a new compactor and box for the Transfer Station, or take any other action relative thereto.

- Article 18** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$500 for setup of the new payroll software for the Treasurer, or take any other action relative thereto.
- Article 19** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$13,000 for removal and maintenance of town shade trees, or take any other action relative thereto.
- Article 20** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$5,369 for the purchase of three new Taser X26 units and any related equipment necessary for deployment of these units for the police, or take any other action relative thereto.
- Article 21** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$3,360 for repair of the John Deere backhoe, or take any other action relative thereto.
- Article 22** **To see if the Town will vote** pursuant to M.G.L. c.41, §1B to make the elected position of Treasurer an appointed position, such appointment to be made by the Board of Selectmen for a term not to exceed three (3) years; provided, however that before such change may take effect, it must be approved by the voters of the Town at the 2018 Annual Town Election, or take any other action relative thereto.
- Article 23** **To see if the Town will vote** to amend the vote under Article 16 of the 2013 Annual Town Meeting such that the purpose for which the funds were raised and appropriated shall not be limited to the purchase and installation of insulation in the Meekins Library, but may also include related ventilation and repairs in the attic and dome as well as any necessary design work, or take any other action relative thereto.
- Article 24** **To see if the Town will vote** to authorize the Conservation Commission, under the provisions of Massachusetts General Laws Chapter 40, Section 8C, as it may be amended, and other Massachusetts statutes related to conservation, to acquire, by gift, purchase, eminent domain or otherwise, for conservation, open space and passive recreation purposes, certain property together with any buildings thereon, known as Horse Mountain, consisting of 34 acres, more or less, as shown on Assessors Map 8H, Parcels 9, 47 and 50, and, further, to raise and appropriate, transfer from available

funds, borrow, or otherwise, the sum of \$57,820, for the purpose of acquiring said property, and the Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town of Williamsburg any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 (the so-called LAND grant) and/or any other applications in any way connected with the scope of this acquisition, and the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Williamsburg to effect said acquisition and apply for, accept and expend said grant funds, or take any other action relative thereto.

Article 25 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw as follows:

Revise Section 3.2, under “Business with a drive-through”, in the column for Village Mixed District (VM), by deleting “SP/SPR”, and inserting in place thereof “N”,

or take any other action relative thereto.

Article 26 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw as follows:

Revise Section 9.83 b.1, by deleting the words “Signs, which were legal under any prior Bylaw and are illegal hereunder, shall be considered to be in violation of the Bylaw”, and inserting in place thereof “Signs which were illegal under any prior Bylaw and are illegal hereunder shall be considered to be in violation of the Bylaw.”,

or take any other action relative thereto.

Article 27 **To see if the Town will vote** to accept the provisions of M.G.L Chapter 40, Section 57, as amended by Section 38 of Chapter 218 of the Acts of 2016 (otherwise known as the Municipal Modernization Act) to amend the Town General Government By-laws by inserting a new by-law entitled “License or Permit Renewals”, or take any other action relative thereto.

LICENSE OR PERMIT RENEWALS

By-law Authorizing Denial or Revocation of Local License or Permit for Nonpayment of Local Taxes, Fees, or Other Charges in the Town of Williamsburg

Section 1. The Town may, as authorized under the provisions of G.L. Chapter 40, Section 57 and this By-Law, deny any application for, or revoke or suspend a building permit, or any local permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of G.L. Chapter 40, Section 21D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

- (a) The Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Town Collector, shall annually, and may periodically, furnish to each Department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- (b) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the Licensing Authority; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any party. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation, or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- (c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, or if any members of his/her immediate family, as defined in Section One of Chapter Two Hundred and Sixty-Eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, Section Thirteen of Chapter Forty-Eight; bicycle permits, Section Eleven A of Chapter Eighty-Five; sales of articles for charitable purposes, Section Thirty-Three of Chapter One Hundred and One; children work permits, Section Sixty-Nine of Chapter One Hundred and Forty-Nine; clubs, associations dispensing food or beverage licenses; Section Twenty-One E of Chapter One Hundred and Forty; dog licenses, Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, trapping licenses, Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, Section Twenty-Eight of Chapter Two Hundred and Seven; and theatrical events, public exhibition permits, Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

Article 28 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw by adding the following new Section:

20.0 TEMPORARY MORATORIA. Further to amend the Table of Contents to add Section 20.0. “Temporary Moratoria” and the ensuing parts as proposed herein.

20.1. Temporary Moratorium on the Sale and Distribution of Marijuana Not Medically Prescribed

20.1.1 Purpose:

By vote on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession, and use of marijuana that was not medically prescribed. The law provides that it is effective on December 15, 2016 and that a Cannabis Control Commission shall issue regulations regarding implementation by September 15, 2017. Furthermore, Chapter 351 of the Acts of 2016, approved by the Governor on December 30, 2016 and effective immediately as an emergency law, extended the time period for issuance of the regulations by six months, to March 15, 2018.

Under the existing Town of Williamsburg Zoning Bylaw, Non-Medical Marijuana Establishments as defined below are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to towns and cities in regulating Marijuana Establishments and Marijuana Retailers.

The regulation of Non-Medical Marijuana Establishments raise legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Non-Medical Marijuana Establishments and consider these issues; as well as to address the potential impact of the State regulations on local zoning; to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Establishments and Marijuana Retailers. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical Marijuana Establishments 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 adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

20.1.2 Definitions

"Non-Medical Marijuana establishment," a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

20.1.3 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 Non-Medical Marijuana Establishments. The moratorium shall be in effect through September 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of non-medically prescribed marijuana in the Town, consider the Cannabis Control Commission regulations regarding Non-Medical Marijuana Establishments and Marijuana Retailers and related uses, and if appropriate determine whether the Town will prohibit on-site consumption at Marijuana Establishments and Marijuana Retailers. The Town will also consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Non-Medical Marijuana Establishments and related uses.

20.1.5. Severability. The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”,

or take any action relative thereto.

Article 29 To see if the town will vote to approve the following resolution, or take any other action relative thereto. (Article submitted by petition)

Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as "Represent.Us" is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the "American Anti-Corruption Act" (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization's local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to build support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of the above mentioned district were given the opportunity to be heard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of Williamsburg Massachusetts that we support tough new anti-corruption laws to close loopholes in Massachusetts' campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the citizens of the Town of Williamsburg implores our elected representatives in Boston, State Senator Adam Hinds and Rep. Steven Kulik and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Richard Neal (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Williamsburg is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

And you are hereby directed to serve this warrant by posting up attested copies hereof in at least five places in said town seven days before the date thereof, as within directed.

Hereof, fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hand this 11th of May, Two Thousand Seventeen.

Denise A. Barstis

David E. Smith

Wm. B. Joyce

Board of Selectmen

Hampshire SS:

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Williamsburg by posting up attested copies of the same in at least five places in said town seven days before the date thereof, as within directed.

Date: 5/10/2017

Paul H. Hunsicker
Constable of Williamsburg