

**Town of Whately
Special Town Meeting Warrant
October 15, 2013**

COMMONWEALTH OF MASSACHUSETTS

Franklin, SS.

To either of the Constables of the Town of Whately in the County of Franklin, GREETING:

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 **Whately Elementary School, 273 Long Plain Road, Whately on the fifteenth day of October** next, at **seven in the evening**, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to authorize the Board of Selectmen to enter into an inter-municipal agreement with the towns of Deerfield and Sunderland pursuant to Massachusetts General Laws Chapter 40, Section 4A, contingent on approval by all three towns, to establish and operate a regional emergency medical service effective January 1, 2014 for a term of one year, renewable for successive three-year terms subject to appropriation in each fiscal year, and upon such terms and conditions as the Board of Selectmen deem appropriate: and to authorize the Board of Selectmen to take all actions necessary to implement such agreement, or take any vote or votes in relation thereto.

*Recommended by the Selectmen
Recommended by the Finance Committee*

ARTICLE 2: To see if the Town will vote to raise and appropriate or transfer from available funds, **the sum of \$54,665 more or less** and to add such sum to the Ambulance Fund Account #001-232-5400 FY2014 appropriation voted at the May 9, 2013 Annual Town meeting under Article 8 (the Omnibus Budget article), such sum is to meet the towns allocable share of the Fiscal Year 2014 net operating cost of \$438,241 and capital cost of \$55,350 for the regional emergency medical service described in Article 1, contingent on approval by all three towns or take any vote or votes in relation thereto.

Allocated Costs for six months:

Sunderland	31.48%	\$155,366.39
Deerfield	51.76%	\$255,488.68
Whately	16.76%	\$ 82,735.94

*Recommended by the Selectmen
Recommended by the Finance Committee*

ARTICLE 3: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 171-8E, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section 171-8 E, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section 171-8 E.

(1) 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. On May 8, 2013 the State Department of Public Health promulgated Regulations that became effective on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Whately and the regulations recently promulgated by the State Department of Public Health 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 Bylaw 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.

(2) DEFINITION

"Medical Marijuana Treatment Center" shall mean 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."

(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 a Medical Marijuana Treatment Center. The moratorium shall be in effect through September 30, 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 Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses or take any action relative thereto.

2/3rd's vote required

*Recommended by the Planning Board
Recommended by Selectmen (2-1 vote)*

ARTICLE 4: To see if the town will vote to amend the Town of Whately Zoning Map dated March 31, 2010 and amended on May 9, 2013 by (1), removing from the A/R1 zone Interstate 91 and a number of driveways that were shown as town roads, (2) Adding five lots to the Commercial District that had been omitted from the current zoning map; namely lots Map 32, Lots 7, 10, 11, 12, and 13, or take any other action relative thereto. A similar vote was disapproved by the Attorney General's office due to a posting technicality.

2/3rd's vote required

*Recommended by the Planning Board
Recommended by Selectmen*

ARTICLE 5: To see if the town will vote to amend the omnibus budget voted at the May 9, 2013 Annual Town Meeting under Article 8 by adding **\$3,325.00** to the Treasurer/Collector line to pay for 3 additional hours per week for the Treasurer/Collector or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 6: To see if the town will vote to rescind the portion of the vote taken on December 4, 2012 under Article 1 appropriating the sum of **\$10,000** from the Water Revenue Acct. 610-001-4165 to the Emergency Mill River Stabilization Account (Account # 001-450-5850) for additional engineering and permitting costs for this project and further to appropriate the sum of **\$10,000** from the FY13 Water Department Retained Earnings (Free Cash) such sum to be placed in the Emergency Mill River Bank Stabilization Project Account (Account # 001-450-5850) or take any other action relative thereto.

Majority vote required

*Recommended by the Water Department
Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 7: To see if the town will vote to transfer the sum of **\$3,800** from the FY13 Water Department Retained Earnings (Free Cash) to the Reserve Account #001-132-5400 to reimburse this account for FY13 expenses or take any other action relative thereto.

Majority vote required

*Recommended by the Water Department
Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 8. To see if the town will vote to transfer \$5,000 from FY13 Water Department Retained Earnings (Free Cash) to the Water Department Operations Account to reimburse this account for expenses related to the cost of a check valve and master meter or take any other action relative thereto.

Majority vote required

*Recommended by the Water Department
Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 9. To see if the town will vote to transfer the sum of **\$124.00** from FY13 Free Cash to the Physicals and Tests Account # 001-914-5420 to pay for a past year's bill to AEIOU for an Emergency Medical Technicians' pre-employment physical or take any other action relative thereto.

9/10ths vote required

*Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum **\$2,400** for an advanced habitat and endangered species study along the Mill River or take any other action relative thereto.

Majority vote required

*Recommended by the Finance Committee
Recommended by Selectmen*

ARTICLE 11. To see if the Town will vote to close the balance from the April 26, 2011 ATM Article 24, originally voted to purchase land adjacent to Herlihy field and transfer the sum of **\$5,000** back to the Community Preservation Fund Budgeted Reserves or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by Selectmen
Recommended by Finance Committee*

ARTICLE 12. To see if the Town will vote to close the balance from the April 24, 2012 ATM Article 25, originally voted as the Town's match for an agricultural preservation restriction and transfer the sum of **\$14,000** back to the Community Preservation Fund Budgeted Reserves or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by Selectmen
Recommended by Finance Committee*

ARTICLE 13. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Budgeted Reserves the sum of **\$18,000** for the addition and rehabilitation of baseball and softball fields at Herlihy field and at 219 Christian Lane (Frontier Regional School District Building) under the direction of the Selectman or take any other action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by Recreation Commission
Recommended by Selectmen
Recommended by Finance Committee*

ARTICLE 14. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer the sum of not more than **\$58,000** from the Community Preservation Fund Affordable Housing Reserves to be used for the purchase of land on State Road Map 19 Lot 14-2 for the purpose of creating affordable housing under the direction of the Selectman or take any action relative thereto.

Majority vote required

*Recommended by the Community Preservation Committee
Recommended by Housing Committee
Recommended by Selectmen
Not Recommended by the Finance Committee (Further information Required to make recommendation)*

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$12,165** for additional site work for the Town Hall project not covered under the existing contract or take any other action relative thereto.

Majority vote required

*Recommended by Selectmen
Recommended by Finance Committee*

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Center School Offices, Post Office, and the S. W. Dickinson Library in said Whately, fourteen days at least 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 meeting as aforesaid.

Given under our hands this twenty-fourth day of September in the year two thousand and thirteen.

Selectmen
of
Whately



Paul K. Newlin, Chair



Joyce Palmer Fortune



Jonathan S. Edwards

A true copy.

Attest:

Constable