

Town of Holliston, Massachusetts

Report of the

**FINANCE
COMMITTEE**

for the

October 29, 2018 Special Town Meeting

To the Citizens of the Town of Holliston:

The Finance Committee respectfully submits this warrant and associated articles for your consideration.

Financial Update

The October Special Town Meeting is our opportunity to work with actual information on a number of significant assumptions that we used in May, and finalize our FY19 (July 1, 2018-June 30, 2019) spending plan. Here are the key updates since our last report in May:

1. Local Aid ó When the final state budget was approved during the summer, net local aid to Holliston was lower than anticipated prior to Town Meeting in May. The reduction was within the fluctuation anticipated by the Finance Committee so there is no meaningful impact to the approved budget at this time.
2. Free Cash ó At the close of each fiscal year on June 30, a final accounting of actual revenues and expenses is made and is compared with the revenue assumptions and appropriations voted by the Town. Any excess funds (such as revenue that exceeded targets or appropriations that were not completely expended) become "Free Cash" that can be reallocated for other expenses. "Free Cash" also includes one-time moneys that the Department of Revenue certifies as "unreserved" or "undesignated." This year, Holliston's Free Cash amount is \$3,022,466 and was primarily driven by higher than anticipated local revenue. The state recommends that Free Cash be used only for one-time expenditures as it is not a reliable source of funding; the Finance Committee follows this practice. Since this number was certified by the Department of Revenue just prior to publication of this report, the Finance Committee will make recommendations concerning appropriation of Free Cash at Town Meeting.
3. Reserves ó The Finance Committee has adopted a policy to build and maintain our reserves at 8.1% of the omnibus budget, just above the 8% level considered "strong" by bond rating agencies. Maintaining strong reserves (the total of the Stabilization Fund plus Free Cash) is key to Holliston's bond rating, which directly impacts our debt borrowing costs. As of October, the Stabilization Fund balance is \$5,092,232. The

Stabilization fund provides financial flexibility in times of economic stress (rainy day funds), and should be used only for extreme events such as natural disasters, emergency conditions, sudden economic stress, or as a bridge for short term financial events.

Capital Spending

In FY09 the Finance Committee initiated an ongoing annual commitment to fund \$350,000 per year for capital purchases. It has increased annually since FY13 and now stands at \$1,300,000 in FY19. Although capital purchases are usually approved at the Special Town Meeting, due to seasonal issues several capital purchases were approved in May totaling \$356,123. This left \$943,877 remaining for allocation in October. The Committee reviewed capital proposals and decided to recommend a slightly larger amount that will not significantly impact the Capital Expenditure Fund.

The Committee evaluated each capital proposal and is recommending the following capital expenditures:

Item	Department	Amount
Structural Firefighting Gear	Fire	\$ 185,000
Utility Task Vehicle (UTV)	Fire	\$ 35,000
Roof Replacement (1750 Washington St)	Selectmen	\$ 275,000
Wastewater Treatment Plant Repairs	Selectmen	\$ 23,000
Radio Work Stations (3)	Police	\$ 13,828
Two (2) Police Vehicles (Equipped)	Police	\$ 93,600
One (1) Replacement Truck	Highway	\$ 141,909
Energy Management System	Schools	\$ 100,000
Exterior Auditorium Wall Repairs	Schools	\$ 40,000
Cleaning Machine (Field House)	Schools	\$ 30,000
Maintenance Vehicle	Schools	\$ 28,000
Furniture and other materials	Schools	\$ 20,000

The \$985,337 in recommended spending is funded entirely from the Capital Expenditure Fund. With these actions the ending balance in the fund will be over \$2.5 million, a level considered acceptable by the Finance Committee in light of potential large expenditures on the horizon.

Over the last year the Finance Committee has formed a Capital Improvement Subcommittee and has worked with the Town Administrator and Board of Selectmen to create an asset management plan for the town. This plan is essential to proper financial planning and, once refined, will be used in the future to guide capital spending.

Warrant Articles

The Finance Committee recommendations appear with each article in the warrant. Recommendations of note include:

- Adjustments to various operating budgets (Article 1);

- Capital recommendations outlined above (Article 5);
- Appropriation from the Water Surplus for water main replacement (Article 17).

Two items (one in Article 1 and one in Article 5) were removed from consideration following approval of the warrant by the Board of Selectmen. In order to keep this report consistent with the warrant, these items appear in this report, but are shown with strikethrough to indicate that they are no longer under consideration.

As always, the Finance Committee is indebted to the many Town officials and employees whose efforts make this process and report possible. We also would like to commend the other elected and appointed committees with whom the Finance Committee interacts on an ongoing basis for all their cooperative efforts. We would like to give special thanks to our secretary Nancy Farrell whose support through our many meetings was vital to our success.

HOLLISTON FINANCE COMMITTEE

Kenneth S. Szajda, Chairman
 Suzanne K. Nersessian
 Timothy A. Maxwell
 Benjamin Sparrell, Clerk

Michelle F. Zeamer, Vice Chairman
 Daniel G. Alfred
 Vincent J. Murphy, Jr.

Fund balances *prior* to the Finance Committee recommendations:

Available for Appropriation (estimate)	\$126,697	Open Space Fund	\$132,094
Capital Expenditure Fund	\$3,545,712	Overlay Reserve	\$0
Community Preservation Fund	\$1,885,954	Stabilization Fund	\$5,092,232
Conservation Fund	\$11,897	Water Retained Earnings	\$1,642,373
Free Cash	\$3,022,466	Water Infrastructure	\$1,415,888
OPEB Trust Fund	\$12,975,444	Water Meter Reserve	\$388,978

Fund balances available *after* the Finance Committee recommendations in this report:

Available for Appropriation (estimate)	\$53,036	Open Space Fund	\$132,094
Capital Expenditure Fund	\$2,560,375	Overlay Reserve	\$0
Community Preservation Fund	\$1,660,954	Stabilization Fund	\$5,092,232
Conservation Fund	\$11,897	Water Retained Earnings	\$1,192,373
Free Cash	\$2,937,566	Water Infrastructure	\$65,888
OPEB Trust Fund	\$12,975,444	Water Meter Reserve	\$363,978

TOWN OF HOLLISTON FALL TOWN MEETING

Commonwealth of Massachusetts

Middlesex, ss.

Town of Holliston

To any Constable of the Town of Holliston, Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Holliston who are qualified to vote in Town Affairs to meet in the Holliston High School Auditorium, 370 Hollis Street, Holliston, MA:

MONDAY, OCTOBER 29, 2018

at 7:30 p.m. to act on the following Articles, to wit:

ARTICLE 1: FISCAL YEAR 2019 BUDGET ADJUSTMENTS

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of supplementing various accounts for the Town's Fiscal Year 2019 annual budget, previously voted by the Town under Article 16, of the Warrant for 2018 Annual Town Meeting; or to take any action relative thereto.

DEPARTMENT	RECOMMENDED CHANGE	NEW TOTAL FY19 BUDGET
Fire/Ambulance (01231-53000)	\$25,000	\$ 497,448
Parks (Wages) (01650-51110)	\$3,500	\$ 116,211
Police (Fund Union Contracts) (01210)	\$45,826	\$2,817,289
Police (Motorcycle Lease)	\$ 1,930	\$2,819,219

COMMENTS: The FY19 budget was in balance at the conclusion of the May 2018 Annual Town Meeting. However, budget adjustments are needed to keep the FY19 budget in balance.

Fire - Increase required for additional costs related to Advance Life Support intercept services.

Park Department Part Time Wages – The Park Commission is seeking to add 5 hours to the current position.

Police (Fund Union Contract) – The Police Officer Union Contract was settled last calendar year this additional appropriation will fund that Contract.

~~**Police (Motorcycle Lease) –** The Department is seeking to enter into a lease for a motorcycle as a pilot program. It is believed that this would reflect well on the community and the Department.~~

**THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN RAISE AND
APPROPRIATE \$25,000 FOR THE FIRE/AMBULANCE BUDGET, \$2,835 FOR THE**

***PARK AND RECREATION BUDGET, AND \$45,826 FOR THE POLICE BUDGET
(UNANIMOUS).***

ARTICLE 2: STABILIZATION FUND

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto.

THE FINANCE COMMITTEE WILL MAKE A RECOMMENDATION AT TOWN MEETING (UNANIMOUS).

ARTICLE 3: CAPITAL EXPENDITURE FUND

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money from the Capital Expenditure Fund; or take any action relative thereto.

THE FINANCE COMMITTEE WILL MAKE A RECOMMENDATION AT TOWN MEETING (UNANIMOUS).

ARTICLE 4: SALE OF SURPLUS EQUIPMENT

SPONSORED BY: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to hold a public auction and or sale for the purpose of disposing of surplus departmental equipment; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS FAVORABLE ACTION (UNANIMOUS)

ARTICLE 5: CAPITAL BUDGET

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of capital expenditures, including replacement of old vehicles and equipment, for the following departments: Board of Selectmen, School Department, Police, Schools, Fire, DPW (Highway), DPW (Water) and authorize the Board of Selectmen to trade or sell equipment toward part of the purchase price; or take any action relative thereto.

Project	Department	Estimated Amount
Structural Firefighting Gear	Fire	\$ 185,000
Utility Task Vehicle (UTV)	Fire	\$ 35,000
Roof Replacement (1750 Washington St)	Selectmen	\$ 275,000
Wastewater Treatment Plant Repairs	Selectmen	\$ 23,000
Radio Work Stations (3)	Police	\$ 13,828
Two (2) Police Vehicles (Equipped)	Police	\$ 93,600
One (1) Replacement Truck	Highway	\$ 141,909
Energy Management System	Schools	\$ 100,000
Exterior Auditorium Wall Repairs	Schools	\$ 40,000
Cleaning Machine (Field House)	Schools	\$ 30,000
Maintenance Vehicle	Schools	\$ 28,000
Various Materials	Schools	\$ 20,000
Exterior Field House Wall	Schools	\$ 25,000
Total:		\$1,010,337

COMMENTS: This is the Capital Budget for the Town and School Departments. The Finance Committee recommends that the Town appropriate \$1,010,337.00 from the Capital Expenditure Fund for the purposes of making these purchases.

Structural Firefighting Gear - Replacement of protective gear worn by firefighters, which was originally purchased with a federal grant in 2004.

Utility Task Vehicle - UTV is for public safety responses to the Rail Trail and other recreation areas in town service demand has increased, this vehicle will allow emergency personnel to access and remove injured parties out to the waiting ambulance.

Roof Replacement at 1750 Washington Street – When the Town purchase the building more than three (3) years ago the roof's estimated life was seven (7) years. The Town will receive bids by October 15th for the replacement.

Wastewater Treatment Plant Repairs – Install new mixer, rails, electrical conduit, disconnect and wire in new Anoxic tank (\$9,571). Remove and install new Duplex panel at lift station and junction box. Extend remote alarm leads to new panel (\$13,114).

Radio Work Stations (3) – These radio work stations interface with radio resources in the Communication Room allowing Dispatch radio access to cruisers and portable radios. They have been in continuous operation for the last nine (9) years.

Two (2) Police Vehicles (Equipped) – The purchase of two (2) fully marked and equipped police cruiser to replace cruiser identified as C14 and C15. Patrol vehicles are used 24 hours a day.

One (1) Replacement Truck – The Department of Public Works, Highway Department, is seeking to replace a 1996 Ford L8000.

Replace Energy Management System – Heating/ventilation controls at Placentino/Miller schools have been unsupported for many years. The EMS would allow one system to control all four (4) schools.

Repair High School Auditorium Walls – There is exterior water penetration to the auditorium walls. This item would attempt to correct the situation by making roof repairs and sealing the bricks if necessary.

Replace Cleaning Machine – The cleaning machine for the Field House floor was purchased about eighteen (18) years ago. Can no longer get parts to make repairs.

Replace Maintenance Van – This item would replace a 1996 vehicle that is no longer working. Maintenance Department personnel are using private vehicles to travel between schools.

Various Materials – Items have reached their useful life and are failing due to age such as door hardware, bathrooms, tiles, clocks, phones, carpeting classroom furniture, and cafeteria equipment.

Exterior Field House Wall ó This addresses the rear wall of the Field House.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE THE FOLLOWING AMOUNTS FROM THE CAPITAL EXPENDITURE FUND: \$185,000 FOR STRUCTURAL FIREFIGHTING GEAR, \$35,000 FOR A UTILITY TASK VEHICLE, \$275,000 FOR ROOF REPLACEMENT AT 1750 WASHINGTON STREET, \$23,000 FOR WASTEWATER TREATMENT PLANT REPAIRS, \$13,828 FOR 3 POLICE RADIO WORKSTATIONS, \$93,600 FOR TWO POLICE VEHICLES, \$141,909 FOR A DUMP TRUCK, \$100,000 FOR AN ENERGY MANAGEMENT SYSTEM FOR THE SCHOOLS, \$40,000 FOR EXTERIOR AUDITORIUM WALL REPAIRS AT THE HIGH SCHOOL, \$30,000 FOR A CLEANING MACHINE, \$28,000 FOR A MAINTENANCE VEHICLE, AND \$20,000 FOR FURNITURE AND OTHER MATERIAL UPGRADES FOR THE SCHOOLS (UNANIMOUS).

ARTICLE 6: FUND TRANSFER TO AFFECT THE TAX RATE

SPONSORED BY: Board of Selectmen

To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for Fiscal Year 2019; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS INDEFINITE POSTPONEMENT (UNANIMOUS)

ARTICLE 7: TOWN COMMERCIAL, INDUSTRIAL AND PERSONAL PROPERTY VALUATION

SPONSORED BY: Board of Assessors

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purposes of contracting Professional Services for the inspection, data input and valuation of Commercial, Industrial, Mixed Use and Personal Property; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$54,900 FROM FREE CASH (UNANIMOUS)

ARTICLE 8: COMMUNITY PRESERVATION COMMITTEE REPORT

SPONSORED BY: Community Preservation Committee

To see if the Town will vote to appropriate \$97,000 in Fiscal Year 2019 from the Community Preservation Fund Housing Reserve and \$128,000 from the Community Preservation Fund's General Reserve to the Holliston Affordable Housing Trust to provide affordable housing in Holliston and for the administrative and contract support thereof, subject to the execution of a Housing Grant Agreement between the Holliston Housing Trust and the Town of Holliston; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS FAVORABLE ACTION (UNANIMOUS)

ARTICLE 9: ACCEPT AS A PUBLIC WAY JOHNSON DRIVE, KINGSBURY DRIVE AND METCALF DRIVE

SPONSORED BY: Planning Board

To see if the Town will vote to accept as public ways, Johnson Drive (Station 30+50 to Station 33+42), Kingsbury Drive (Station 0+00 to 26+00) including Emergency Access Drive (Station 0+15 to 2+60) and Metcalf Drive (Station 0+12 to Station 5+16) as shown on the plans entitled "Acceptance Plan -Evergreen Square Subdivision -Holliston, MA Sheets 1 to 4 dated July 25, 2017 (revised through September 10, 2018) prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746, such ways having been laid out as Town Ways by the Board of Selectmen: and to authorize the Board of Selectmen to accept a deed for such way, along with any ancillary easements thereto; or take any action relative thereto.

ARTICLE 10: TRASH/RECYCLING COLLECTION AUTHORIZATION FOR UP TO A FIVE (5) YEAR CONTRACT

SPONSORED BY: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into up to a five (5) year contract with the selected vendor(s) for the removal of trash and recycling; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (UNANIMOUS)

ARTICLE 11: PINECREST MANAGEMENT AND FOOD SERVICE AUTHORIZATION FOR UP TO FIVE (5) YEAR CONTRACTS

SPONSORED BY: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into up to a five (5) year contract with the selected vendor(s) for the management of Pinecrest Golf Course grounds and food service; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (UNANIMOUS)

ARTICLE 12: TOWN OF HOLLISTON ECONOMIC DEVELOPMENT FUNDING PROGRAM

SPONSORED BY: Board of Selectmen/Economic Development Committee

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation entitled "Town of Holliston Economic Development Funding Program" Authorizing the Town of Holliston to establish a grant and loan fund for the purpose of creating economic development tools and activities and to further authorize the Holliston Economic Development Committee to adopt rules and regulations for the management, acceptance and distribution of funds under the Act; or take any action relative thereto.

Said Legislation to read as follows:

An Act Creating the Town of Holliston Economic Development Funding Program

Be it enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same as follows, provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general objectives of this petition.

Town of Holliston Economic Development Funding Program

It is hereby established in the Town of Holliston an Economic Development Funding Program which will create a loan and grant fund from which individuals or businesses may apply to borrow funds or receive grants for use on private property and notwithstanding any other law to the contrary, the Town of Holliston shall be permitted as herein set forth create an Economic Development Funding Program for the purposes set forth below and administered and carried out in accordance herewith.

- I. Purpose: The overall purpose in the Town of Holliston Economic Development Funding Program (öProgramö) shall be to provide assistance to provide assistance to private businesses and individuals in order to encourage and facilitate economic development, including creation of jobs, the improvement and enhancement of buildings and infrastructure and to increase the value of the real estate and general tax base.
- II. Administration: The Program shall be administered by the Holliston Economic Development Committee, which shall adopt rules and regulations, following at least a fourteen (14) day notice and a public hearing. Said rules and regulations shall establish the qualifications for receipt of a loan, operations, administration and other matters necessary to implement and carry out the Program.
- III. Funding: The Town shall be permitted to appropriate funds to support the Program and the Board of Selectmen shall be permitted to accept gifts of funds to support the Program to be held in a special revenue account. The Economic Development Committee, with the approval of the Board of Selectmen, shall be permitted to establish sub-categories within the special revenue account for a particular purpose established hereunder. All revenues received, including repayment of loan proceeds, shall be held year to year in the special revenue account and all interest attributable thereto shall be credited to said account.
- IV. Programs: The Economic Development Committee, with the approval of the Board of Selectmen, may establish programs hereunder, through regulation, such as sign and façade improvements, rent, utility and equipment support, leasehold improvements, operating capital, acquisition of land and buildings, new construction, building renovation, landscape and property improvements, machinery and equipment purchases and soft cost expenses related to real estate development. Except as above, funds may not be used for the improvements to the interior of the business premises or to sidewalks or public walkways.
- V. Expenditure: The Economic Development Committee, with the approval of the Board of Selectmen shall be permitted to award grants and issue loans to businesses and individuals who qualify and are eligible in accordance with the rules and regulations of the Program to be used on private property. Notwithstanding the foregoing, no such grant or loan shall be made until the Economic Development Committee has adopted rules and regulations as noted in Section II above.
- VI. Reporting: The Economic Development Committee shall annually provide a report to the Town including but not limited to, the amount of donations or appropriations received, amount of grants or loans made and to whom, and the balance of the funds of the Program; or take any action thereto.

***THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION
(UNANIMOUS, MS. ZEAMER ABSTAINING)***

**ARTICLE 13: GRANT OF EASEMENT AT 1750 AND 1768 WASHINGTON STREET
SPONSORED BY: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to grant a certain easement in the Commonwealth of Massachusetts, County of Middlesex, Town of Holliston, situated on Washington Street and shown as Driveway easement on a plan entitled "Easement Plan in Holliston" Scale 1"=60', dated August 29, 2018, prepared by Beals and Thomas, Inc. more particularly bounded and described as follows:

Beginning at the most northwesterly corner of said easement, being northeasterly corner of land now or formally of Neel Southwick, also being on the southerly side of Washington Street, thence running along Washington Street;

Westerly along a curve to the right having a radius of 197000 feet and a central Angle of 00 20' 56", an arc distance of 12.0 feet to a point, thence turning and running;

S54°27'E 60.09 feet to a point, thence turning and running;

N23 22'00" W 60.11 feet along land now or formally of Southwick to the point and place of beginning. Containing 359 square feet more or less, or 0.008 acres, more or less: or take any action relative thereto.

**ARTICLE 14: ENVIRONMENTAL ASSESSMENT AT 9 GREEN STREET
SPONSORED BY: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to complete a Phase II Environmental site assessment at 9 Green Street; or take any action relative thereto.

***THE FINANCE COMMITTEE RECOMMENDS INDEFINITE POSTPONEMENT
(UNANIMOUS)***

**ARTICLE 15: ESTABLISH A REVOLVING FUND FOR THE UPPER CHARLES
RIVER RAIL TRAIL**

SPONSORED BY: Rail Trail Committee

To see if the Town will vote to authorize the establishment of an Upper Charles River Rail Trail Revolving Fund with no future reauthorization required; or take any action relative thereto.

***THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION
(UNANIMOUS)***

**ARTICLE 16: FIRE ALARM AND FIBER CABLE RELOCATION
SPONSORED BY: Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to relocate fire alarm and fiber cable wires allowing for the removal of double poles; or take any action relative thereto.

***THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE
\$25,000 FROM FREE CASH (UNANIMOUS)***

**ARTICLE 17: WATER MAIN REPLACEMENT AND CONSTRUCTION COSTS
RELATED TO REPLACEMENT OF APPROXIMATELY 6,100 LINEAR FEET OF
WATER MAINS IN THE MUDVILLE NEIGHBORHOOD**

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds, including the Water Surplus (Retained Earnings) \$450,000 and \$1,350,000 from Water Infrastructure Reserve Account for tasks related to the replacement of approximately 6,100 linear feet of water mains in the Mudville neighborhood. The scope of this project includes new water mains, valves, hydrants and service connections, surface restoration and related work on Pleasant, School, Spring, Exchange, Mechanic and Union Streets; or take any action relative thereto.

***THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE
\$450,000 FROM WATER RETAINED EARNINGS AND \$1,350,000 FROM THE WATER
INFRASTRUCTURE RESERVE (UNANIMOUS)***

ARTICLE 18: ADVANCED METERING INFRASTRUCTURE SYSTEM

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$25,000 for the purpose of purchasing an Annual Service Agreement and hardware related to the implementation of an Advanced Metering Infrastructure system with Mueller Systems, Inc.; or take any action relative thereto.

***THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE
\$25,000 FROM WATER METER RESERVE (UNANIMOUS)***

**ARTICLE 19: PETITION THE STATE LEGISLATURE ALLOWING FOR TWO (2)
ALTERNATE VOTING MEMBERS TO SERVE ON THE CONSERVATION
COMMISSION**

SPONSORED BY: Board of Selectmen and Conservation Commission

To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature on behalf of the Conservation Commission, requiring an amendment to Article XXX, Section 1 of the Town's General By-laws regarding the Commission membership and an Act by the State Legislature; or take any action relative thereto.

**ARTICLE 20: TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA
RETAILERS**

SPONSORED BY: Planning Board

To see if the Town will vote to amend the Zoning By-law by amending a new Section VIII - Temporary Moratorium on Recreational Marijuana Establishments to extend the same for Marijuana Retailers only, as follows:

SECTION VIII. TEMPORARY MORATORIUM ON MARIJUANA RETAILERS

VIII-A. PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, codified in G.L. c. 94G (the Act), regulating control, production and distribution of marijuana under a system of licenses and regulations. In May,

2017, the Town voted affirmatively, through local ballot measure, to prohibit Marijuana Retailers in the Town of Holliston. Thereafter, HB3818 was enacted, which modified the process to prohibit Marijuana Retailers. The Town has reviewed its original ballot vote to prohibit Marijuana Retailers and has, as a conservative measure, drafted a By-law regarding the same. To ensure its enforceability, this By-law must be ratified by a second ballot vote which cannot occur until the Annual Town Election occurring in the Spring of 2019. This By-law, and a companion By-law allowing other types of Marijuana Establishments, including Cultivators, Product Manufacturers and Testing Facilities is being presented to Town Meeting concurrently with this moratorium. Consequently, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers to permit the Town to ratify its prohibitive By-law through a local ballot measure as required by Chapter 94G.

VIII-B DEFINITIONS

1. All terms herein shall have the meaning set forth in the Act.

VIII-C TEMPORARY MORATORIUM

2. For the reasons set forth above, and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments as defined by the Act, which shall not include Medical Marijuana Treatment Centers. No building permit, special permit, variance, site plan or other permit may be issued under this zoning by-law for the purpose of establishing Marijuana Establishments. The moratorium shall remain in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of the cultivation, distribution and sale of marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana Establishments, and adopt Zoning Bylaws to address the impact and operation of Marijuana Establishments; or take any action relative thereto.

COMMENTS: The Town is putting forward two articles to prohibit Marijuana Retailers in the Town of Holliston. These two articles will not become effective until they are approved by an affirmative vote at a Town Election. The next local election is scheduled for May, 2019. The purpose of this By-law is to prohibit temporarily marijuana retailers, i.e. marijuana establishments which sell marijuana to consumers, until the By-laws are approved at the Town Election. It serves as a stop gap measure.

ARTICLE 21: AMEND THE GENERAL BY-LAW: MARIJUANA RETAILERS

SPONSORED: Board of Selectmen

To see if the Town will vote to amend the Town's General By-laws by adding a new Section 21 to Article XXIV, Miscellaneous that would prohibit Marijuana Retailers in the Town of Holliston as follows, and further to amend the Table of Contents to add Section 21, "Marijuana Retailers" or take any other action relative thereto:

Section 21. Consistent with G.L. c. 94G, § 3(a)(2), "marijuana retailers" as defined in G.L. c. 94G, § 1 shall be prohibited within the Town of Holliston. This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board

of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this By-law shall be \$300.00 for each offense.

COMMENTS: In conjunction with the zoning bylaw, the purpose of this bylaw is to prohibit marijuana retailers, i.e. marijuana establishments which sell marijuana to consumers, in the Town of Holliston. Due to the Town's affirmative vote to legalize recreational marijuana in the Commonwealth in 2016, the legislation requires that this bylaw be ratified by local voters. Thus, this section shall be effective upon passage by the voters at a Town Election.

ARTICLE 22: AMEND THE ZONING BY-LAWS MARIJUANA RETAILERS

SPONSORED BY: Planning Board

To see if the Town will vote to amend the Zoning By-law by amending Section III ó Use Regulations, subsection G. Industrial and Outdoor Uses to add the following use as a prohibited use in every district; or take any action relative thereto.

	AR-1	AR-2	R-1	VR	C-1	VC	I	APT
8. Marijuana Retailers	N	N	N	N	N	N	N	N

COMMENTS: In conjunction with the General By-law, the purpose of this By-law is to prohibit marijuana retailers. i.e. marijuana establishments which sell marijuana to consumers, in all zoning districts in the Town of Holliston. Due to the Town's affirmative vote to legalize recreational marijuana in the Commonwealth in 2016, the legislation requires this By-law to be ratified by local voters. Thus, this section shall be effective upon passage by the voters at a Town Election. The reason for having both a General and Zoning By-law to prohibit marijuana retailers is to ensure the prohibition is effective and not subject to challenge.

ARTICLE 23: AMEND GENERAL BY-LAW MARIJUANA LICENSURE

SPONSORED BY: Board of Selectmen

To see if the Town will vote to amend the Town's General Bylaws by adding a new Article XLVII, Marijuana License, which require the licensure of all Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities, or take any other action relative thereto, as follows:

ARTICLE XLVII MARIJUANA LICENSE

Section. 1

No person shall operate a Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Testing Facility, as defined by Massachusetts General Laws Chapter 94G, or any other licensed marijuana operation, within the Town unless first duly licensed thereof by the Board of Selectmen, which license is renewable annually.

Section. 2

The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

Section. 3

Applicants for a license annually shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board

of Selectmen may reasonably require from time to time. Each applicant annually shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

Section. 4

The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

Section. 5

The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

Section. 6

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Section. 7

This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

Section. 8

A. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

COMMENTS: The purpose of this By-law is to require a local license by the Board of Selectmen to any marijuana establishment operating in the town of Holliston and shall operate in a manner similar to liquor licenses.

ARTICLE 24: AMEND THE ZONING BY-LAW ARTICLE: DEFINITIONS

SPONSORED BY: Planning Board

To see if the Town will vote to amend the Zoning Bylaw by amending Section I-E - Definitions to define terms as follows:

Marijuana Establishment: a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Craft Marijuana Cultivator Cooperative: a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

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, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Product Manufacturer: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

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 and to consumers, as defined the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility: an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G; or take any action relative thereto.

ARTICLE 25: AMEND THE ZONING BY-LAW: SITE PLAN REVIEW

SPONSORED BY: Planning Board

To see if the Town will vote to amend the Zoning By-law by amending Section VII ó Site Plan Review, subsection 2.b.v., by inserting the text shown in italics:

v. No new drive óthrough facilities, new *or expanded* Medical Marijuana Treatment Center/Registered Marijuana Dispensary, *new or expanded Marijuana Establishment, conversion of or expansion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary to a Marijuana Establishment*, or a non-accessory solar energy generation systems shall be allowed except in conformity with a site plan bearing an endorsement approval by the Planning Board; or take any action relative thereto.

COMMENTS: The purpose of this By-law is to allow for review of changes to marijuana establishments when they either convert from a medical facility to a recreational facility or expand.

ARTICLE 26: AMEND THE ZONING BY- LAW: CRAFT MARIJUANA CULTIVATOR COOPERATIVES, MARIJUANA CULTIVATORS, INDEPENDENT TESTING LABORATORIES, MARIJUANA MANUFACTURERS

SPONSORED BY: Planning Board

To see if the Town will vote to amend the Zoning By-law by amending Section III- Use Regulations, subsection G. Industrial and Outdoor Uses to add the following uses to the use table as a use allowed through Special Permit in the Industrial zoning district; or take any action relative thereto.

	AR-1	AR-2	R-1	VR	C-1	VC	I	APT
7. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Independent Testing Laboratories, Marijuana product Manufacturer	N	N	N	N	N	N	SP	N

COMMENTS: The purpose of this By-law is to allow marijuana establishments, except Marijuana retailers, in the Industrial zoning district by Special Permit only. In issuing a Special Permit, the Board may impose conditions on the approval to address individual impacts resulting from the use to ensure its compatibility with neighboring uses.

ARTICLE 27: RECORD MANAGEMENT SYSTEM

SPONSORED BY: Town Clerk

To see if the Town will vote to raise or appropriate, transfer from available funds, or borrow a sum of money for the purpose of hiring a company to survey and analyze Town records, and make recommendations for a Records Management System; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$5,000 FROM FREE CASH (UNANIMOUS)

And you are directed to serve this Warrant by posting true copies thereof, attested, on and within the Town Hall, Public Library, Police Department, Senior Center and Town Website fourteen days at least before the date of said meeting. Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 9th day of October A.D. 2018.

Joseph P. Marsden, Chairman

Mark Ahronian, Vice Chairman

BOARD OF SELECTMEN

John Cronin, Clerk

I have this _____ day of October 2018, posted true copies thereof, attested, on and within the Town Hall, Public Library, Police Department, Senior Center and on the Town Website as herein directed.

Constable

A true record, ATTEST:

Elizabeth Greendale, Town Clerk