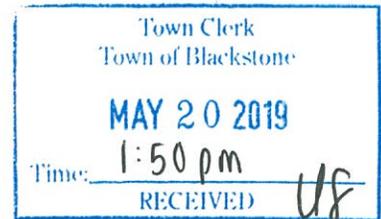


**Town of Blackstone**  
**Finance Committee Recommendations**  
**Annual Town Meeting**  
**May 28, 2019**  
**7:30pm**



**ARTICLE 1** The Finance Committee recommends, and I so move, that the Town vote to authorize the Collector to use all means of collecting taxes that a Treasurer may use when appointed Collector.

**ARTICLE 2** The Finance Committee recommends, and I so move, that the Town vote to authorize the Board of Selectmen to dispose of various obsolete and/or inoperative equipment, scrap materials, etc., or to auction or sell any excess equipment that may be on hand in any Town Department.

**ARTICLE 3** The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate such sums of money as may be deemed necessary to fix the salaries of all elected and appointed Town officers and to defray Town expenses for all departments including the Reserve Fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020 and to determine how such sums of money should be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise.

**ARTICLE 4** The Finance Committee recommends, and I so move, that the Town vote to authorize the members of Boards and Committees of the Town of Blackstone to be compensated for their services and to set the amount of said compensation; said compensation set by town meeting to be paid in four (4) equal installments provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the respective Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to March, June, September and December, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the various Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates if such member has not been a member for twelve (12) or more months prior to each of said dates.

**ARTICLE 5** The Finance Committee recommends, and I so move, that the Town vote to authorize the members of the Blackstone-Millville Regional District School Committee to be compensated for their services as such members and to set the amount of said compensation at \$1500.00 per member and \$1,800.00 for the Chairman, such compensation to be paid in three (3) equal installments in the months of July, November and March provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to July 1, November 1 or March 1, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates..

**ARTICLE 6** The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate or transfer from available funds a sum of money to overlay town streets and roads to be determined by the Board of Selectmen, or for the construction, reconstruction and improvement of public ways and street drainage systems and to determine how such sums may be raised, whether by advancement from Town Treasury, or by borrowing in anticipation of reimbursement by the Commonwealth, or otherwise, by the Treasurer, with approval of the Board of Selectmen.

**ARTICLE 7** The Finance Committee recommends, and I so move, that the Town vote to authorize the Board of Selectmen to enter into contracts for the construction, reconstruction and improvements of public ways, street drainage systems and sidewalks throughout the Town.

**ARTICLE 8** The Finance Committee recommends, and I so move, that the Town vote to authorize expenses from the Library Revolving Fund established pursuant to Article IV, Section 5-33.1 of the General Bylaws up to the maximum amount of \$3,000 during FY2020.

**ARTICLE 9** The Finance Committee recommends, and I so move, that the Town vote to transfer from the Library Revolving Fund in the amount of \$2,800 for purposes of a 36-month lease and installation of a replacement colored, all in one, printer.

**ARTICLE 10** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$14,364 for purposes of a 36-month lease, and the installation, of a replacement colored copier and coin box.

**ARTICLE 11** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$40,000 to upgrade the "Vision" computer program used by the Assessors' Office to a Vision 8 program.

**ARTICLE 12** The Finance Committee recommends, and I so move, that the Town vote to approve the Brave Act relative to Veteran's Benefits, Rights, Appreciation, Validation and Enforcement to increase the Veteran Tax Work Off Program benefit from \$1,000 to \$1,500.

**ARTICLE 13** The Finance Committee recommends, and I so move, that the Town vote NOT TO APPROVE this article.

Original Article:

*To see if the Town will vote to amend General Bylaws Section 5-33.1 (Department Revolving Funds) by adopting a new revolving fund entitled "Board of Health Tobacco Revolving Fund", and adding the following language to the respective columns of the chart at the end of said Bylaw:*

- A. *(Revolving Fund): Board of Health Tobacco Revolving Fund*
- B. *(Board Authorized to Spend from Fund): Board of Health*
- C. *(Fees, Charges or other Receipts Credited to Fund): Annual fees paid to Town for tobacco permits and fines collected for violation of Town Tobacco Regulations.*
- D. *(Program or Activity Expenses Payable from Fund): Costs and expenses associated with semi-annual tobacco compliance checks.*
- E. *(Restrictions or Conditions on Expenses Payable from Fund): See text of the Bylaw (Section 5-33.1).*
- F. *(Other Requirements/Reports): N/A*
- G. *(Fiscal Years): Fiscal Year 2020 and subsequent years.*

*And further to authorize expenses from the Board of Health Tobacco Revolving Fund up to the maximum amount of \$4,000 during FY2020.*

**ARTICLE 14** The Finance Committee recommends, and I so move, that the Town vote to adopt the following General Bylaw regulating the discharge of water to public ways in the Town:

**Chapter 111**  
Discharge of Water to Public Ways

**§111-1. Preamble.**

Whereas, it is recognized that during winter months, the flow of water onto a public way can freeze and cause unsafe travel conditions on public roadways, including all streets, courts, lanes, sidewalks, and roads with respect to which the public has a right of use in the Town (hereinafter collectively referred to as "public ways"). It is also recognized that the flow of water onto a public way can deteriorate the surface and subsurface of the way and pose a safety hazard to motorists and pedestrians.

**§111-2. Discharge of water prohibited.**

Now, therefore, no person, property owner, or person exercising control of real property shall discharge water onto a public way between November 1<sup>st</sup> through April 30<sup>th</sup> without prior written permission of the Superintendent of Public Works. For the purpose of this Bylaw, discharge shall mean the physical act of draining, diverting by mechanical means, or pumping water from a person's or others' property to a public way. This Bylaw shall not apply to instances of natural overland flow of stormwater.

**§111-3. Alteration of property.**

As of the effective date hereof, no property shall be altered such that said alteration causes the flow of stormwater or groundwater from private property onto public ways. This provision shall not apply to existing property conditions as of the effective date hereof but shall not limit or restrict the Town in enforcing any other right it possesses to eliminate or abate hazards on public ways.

**§111-4. Penalties and enforcement.**

The penalty for violation of this Bylaw shall be \$100 per day, with each day constituting a new violation. This Bylaw shall be enforced by the Superintendent of Public Works, any Police Officer of the Town, or by such other officials as the Board of Selectmen shall, from time to time, designate. Violations and penalties shall be enforced in accordance with the provisions of Bylaw §5-49, including Noncriminal Disposition pursuant to G.L. c. 40, §21D.

**ARTICLE 15** The Finance Committee recommends, and I so move, that the Town vote to authorize the Board of Selectmen to convey and grant as a gift to the Commonwealth of Massachusetts, acting by and through its Department of Conservation and Recreation, several permanent easements and temporary easements within land located off Mill Street, owned by the Town of Blackstone (Assessor's Parcels: 1 Mill Street – 8-127 and 6 Mill Street – 7-93) for conservation and recreation purposes and for the Blackstone Greenway and Trail.

**ARTICLE 16** The Finance Committee recommends, and I so move, that the Town vote to borrow a sum of money not to exceed \$5,000,000 to be expended under the direction of the Board of Water and Sewer Commissioners for final engineering design and construction of the Water Treatment Plant project at the existing Corrosion Control Facility located at 53 Elm Street, allowing the Town to enter into agreement for grant and/or loan dollars from USDA Rural Development program or MA DEP State Revolving Loan Fund as determined by the Board of Water and Sewer Commissioners.

**ARTICLE 17** The Finance Committee recommends, and I so move, that the Town vote to modify the purpose for which the \$100,000 appropriation approved pursuant to the vote under Article 23 at the 2018 Annual Town Meeting may be expended to include:

purchase and install generators for the Bellingham Road water tank and Upper Main Street pumping station and repair or replacement of sewer pumps for Staples Lane and other pump stations, including all costs and expenses incidental thereto.

**ARTICLE 18** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$170,000 to purchase a new utility body sander with plow.

**ARTICLE 19** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$40,000 to purchase a new F250 4 x 4 truck with plow.

**ARTICLE 20** The Finance Committee recommends, and I so move, that the Town vote to transfer from available funds the sum of \$115,000 to purchase a utility body crane truck with plow, to be funded 50% from Water and Sewer retained earnings and 50% from Free Cash (Department of Public Works share).

**ARTICLE 21** The Finance Committee recommends, and I so move, that the Town vote to transfer from Water and Sewer Retained Earnings the sum of \$125,000 to complete the sewer system evaluation (continuation of I & I Study).

**ARTICLE 22** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$100,000 to fund implementation of the regulatory requirements of the Stormwater Permitting Program (MS4) which must be completed on a yearly basis.

**ARTICLE 23** The Finance Committee recommends, and I so move, that the Town vote to borrow a sum of money not to exceed \$1,000,000 to complete repair and maintenance and upgrades to public buildings or properties.

**ARTICLE 24** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$85,000 for improvements to the Blackstone Library.

**ARTICLE 25** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$40,000 to complete mandatory state regulation repairs to the Police Department cell area.

**ARTICLE 26** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash the sum of \$150,000 for improvements Fire Stations 2 and 3.

**ARTICLE 27** The Finance Committee recommends, and I so move, that the Town vote to amend the Zoning Bylaws of the Town of Blackstone by deleting Section 123-23.7 regarding Medical Marijuana Facilities in its entirety, and replacing it with a new Section 123-23.7 as shown below in order to also address Recreational Marijuana, as well as adding definitions of Marijuana Establishment and Marijuana Retailer to Section 123-24 and adding a Recreational Marijuana Establishment and Recreational Marijuana Retailer to Section 123-11 Use Schedule.

### **123-23.7. Marijuana Establishments and Marijuana Retailers**

A. Purpose. This section regulates Marijuana Establishments and Marijuana Retailers for the following purposes as defined in Section 123-24 ("Definitions"):

- (1) To provide for Marijuana Establishments and Marijuana Retailers in appropriate places and under strict conditions in accordance with Chapter 369 of the Acts of 2012 and Chapter 55 of the Acts of 2017.
- (2) To minimize the adverse impacts of Marijuana Establishments and Marijuana Retailers on adjacent properties, residential neighborhoods, schools, parks and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments and Marijuana Retailers, but shall not supersede the requirements of any Host Community Agreement.

#### **B. Applicability**

- (1) The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Marijuana Establishment or Marijuana Retailer under this Section 123-23.7.
- (2) No Marijuana Establishment or Marijuana Retailer shall be established except in compliance with the provisions of this Section 123-23.7.
- (3) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) If any provision of this Section or the application of any such provision to any person or circumstance shall be invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provision of this Section are severable.

#### **C. Eligible Locations for Marijuana Establishments and Marijuana Retailers.**

Marijuana Establishments may be allowed by Special Permit from the Blackstone Planning Board in the Industrial Zoning District provided the facility meets the requirements of this Section 123-23.7.

Marijuana Retailers may be allowed by Special Permit from the Blackstone Planning Board in the Commercial or Industrial Zoning Districts.

#### **D. General Requirements and Conditions for all Marijuana Establishments and Marijuana Retailers.**

- (1) A Medical Marijuana Facility shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- (2) No Marijuana Establishments and Marijuana Retailers shall be located within 500 feet of a public or private school or within 200 feet of a library, church, child-care facility, park or playground. Distances shall be measured from the property line of the proposed use or from a line 100 feet from the building in which the use is located, whichever is less.
- (3) No Marijuana Establishment and Marijuana Retailers shall be located inside 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.
- (4) Signage for the Medical Marijuana Facility shall include the following language: "Registration card issued by the Massachusetts Cannabis Control Commission required." The required text shall be a minimum of two inches in height.

(5) Marijuana Establishments and Marijuana Retailers shall provide the Blackstone Police Department, Building Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

#### E. Special Permit Requirements

(1) Marijuana Establishments and Marijuana Retailers shall only be allowed by special permit from the Blackstone Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

(2) The proposed Marijuana Establishment or Marijuana Retailer shall meet the special permit criteria of Section 123-4

(3) In addition to the application requirements set forth in Sections D and E of this Bylaw, a special permit application for a Marijuana Establishment or Marijuana Retailer shall include the following;

a) the name and address of each owner of the facility;

b) The following information may be provided in the form of copies of the applicant's submittal to the Cannabis Control Commission for authorization to operate the proposed Facility;

i) evidence of the Applicant's right to use the site of the Marijuana Establishment or Marijuana Retailer, such as a deed, or lease;

ii) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

iii) a certified list all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

iv) Proposed security measures for the Marijuana Establishment or Marijuana Retailer, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

c) For marijuana cultivation or grow facilities, the following additional requirements shall apply:

i) Proposed odor mitigation plan, including floor plans indicating locations of odor mitigation equipment. Odor mitigation equipment shall be state-of-the-art equipment to the maximum extent practicable. Such odor mitigation plan shall be subject to peer review by a qualified marijuana odor mitigation consultant.

ii) Proposed noise mitigation plan for mechanical equipment. Noise mitigation facilities shall be state-of-the-art to maximum extent practicable. The plan must document compliance with Massachusetts Department of Environmental Protection standards for noise.

(4). Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Marijuana Establishment or Marijuana Retailer unless it finds that:

a) the Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;

b) the Facility demonstrates how it plans to meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and

c) the applicant has satisfied all of the conditions and requirements of Sections D and E herein:

(5) Annual Reporting. Each Marijuana Establishment or Marijuana Retailer permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31<sup>st</sup>, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

(6) A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership or tenancy of the premises as a Marijuana Establishment or Marijuana Retailer. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 123-23.7.

(7) The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment or Marijuana Retailer in the event the Town must remove the facility. Documentation of a bond posted with the Cannabis Control Commission shall satisfy this requirement.

F. Abandonment or Discontinuance of Use

(1) A Special Permit shall lapse if not exercised within one year of issuance.

(2) A Marijuana Establishment or Marijuana Retailer shall be required to remove all material, 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

and add the following to Section 123-24 Definitions and word usage:

**Marijuana Establishment (ME):** A Medical Marijuana Facility, marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

**Marijuana Retailer:** An entity licensed to purchase and deliver medical and/or recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

And add the following to Section 123-11 Use Schedule under **COMMERCIAL USES:**

	<b>R-1,</b>			
	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>
<b><u>Marijuana Establishment</u></b>	No	No	No	PB
<b><u>Marijuana Retailer</u></b>	No	No	PB	PB

**ARTICLE 28** The Finance Committee recommends, and I so move, that the Town vote to amend **Section 123-23.6, Commercial Ground Mounted Solar Photovoltaic Facilities**, Subsection D, Requirements for Solar Photovoltaic Facilities, of the Blackstone Zoning Bylaws by adding the following as illustrated in **bold underline** type:

**123-23.6 Commercial Ground Mounted Solar Photovoltaic Facilities**

D. Requirements for Solar Photovoltaic Facilities

(1) Special Permit

No solar photovoltaic facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the Planning Board. The construction of a solar photovoltaic facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Section 123-23.6. All such solar photovoltaic facilities shall be constructed and operated in a manner that

minimizes adverse visual, safety, and environmental impacts. **No special permit shall be issued for a Solar Photovoltaic Facility for any parcel that will result in more than 25% of the total land area of an Industrial District consisting of parcels that are the site of Commercial Ground-Mounted Solar Photovoltaic Installations.**

and to amend Section 123-11, Use Schedule, by removing the authority of the Planning Board to grant special permits for Commercial Ground Mounted Solar Photovoltaic Facilities in the R-1, R-2, R-3 and C districts as indicated with ~~strikethrough~~ type for deletions and **bold underline** type for additions follows:

	<b>R- 1, R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>
Commercial Solar Photovoltaic Facility in accordance with Section 123-23.6	<b><u>PB No</u></b>	<b><u>PB No</u></b>	<b><u>PB No</u></b>	<b>PB</b>

**ARTICLE 29** The Finance Committee recommends, and I so move, that the Town vote to accept General Laws Chapter 44, Section 53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for FY2020, which begins on July 1, 2019.

**ARTICLE 30** The Finance Committee recommends, and I so move, that the Town vote to propose an amendment to the Blackstone Home Rule Charter for consideration by the voters of the Town to convert the office of Collector-Treasurer from an elected office to an appointed office by deleting the reference to the Collector-Treasurer in Article IV, Section 4-1A, and adding a reference for the Collector-Treasurer to Article V, Section C5-2A, (1), with a Term of Appointment of 3 years.

**ARTICLE 31** The Finance Committee recommends, and I so move, that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement or easements for the purpose of construction, installation, maintenance and repair of municipal drainage, sewer water systems, and roadways, and to raise and appropriate or transfer from any available funds a sum of money to fund such acquisitions.

**ARTICLE 32** The Finance Committee recommends, and I so move, that the Town vote NOT TO APPROVE this article.

Original Article:

**HOME RULE PETITION TO REGULATE CERTAIN INSURANCE BENEFITS FOR APPOINTED AND ELECTED OFFICIALS OF THE TOWN OF BLACKSTONE.**

*To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation, as set forth below, to establish that an elected or appointed official of the Town of Blackstone who receives a stipend shall not be eligible for participation in the Town's contributory health and life insurance plans unless the official pays to the town 100% of the cost of participation in the plans, plus any administrative costs that may be assessed by the Board of Selectmen; provided that the General Court may only make clerical or editorial changes of form to the Act, unless the Board of Selectmen approves amendments to the Act before enactment by the General Court, and further, to authorize the Board of Selectmen to approve amendments to the Act which shall be within the scope of the general objectives of the petition:*

**AN ACT REGULATING CERTAIN INSURANCE BENEFITS FOR ELECTED OFFICIALS OF THE TOWN OF BLACKSTONE**

*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.** *Notwithstanding Chapter 32B of the General Laws or any other general or special law to the contrary, an elected or appointed official of the Town of Blackstone who receives a stipend shall not be eligible for participation in the Town's contributory health and life insurance plans unless the official pays to the town 100 percent of the cost of participation in the plans, plus any administrative costs that may be accessed by the Board of Selectmen.*

**SECTION 2.** *Notwithstanding Section 1, the Town Clerk and Treasurer-Collector shall remain eligible for participation in the Town's contributory health and life insurance plans at the same rate of contribution as nonunion employees of the Town.*

**SECTION 3.** *This act shall take effect upon its passage.*

**ARTICLE 33** The Finance Committee recommends, and I so move, that the Town vote to transfer from Free Cash a sum of money in the amount of \$229,550 and from Water and Sewer Retained Earnings a sum of money in the amount of \$20,450, totaling \$250,000 as the Town's investment into the SRBT Fund; all in consideration of the fact that the Town has established an Other Post-Employment Benefits Liability Trust Fund ("OPEB Trust Fund") in accordance with the provisions of M.G.L. Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the "Act") and that in accordance with the Act the Town has designated the Town Treasurer/Collector to serve as custodian of the Town's OPEB Trust Fund relative to establishment of an Other Post-Employment Benefits Liability Trust Fund.

**ARTICLE 34** The Finance Committee recommends, and I so move, that the Town vote to transfer any leftover funds to the Stabilization Fund.

