

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WRENTHAM

OFFICE OF THE TOWN CLERK
79 SOUTH STREET, WRENTHAM, MA 02093

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MINUTES OF THE
SPECIAL TOWN MEETING
NOVEMBER 13, 2012

The Special Town Meeting was called to order by Moderator Keith Billian at 7:30 PM at the King Philip High School Auditorium.

A motion was made and voted to waive the reading of the warrant.

Tellers appointed for the evening were Joseph Heck, Michael McGuire, John Caruso, and Gerry Aube.

The Colors were presented and the Pledge of Allegiance was led by Town Troop 131 Boy Scouts.

The Moderator thanked Mr. Ferrara and his crew for setting up the hall and working on the lights and speakers.

The Moderator recognized and presented Michael Lavin as the new DPW Superintendent.

Also recognized for their committed work during the year were the members of the Capital Budget Committee, especially Joe Heck for his many years on the committee.

The Moderator also recognized and thanked all the coaches of the King Philip Pop Warner A & B teams for all their work and dedication in making these teams so successful in their endeavors, including Matt McEvoy.

A moment of silence was held for the passing of Robert Farquharson who served many, many years on numerous town committees, and Dr. Donald Fisher who served many years as a Fiske Library Trustee and in other town capacities.

Article 1 – Selectman Chairman Botaish gave an overview of the “State of the Town,” with a PowerPoint presentation.

Jerry McGovern, FinCom Chairman, updated on the Government Study Committee and explained the survey that was mailed to all residents.

Town Planner Paige Duncan mentioned the meeting of the Visioning Committee for all residents on November 27, 2012, 7P-9P in the Delaney School concerning areas in the downtown.

Michael Carroll, Chairman of the General Bylaw Review Committee, updated on where the committee presently is concerning the updating.

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Article 2 – Volunteers of the Year: The Board of Selectmen recognized Judy Ellis as being this year's (over 18) Volunteer of the Year. Ms. Ellis was picked because of her dedication to the Town, having volunteered for many years in the Senior Center kitchen and other areas with the Council on Aging.

Also recognized were Riley Magane and Lauren McSweeney as this year's Youth Volunteers of the Year. Riley and Lauren were recognized for the work with Special Education students in the Mentor Program, especially in the Sports area.

Troy Neubecker also shared in the Youth category as a recipient. Troy was instrumental in putting together and following through on the 911 Memorial project.

Article 3 – Voted that the Town amend the Personnel Bylaws Salary Schedule with the following changes:

<u>PART-TIME ATP</u>		
<u>Position</u>	<u>Present Rate</u>	<u>New Rate</u>
Animal Control Officer	\$25/call	\$25.50/call
Assistant ACO	\$25/call	\$25.50/call
Animal Inspector	\$700/yr+\$20.50/call	\$714/year+\$29.91/call
Public Health Nurse	\$20.50/hour	\$20.91/hour
Veteran's Agent	\$3,696/year	\$3,770/year

<u>INSPECTORS</u>		
<u>Position</u>	<u>Present Rate</u>	<u>New Rate</u>
Mechanical Inspector	\$30/insp+\$800/year	\$30/insp+\$816/year
Electrical Inspector	\$30/insp+\$1,800/year	\$30/insp+\$1,838/year
Assistant Electrical Inspect.	\$30/insp+\$800/year	\$30/insp+\$816/year
Plumbing Inspector	\$30/insp+\$1,800/yr+\$15/hr	\$30/insp+\$1,836/yr+\$15.30/hr
Asst. Plumbing Inspector	\$30/insp+\$800/year	\$30/insp+\$816/year
Gas Inspector	\$30/insp+\$800/year	\$30/insp+\$816/year
Asst. Gas Inspector	\$30/insp+\$800/year	\$30/insp+\$816/year

Motion passed – majority.

Article 4 – Voted that the Town indefinitely postpone action on this article. Passed. (Personnel Bylaw change)

Article 5 Voted that the Town appropriate the following sums to supplement the FY2013 operating budget:

From unappropriated funds in the treasury the sum of \$68,446. Said sum to be distributed as follows:

Request	Amount
Board of Selectmen Expenses	\$1,100.00
Police Department Salaries	\$25,000.00
Aquatic Properties Maintenance Expenses	\$10,000.00
Communications Department Salaries	\$5,000.00
Inspector's Department Salaries	\$20,000.00
DPW Expenses	\$7,346.00

From Water Enterprise Retained Earnings the sum of \$15,000.00 to supplement Water Personnel Services.

And by raising and appropriating the sum of \$45,099.00 to supplement Debt Interest.

Motion passed – majority.

Article 6 – Voted that the Town appropriate the total sum of \$265,000 for FY13 Capital Requirements according to the following sources and distribution.

From unappropriated funds in the treasury the sum of \$140,000.00 to be distributed as follows:

Requirement	Cost
Replacement of Finance Department Information Technology Equipment	\$78,000.00
Replacement of DPW Fueling Equipment	\$35,000.00
Replacement of Council on Aging Vehicle	\$12,000.00

- b. The sum of \$30,000 for a replacement 4x4 pick up for DPW, said sum to be sourced per the following:

From unappropriated funds in the treasury - \$15,000
From Water Enterprise Retained Earnings - \$15,000

- c. From the Police Vehicle Revolving Fund the sum of \$32,000.00 for the scheduled replacement of a police vehicle.
- d. By raising and appropriating the sum of \$78,000.00 for the replacement of Fire Department Engine #1.

Motion passed – majority.

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Article 7 – Voted that the Town amend the Wrentham Zoning Bylaws by creating a new Article 20 Special Use District, as follows:

There was a motion made and passed to waive the reading of the article. The Planning Board report was read, and it was explained to the voters that the Planning Board unanimously agreed to settle on the Shire Industrial Park location.

ARTICLE 20 SPECIAL USE DISTRICT

20.1 Authority

This bylaw is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. It serves the compelling Town interests of limiting the location of certain Adult Entertainment USES, as defined and designated herein, in response to studies demonstrating their deleterious secondary effects.

20.2 Purpose

It is the purpose of this bylaw to address and mitigate the secondary effects of Adult Entertainment ESTABLISHMENTS and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Wrentham and its inhabitants.

The provisions of this article have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this provision to restrict or deny access by adults to Adult Entertainment ESTABLISHMENTS or to sexually oriented matter or materials that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this article to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

20.3 Definitions

The term Adult Entertainment Establishment/USE shall be deemed within this provision to pertain to the following USE(s) that are so defined under Article 2 of this Bylaw:

- a. ADULT BOOKSTORE
- b. ADULT CABARET ESTABLISHMENT
- c. ADULT MOTION PICTURE THEATER
- d. ADULT PARAPHERNALIA STORE
- e. ADULT VIDEO STORE

20.4 Special USE DISTRICT

The Special USE DISTRICT (SU) is herein established as an overlay DISTRICT and shall be superimposed on other DISTRICTS established by this bylaw and as so depicted on the "ZONING MAP of Wrentham, Massachusetts", as amended. The USES herein authorized in the Special USE DISTRICT shall be in addition to those permitted within the underlying ZONING DISTRICT. Adult Entertainment USES may be allowed in the Special USE DISTRICT by SPECIAL PERMIT. Adult Entertainment USES shall be prohibited elsewhere within the Town.

20.5 SPECIAL PERMIT Criteria and Conditions

Adult Entertainment USES shall be prohibited in all ZONING DISTRICTS except as otherwise permitted under Section 20.4 and may be permitted only upon the grant of a SPECIAL PERMIT by the Planning Board. Such a SPECIAL PERMIT shall not be granted unless each of the following standards has been met as so determined by the Planning Board.

- a. The application for a SPECIAL PERMIT for an ADULT ENTERTAINMENT USE shall provide the name and address of the legal owner of the ESTABLISHMENT, the legal owner of the property, and the manager of the proposed ESTABLISHMENT. If ownership of the ESTABLISHMENT is by partnership, the name and a bona fide address of each of the partners shall be submitted with the application. If ownership of the ESTABLISHMENT is by a corporation, the name and bona fide address of the president and vice president (or another officer of the company if no vice president) shall be submitted with the application. The application shall also include a listing of the names and addresses of all persons who have any interest whatsoever in the project and properties described in this application, direct or indirect, vested or contingent. This includes but is not limited to owner, partner, contract vendor, contract vendee, lessor, sub-lessor, contract lessor, lessee, sub-lessee, contract lessee, mortgagor, mortgagee, holder or contract holder of any beneficial interest, holder or contract holder of any encumbrance or lien, guarantor, assignee, agent, or broker. List such person(s)

even if the interest arises as the result of providing funds for acquiring or developing the property, and whether or not the interest arises from or is affected by the decision of these municipal Board(s). Please state if any of these are, or are related to, officers or employees of the Town of Wrentham and state the nature of relationship and extent of interest. Subsequent to the issuance of any SPECIAL PERMIT under this bylaw, the Building Inspector shall be informed in writing within seven (7) consecutive calendar days of any change in the name or address of the ESTABLISHMENT owner or any change in the name of the current manager. Failure to do so shall cause the immediate nullification of said SPECIAL PERMIT. No SPECIAL PERMIT for an ADULT ENTERTAINMENT USE shall be issued to any person, so referenced above, who has been convicted of violating the provisions of M.G.L. Chapter 119, §63 or M.G.L. Chapter 272, §28. Subsequent to the issuance of any SPECIAL PERMIT under this bylaw, the conviction of any owner or manager of an ADULT ENTERTAINMENT ESTABLISHMENT for violating the provisions of M.G.L. Chapter 119, §63 or M.G.L. Chapter 272, §28 shall cause the immediate nullification of said SPECIAL PERMIT

- b. All BUILDING openings, entries and windows of an ADULT ENTERTAINMENT ESTABLISHMENT shall be screened in such a manner as to prevent visibility of its interior. Otherwise, all interior floor area where patrons view entertainment shall not be partitioned or screened and shall be clearly visible from elsewhere within said area.
- c. No ADULT ENTERTAINMENT USE shall be allowed to display for advertisement or other purpose any SIGN, placard or other like materials to the general public on the exterior of the BUILDING or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, §31.
- d. No ADULT ENTERTAINMENT USE shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
- e. ADULT BOOKSTORES, ADULT PARAPHERNALIA STORES, and ADULT VIDEO STORES shall provide one (1) off-STREET PARKING SPACE for every off-STREET PARKING SPACE for every 200 square feet GFA. ADULT CABARET ESTABLISHMENTS and ADULT MOTION PICTURE THEATERS shall provide one (1) off-STREET PARKING SPACE for every two (2) seats, or if seats are not utilized, every twenty (20) square feet of GFA, plus one (1) space for every two (2) employees.
- f. No ADULT ENTERTAINMENT USE shall have any flashing lights visible from outside the ESTABLISHMENT.
- g. No ADULT ENTERTAINMENT USE shall have a freestanding accessory SIGN.

- h. A landscaped BUFFER of no less than fifty (50) feet shall be maintained along the periphery of any LOT accommodating an ADULT ENTERTAINMENT USE.
- i. An ADULT ENTERTAINMENT USE shall neither be located on the same LOT with other PRINCIPAL USES nor other Adult Entertainment USES.
- j. No ADULT BOOKSTORE, ADULT PARAPHERNALIA STORE, or ADULT VIDEO STORE shall occupy more than 10,000 square feet of GROSS FLOOR AREA within a single BUILDING.
- k. Unless otherwise expressly stated within this article, LOTS, BUILDINGS, and other accessory improvements (e.g. PARKING LOTS) accommodating an ADULT ENTERTAINMENT USE shall conform to all dimensional requirements of the underlying ZONING DISTRICT pursuant to Article 6 and, the requirements of any other overlay ZONING DISTRICT if so located therein.
- l. The SPECIAL PERMIT granting authority may impose reasonable conditions, safeguards and limitations on time or use of any SPECIAL PERMIT granted and shall require that any such SPECIAL PERMIT granted shall be personal to the applicant, shall not run with land and shall expire upon expiration of the applicant's lease or upon sale or transfer of the subject property.

20.6 Severability

The provisions of this article are severable and, in the event that any provision of this article is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.”

And further, to insert in Article 2 after the definition of the term “ABANDONMENT” the following:

“ADULT BOOKSTORE: An ESTABLISHMENT having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c.272 §31, as amended. For purposes of this bylaw, “substantial or significant portion of its stock” shall mean more than ten percent (10%) of the subject ESTABLISHMENT’S inventory stock or retail sales or more than ten percent (10%) of the premises’ GFA.

ADULT CABARET ESTABLISHMENT: An ESTABLISHMENT which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in MGL c.272 §31, as amended.

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ADULT MOTION PICTURE THEATER: An enclosed BUILDING used for presenting material distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c.272 §31, as amended. For purposes of this bylaw, an ADULT MOTION PICTURE THEATER shall not be deemed a “Movie Cinema” as identified in Section 4.2.

ADULT PARAPHERNALIA STORE: An ESTABLISHMENT having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c.272 §31, as amended. For purposes of this bylaw, “substantial or significant portion of its stock” shall mean more than ten percent (10%) of the subject ESTABLISHMENT’S inventory stock or retail sales or more than ten percent (10%) of the premises’ GFA.

ADULT VIDEO STORE: An ESTABLISHMENT having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c.272 §31, as amended. For purposes of this bylaw, “substantial or significant portion of its stock” shall mean more than ten percent (10%) of the subject ESTABLISHMENT’S inventory stock or retail sales and/or rentals or more than ten percent (10%) of the premises’ GFA.”

And further, to insert in the definition of a “RETAIL ESTABLISHMENT/STORE” within Article 2 as the last sentence the following:

“Such an ESTABLISHMENT shall be exclusive of an ADULT BOOKSTORE, ADULT PARAPHERNALIA STORE or ADULT VIDEO STORE as so defined herein.”

And further, to insert in the definition of a “SERVICE ESTABLISHMENT” within Article 2 as the last sentence the following:

“Such an ESTABLISHMENT shall be exclusive of an ADULT CABARET ESTABLISHMENTS or ADULT MOTION PICTURE THEATERS as so defined herein.”

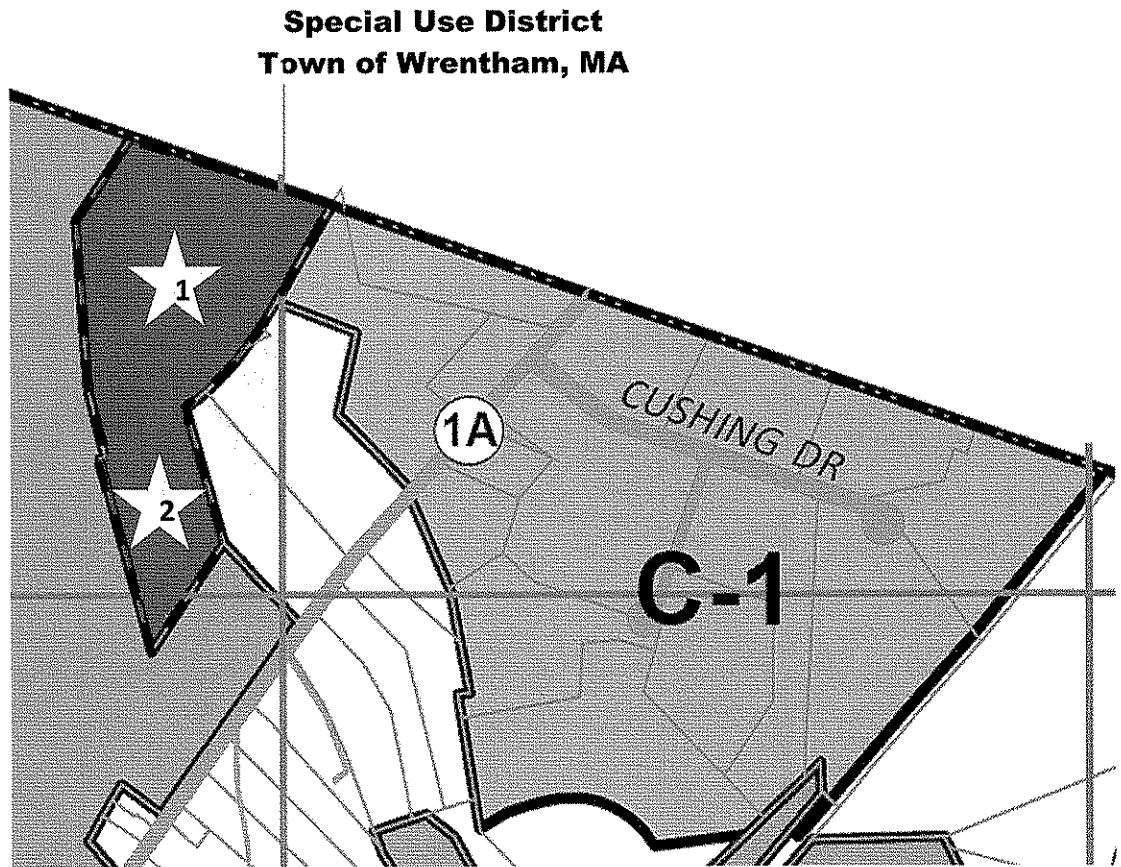
And further, to insert at the end of Section 3.1 (Establishment of DISTRICTS), the following:

“Special USE DISTRICT.....SU”

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And further, to amend the Town of Wrentham Zoning Map dated June 2010 by establishing a Special Use District. Said Special Use Districts is shown on a map entitled "Special Use Overlay District," dated November 2012, and includes the two properties listed below:

Key Number	Assessor's Map	Block	Parcel Number	Lot Size
1	N13	1	4	15.3 acres
2	N13	1	2	5.34 acres



Planning Board Member

Date

Motion passed – Unanimous.

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Article 8 – Voted that the Town amend the Wrentham Zoning Bylaws, Article 2 (Definitions) by deleting the second sentence of the definition of “Parking Space,” so that the definition provides as follows.

The Planning Board report was read.

PARKING SPACE: A space designed to be occupied by, and adequate to park a MOTOR VEHICLE plus access thereto.

Motion passed – unanimous.

Article 9 – Voted that the Town amend the Wrentham Zoning Bylaws, Article 6.4 (on Site Parking Requirements), Paragraph 2, subparagraph d by deleting the parenthetical phrase “(refer to Article 6.10)”, so that subparagraph d provides as follows:

The Planning Board report was read.

- d. For developments adjoining or facing residential districts or residential uses, or when necessary for public safety or to prevent adverse impacts on neighboring properties, a buffer strip shall contain opaque screens as described herein. An opaque screen may be comprised of walls, fences, berms or evergreen planting, or any combination thereof, providing that the Planning Board may require evergreen trees or shrubs instead of fences when deemed appropriate. Opaque screens shall be opaque in all seasons of the year. Parking facilities and required screens and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, barriers, markings, and planting materials shall be repaired or replaced with new materials to insure continued compliance with provisions of this Article. Failure to maintain the same shall be considered a violation of this By-Law and shall be subject to the enforcement procedures contained herein

Motion passed – Unanimous.

ARTICLE 10 – Voted that the Town authorize the Board of Selectmen, in consideration of the sum of one dollar (\$1.00), to execute an agreement modifying the drainage easement over the property known as 35 Follett Drive, Wrentham, Massachusetts, now owned by Douglas and Christina Emery, which easement is recorded in book 9504, PAGE 108 of the Norfolk County Registry of Deeds, and shown on the plan entitled “Easements for Acceptance Plan of Follett Drive in Wrentham, Mass” prepared by Landmark Engineering of New England, and recorded with said Registry at Plan Book 431, Plan 460, to allow the property owner to use a 596 square foot area for purpose of maintaining a retaining wall and pool, as shown on the “Lot Survey Plan

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located at 35 Follett Drive, Wrentham, MA” prepared by Professional Land Surveyor Christopher C. Charlton, dated July 13, 2012.

Motion passed – unanimous.

ARTICLE 11 – Voted that the Town amend Article 13, Police Regulations, of the General Bylaws by inserting a new Section 13 as follows:

A motion was made and passed to waive the reading of the article. The voters were advised of the following changes: Section 33 should be Section 13, and in C. Fees – Article 26 should be Article 3, Section 9.

SECTION 13: CIVIL FINGERPRINTING

A. Criminal History Check Authorization

The Wrentham Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople
- Manager of Alcoholic Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers
- Hackney Drivers
- Ice Cream Truck Vendors
- Tattoo Parlors
- Carnivals

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (“EOPSS”) which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

The Town of Wrentham (Town) authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based

state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

B. Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for

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any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

C. Fees

The Chief of Police may fix a fee, in accordance with Article 3, Section 9 of these by-laws, to be charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks.

Motion passed – Majority.

Article 12: Move that the Town vote to appropriate from unappropriated funds in the treasury the sum of \$200,000.00 to be allocated as follows:

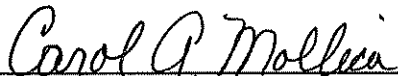
To the Town Stabilization Fund - \$50,000.00

To the Municipal Capital Stabilization Fund - \$150,000.00

Motion passed – Unanimous.

Motion to adjourn sine die at 8:52 PM.

A True Copy, Attest:



Carol A. Mollica, Town Clerk