

TOWN OF WRENTHAM
COMMONWEALTH OF MASSACHUSETTS

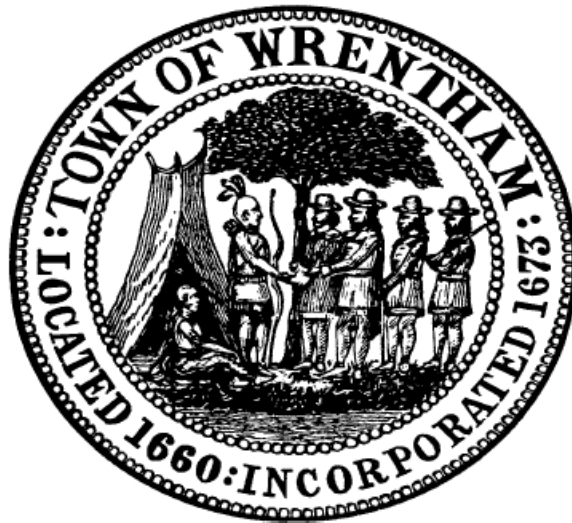
REPORT TO THE VOTERS

for the

Town Meeting

Monday, November 13, 2017

King Philip High School
Wrentham, Massachusetts



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Overview

This report provides a summary of the motions, recommendations and a brief explanation of the articles of business for the November 13, 2017 Town Meeting.

Presented By:

Board of Selectmen

Joseph F. Botaish, II, Charles Kennedy, Stephan J. Langley,
Jerome McGovern, Gerard Nolan

Finance Committee

Andrea Sweed, Keith Bilezerian, Dwayne Hancock
Marjorie Immonen, Michael Savage, Kelly Williams

General Bylaw Review Committee

Dwayne Hancock, George Smith, Cindy Thompson

Capital Budget Planning Committee

Joseph F. Botaish II, Eric Greenberg, William Harrington
Maureen Osolnik, Gail Pratt, Kelly Williams

Articles 3 through 10 are to be Moved by the Finance Committee

Article 3

Move that the Town vote to appropriate by transfer from available funds in the Treasury the sum of \$14,241 and to transfer from Water Retained Earnings the sum of \$140 for the payment of unpaid bills from prior fiscal year 2017. Such funds to be distributed as follows:

- To Department of Public Works-Expenses \$1,642
- To Department of Public Works-Salaries \$39
- To Department of Public Works-Water Expenses \$140
- To Police Department-Expenses \$943
- To Finance Department –Expenses \$7,149
- To Wrentham School Department-Salaries \$4,468

Discussion: These are unpaid bills from various departments that should be applied to the FY2018 budget.

Department of Public Works	\$1,000	Rustic Fire Protection	Semi Annual Sprinkler Inspection
Department of Public Works	\$137	White Water Inc.	Outstanding Work Order
Department of Public Works	\$39	Department of Public Works Salaries	Retroactive pay
Department of Public Works	\$505	Tri-Valley Irrigation	Spring Opening of Fisk Library Sprinklers
Department of Public Works	\$140	Oregon Rule Co.	Staff Gauges
Police Department	\$722	Signet	Troubleshoot SecurePlex Monitoring System
Police Department	\$131	MHQ	Vehicle Maintenance
Police Department	\$90	Aftermath	Hazardous Waste clean up
Finance Department	\$7,149	Legal Counsel Finance	Services related to pursuing outstanding tax title properties
Wrentham School Dept.	\$4,468	School Salaries	Back pay due found via audit

The Finance Committee recommends that the Town vote to approve Article 3.

Article 4

Move that the Town vote to appropriate from funds in the Treasury or appropriate by transfer, as indicated below, the sum of \$289,175 to supplement the current Fiscal Year 2018 operating budgets and to be sourced and distributed as follows:

Expense	Amount
Board of Selectmen Personnel	\$56,000
COA Expenses	\$2,150
Conservation Department Personnel	\$1,700
Debt Interest	\$14,000

Expense	Amount
Department of Public Works Salaries	\$8,316
Finance Department Salaries	\$3,500
Fire Department Personnel	\$12,750
Health Insurance	\$41,000
Inspections Department Personnel	\$1,100
King Philip Regional School District	\$121,837
Planning Department Personnel	\$1,000
Recreation Department Personnel	\$250
Water Department Personnel Salaries	\$5,572
Water Department Salaries	\$20,000

Sources		Amount
Available Funds		\$52,750
Central Services Personnel	\$15,000	
Fire Expense	\$15,000	
DPW – Wastewater Expense	\$10,000	
Fire Expense	\$12,750	
Free Cash		\$190,784
Water Retained Earnings		\$25,572
Septic Loan Program Revenue		\$20,069
Total:		\$289,175

Discussion: These are expenses that were not accounted for or known in the spring during the current budget preparation.

The Health Insurance Cost and the King Philip High School expense represent that amount of the approved budget increase that could not be funded in the spring. The agreement was that we would transfer money from other accounts in the fall and use some of the town cash once it was certified by the state in the fall.

Expense	Purpose
Board of Selectmen Personnel	Incremental salary increase associated with new town administrator anticipated to begin work Q1 and interim coverage post prior Town Administrator's retirement.
Conservation Personnel and Inspections Personnel	Salary increase as a result of an upgraded positions
Council on Aging Expenses	GATRA (Greater Attleboro and Taunton Regional Transit Authority) Fare Box
Debt Interest	New bond issue for previously approved capital items
DPW-Water Department Salaries	Part time billing clerk

Expense	Purpose
Finance Department Salaries, DPW Personnel Salaries and Water Department Personnel Salaries	Retiree buyouts
Planning Department Personnel	Educational Stipend
Recreation Department Personnel	Longevity payment per bylaw

The Finance Committee recommends that the Town vote to approve Article 4.

Article 5:

Move that the town vote to appropriate by transfer from available funds in the Treasury the sum of \$18,422 to fund the Wrentham Municipal Clerical Employees Chapter Local 301 union contract. Such Funds to be distributed as follows:

<u>Department</u>	<u>Amount</u>
Board of Assessors Personnel	\$921
Communications Personnel	\$4,092
Conservation Personnel	\$371
Inspections Personnel	\$494
Council on Aging Personnel	\$770
Finance Personnel	\$3,545
Fire Department Personnel	\$771
Library Personnel	\$2,499
Public Health Nurses Personnel	\$2,338
Town Clerk Personnel	\$901
Planning and Development Personnel	\$887
Central Services Personnel	\$833
Total	\$18,422

Discussion: This is the incremental amount of money needed to be included in the FY2018 budget to cover the negotiated increase with the clerical union. This contract was not settled in the spring when the annual budget was approved.

The Finance Committee recommends that the Town vote to approve Article 5.

Article 6:

Move that the town vote to appropriate from available funds in the Treasury the sum of \$8,275 and to transfer from Water Retained Earnings the sum of \$10,180 to Wrentham Department of Public Works Personnel.

Discussion: This is the incremental amount of money needed to be included in the FY2018 budget to cover the negotiated increase for the Department of Public Works Union Contract. This contract was not settled in the spring when the annual budget was approved.

The Finance Committee recommends that the Town vote to approve Article 6.

Article 7:

Move that the town vote to appropriate from available funds in the Treasury the sum of \$11,000 to fund Wrentham Fire Department Personnel.

Discussion: This is a negotiated increase for the Wrentham Fire Union Contract not included in the original appropriation at the June 2017 Town Meeting.

The Finance Committee recommends that the Town vote to approve Article 7.

Article 8:

Move that the town vote to appropriate by transfer from available funds in the Treasury the sum of \$91,000 to the Capital Stabilization Account.

Discussion: At the June 2017 town meeting, upon the recommendation of the finance committee, the Town voted to expend \$91,000 from the capital stabilization account to address replacement of an ambulance following its involvement in a motor vehicle accident. This enabled the town to address ambulance needs prior to receipt of any insurance proceeds. A total of \$21,886.23 was subsequently realized through insurance. Also, in the last month, after significant efforts, the town received proceeds from auction sale of foreclosed properties totaling \$340,000. This is a one time or very rare occurrence which is helping to fund some of the supplemental expenses and unpaid bills addressed in prior articles. The finance committee believes that moving some of those monies into the capital stabilization account restores the funds previously withdrawn for the ambulance and strengthens the town's financial position against any future emergent need as well as regular capital needs.

The Finance Committee recommends the Town vote to approve Article 8.

Article 9:

Move that the town vote, pursuant to Chapter 44, Section 53I of Massachusetts General Laws, to establish in its treasury, a fund to deposit such sums as may be appropriated by it under Section 53I and any and all sums received from the sale of commemorative items, admission charges or other monies received in connection with the town's 350th anniversary.

Discussion: Wrentham will celebrate its 350th anniversary in 2023. This article enables the town to begin to plan for this event by establishing an account to enable future placement of monies to support anniversary related expenditures. This fund is closed at the end of the anniversary program cycle.

The Finance Committee recommends that the Town vote to approve Article 9.

Article 10

Move that the town vote to accept the provisions of M.G.L. 40, Section 42A and 42B-42F, inclusive, to allow for the creation of a lien for delinquent water rates and charges, the certification of such delinquent rates and charges to the Town Assessor and the commitment of such delinquent rates and charges to the Tax collector for collection as part of the real estate tax on such properties to which the delinquent rates and charges relate.

Discussion: Adoption of these sections of Mass General Law is consistent with the town’s current preferred practice of collecting delinquent water bills as part of the applicable real estate tax bill. This facilitates collection of fees owed to the town and minimizes collection cost and effort. This formalizes the process.

The Finance Committee recommends that the Town vote to approve Article 10.

Article 11

Move that the town vote to amend the Personnel By-Laws Salary ranges for the Town Administrator position from a minimum of \$100,000 to a minimum of \$135,000 and from a maximum of \$150,000 to a maximum of \$180,000 as recommended by the Personnel Board.

Discussion: Wrentham is currently in the midst of a town administrator search. The positional responsibilities were increased with the adoption of the new charter and it is felt that we need to attract more experienced people. In the first search, round the committee believed the salary range adversely affected the candidate slate and subsequently made a recommendation to the Personnel Board to revisit the salary range. Subsequent comparison research was conducted which supported increasing the salary range. The Personnel Board concurred resulting in this article.

The Finance Committee recommends that the Town vote to approve Article 11.

Article 12 is to be Moved by the Community Preservation Committee

Article 12

Move that the Town vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2018:

Appropriations:

From FY 2018 estimated revenues for committee administrative expenses: \$12,100

Reserves:

From FY 2018 estimated revenues for Historic Preservation Reserve: \$24,200

From FY 2018 estimated revenues for Community Housing Reserve: \$24,200

From FY 2018 estimated revenues for Open Space Reserve: \$24,200

From FY 2018 estimated revenues for Budgeted Reserve: \$145,200

The Community Preservation Committee recommends that the Town vote to approve Article 12.

Articles 13 is to be Moved by the General Bylaw Committee

Article 13

Move that the Town vote to amend Article 6.30, Section 4 (Water Use Restriction), Paragraph L (Penalties) to read:

The Town through its Water Commissioners or its designee including the Public Works Superintendent, Building Inspector and/or Local Police may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts listed in ART 4.10, SECTION 7.A.

The General Bylaw Committee recommends that the Town vote to approve Article 13.

Articles 14 is to be Moved by the Board of Selectmen

Article 14

Move that the Town vote to amend the General Bylaws of the Town of Wrentham by inserting the following new Article 5.10, Section 13 (Marijuana Establishments Prohibited) as follows:

Section 13. Marijuana Establishments Prohibited

The operation of any commercial or recreational marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

The Board of Selectmen recommends that the Town vote to approve Article 14.

Article 15 is to be Moved by the Landowner

Article 15

Move that the Town vote to amend Article 4.2 of the Wrentham Zoning Bylaws by allowing A.5 SENIOR LIVING COMMUNITY to be allowed in the C-1 district by site plan approval/special permit (SPA/SP).

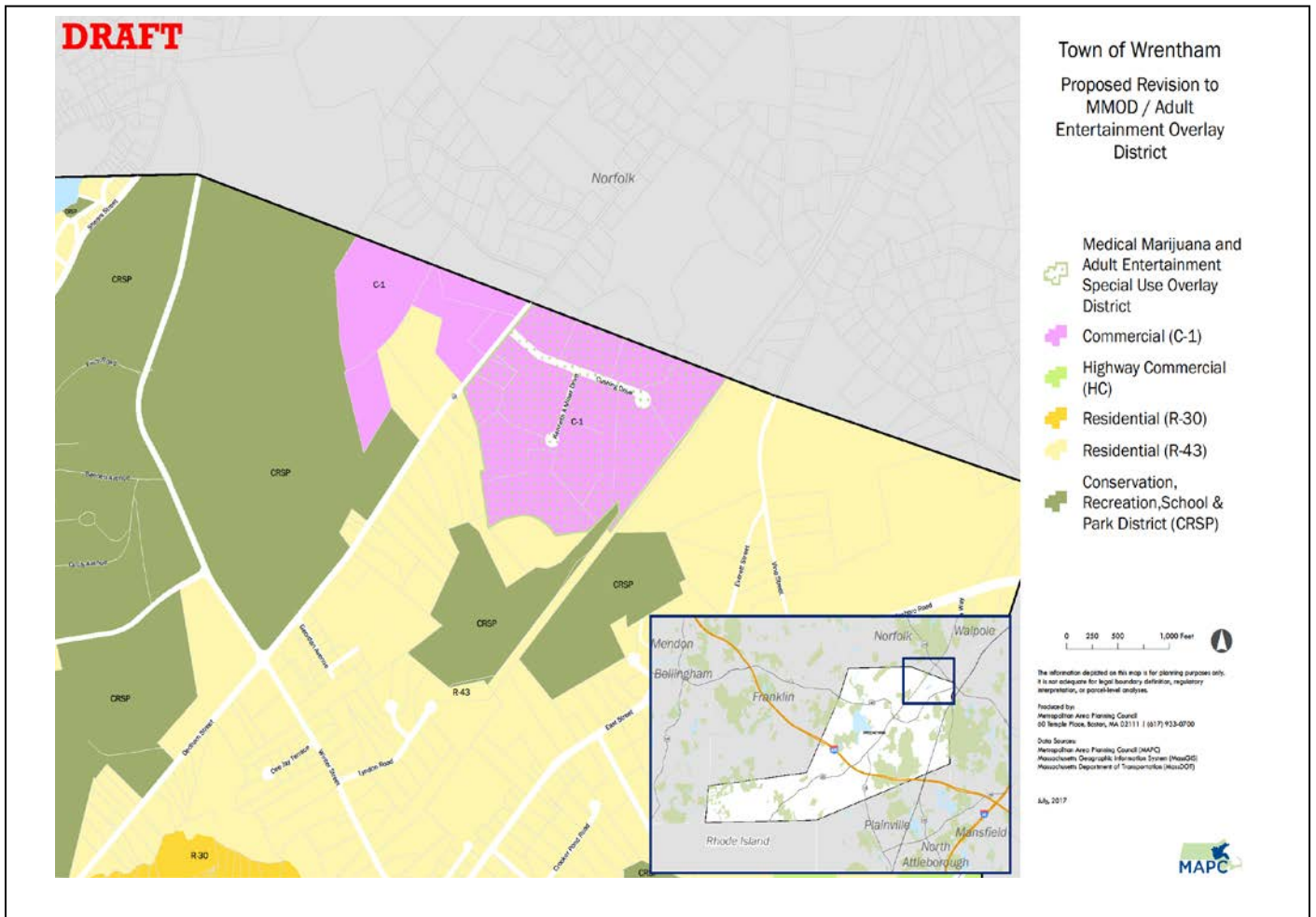
The Planning Board recommends that the Town vote to approve Article 15.

Article 16 through Article 18 are to be Moved by the Planning Board

Article 16

Move that the Town vote to amend the Zoning Map of the Wrentham Zoning By-Laws by combining the existing Medical Marijuana Special Use Overlay District and Adult Entertainment Overlay District, as shown on the map entitled "Proposed Revision to MMOD/Adult Entertainment Overlay District" produced by the Metropolitan Area Planning Council dated July 2017, a copy of which is on file in the Planning Department.

**Medical Marijuana and Adult Entertainment Overlay District
Town of Wrentham, MA**



The Planning Board recommends that the Town vote to approve Article 16.

Article 17

Move that the Town vote to amend the Wrentham Zoning By-Laws by adding the following as Article 21:

**Article 21
Temporary Moratorium on Recreation Marijuana Establishments and
Marijuana Retailers**

4.1 PURPOSE

By vote of the State election on November 8, 2016, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue initial regulations regarding the licensing of commercial activities by March 15, 2018, to begin accepting applications for licenses of April 1, 2018. Regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating

Recreational Marijuana Establishments and Marijuana Retailers. As such, the Town of Wrentham needs time to examine the legal, planning and public safety issues attendant to regulations of recreational marijuana as well as to address the potential impact of State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Laws regarding regulation of recreational marijuana establishments.

4.2 DEFINITION

Marijuana Establishment as defined by M.G.L. c 94G

4.3 TEMPORARY MORATORIUM

For reasons set forth herein, 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 recreational marijuana establishments and other uses related to recreational marijuana. The moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning By-Law amendments that regulate recreational marijuana establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town and consider the Cannabis Control Commission regulations regarding recreational marijuana establishments, which are to be finalized by July 1, 2018 and shall consider adopting new Zoning By-Laws in response to these issues on or before the expiration of the moratorium period.

4.4 SEVERABILITY

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

The Planning Board recommends that the Town vote to approve Article 17.

Article 18

Move that the Town vote to amend Article 3.4 of the Wrentham Zoning By-Laws as follows:

To amend Section 3.4 – NON-CONFORMING LOTS, STRUCTURES and USES Section 3.4.b, by deleting the words “including SINGLE DETACHED OR DOUBLE DETACHED residential STRUCTURES” and replacing with the words “that is not a SINGLE DETACHED DWELLING or DOUBLE ATTACHED DWELLING that does not conform”.

And Further

Amend Section 3.4.c. by deleting the words “extension, reconstruction or ALTERATION to a preexisting” before the words SINGLE DETACHED DWELLING or DOUBLE ATTACHED DWELLING” and deleting the words “may be allowed with a SPECIAL PERMIT, provided that the extension, reconstruction or ALTERATION does not intensify any existing NONCONFORMITY or result in any additional NON-CONFORMITY within the requirements of” and replace with the words “that does not conform to these ZONING BY-LAWS may be continued if the USE or STRUCTURE was lawfully in existence at the time that it became NON-CONFORMING, subject to the following:”

And Further

Amend Section 3.4.c.1 by adding the word “RECONSTRUCTION” after the words “Change, extension” and add the word “RECONSTRUCTION” after the words “may be changed, extended” and delete the words “a SPECIAL PERMIT by the ZONING Board of Appeals” and replace with the words “the approval of the Building Commission if such change, extension, reconstruction or alteration would not increase the habitable floor area by 25% or more and if the Building Commissioner determines that the nonconforming nature of the structure would not be increased”. Also add the word “reconstruction” after the words “provided that no change, extension,” in the same sentence.

And Further

Add a new paragraph with subsections after the words NON-CONFORMING USES to read:

The change, extension, reconstruction or alteration of a structure that is described in each of the following circumstances shall not be deemed to increase the nonconforming nature of the structure:

- a) Insufficient areas: change, extension, reconstruction or alteration of a structure that is located on the lot with insufficient lot area, but that complies with all current dimensional requirements for front, side and rear yard setbacks, lot coverage, building height and build factor.
- b) Insufficient frontage: change, extension, reconstruction, or alteration of a structure that is located on a lot with insufficient frontage, but that complies with all current dimensional requirements for front, side and rear year setbacks, lot coverage, building height and build factor.
- c) Insufficient Build Factor: change, extension, reconstruction, or alteration of a structure that is located on a lot that does not comply with dimensional requirements for build factor, but complies with all current dimensional requirements for front, side and rear year setbacks, lot coverage, building height and build factor.
- d) Yard encroachment: change, extension, reconstruction or alteration of a structure that does not further encroach upon (1) or more nonconforming front, side and rear yard setbacks, but complies with all current dimensional requirements for lot coverage, building height and build factor.

And Further

Renumber Section 3.4.b.2 – Restoration and 3.4.b.3 – Abandonment to a new section titled 3.4.c.2 – Restoration and 3.4.c.3. – ABANDONMENT.

The Planning Board recommends that the Town vote to approve Article 18.

Article 19

Move that the Town vote to amend Article 2 of the Wrentham Zoning By-Laws as follows:

To see if the Town will vote to amend Article 2 – DEFINITIONS of the Wrentham Zoning By-Laws by adding a new definition “RECONSTRUCTION: The demolition of a structure and the rebuilding of a new structure on the same lot”, or take any other action relative thereto.

The Planning Board recommends that the Town vote to approve Article 19.