



TOWN OF GROVELAND

2018 SPECIAL TOWN MEETING WARRANT

COMMONWEALTH OF MASSACHUSETTS

Special Town Meeting: Monday, November 26, 2018

Essex, ss:

To Jeffrey T. Gillen, Chief of Police of the Town of Groveland, in the County of Essex

GREETINGS:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special Town Meeting to meet at the Dr. Elmer S. Bagnall School, 253 School Street on Monday, November 26, 2018 @ 7:00 P.M. (Postponed to Monday, December 3, 2018 at 7:00 P.M. due to lack of quorum) to vote on the following Articles:

This page left intentionally blank

ARTICLE 1: To see if the Town will vote to amend the Town of Groveland General By-laws section 2-42, by adding a new Revolving Fund, the Pines Maintenance Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws as set forth below; and further to allow the Finance Director to expend funds not to exceed TWENTY THOUSAND DOLLARS (\$20,000) during Fiscal year 2019 from said account for ongoing maintenance of the Pines; or take any other action relative thereto.

A. Revolving Fund	B. Department, Board, or Committee Authorized to Spend from Fund	C. Fees, Charges, or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable from Fund	E. Restrictions or Conditions on Expenses Payable from Fund	F. Other Requirements/ Reports	G. Fiscal Years
Pines Maintenance	Finance Director	Fees Collected for rentals, events, advertisements, permits	Maintenance to the Pines	None	Annual Report to Town Meeting	Fiscal Year 2019 and subsequent years

The Finance Director shall give a report to the Annual Town Meeting detailing the total receipts and expenditures of this fund for the fiscal year.
Article submitted by Finance Director

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action - Unanimous

ARTICLE 2: To see if the Town will vote to make the following transfers; or take any other action relative thereto:

TRANSFER FROM:

Cemetery

Part Time Wages

1001-491-51112-051 (\$5,000)

Highway

Part Time Wages

1001-421-51112-051 (\$2,500)

TRANSFER TO:

Cemetery

Full Time Wages

1001-491-51100-051 \$5,000

Highway

Road Maintenance

1001-421-52418-052 \$2,500

Submitted by the Departments

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action – Unanimous

ARTICLE 3: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to enact legislation to allow Joseph Santapaola, a member of the Groveland Fire Department, to continue to serve in his position as Lieutenant/EMT up to the age of 70 as set forth below, 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto. Article submitted by Captain Santapaola and approved by the Board of Selectmen

AN ACT AUTHORIZING THE TOWN OF GROVELAND TO CONTINUE THE EMPLOYMENT OF JOSEPH SANTAPAOLA AS FIRE LIEUTENANT/EMT

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 32 of the General Laws or any other general or special law, Joseph Santapaola, a member of the Groveland Fire Department, may continue in service beyond the age of 65; provided, however, that Santapaola remains physically and mentally capable of performing the duties of fire fighter. In no event shall Santapaola remain in service beyond the age of 70.

SECTION 2. The town of Groveland may require, at its discretion, that Santapaola undergo examination(s) by impartial physician(s) designated by the town, to determine his fitness to remain in service. Such examination(s) shall be at the expense of Santapaola.

SECTION 3. No further deductions shall be made from Santapaola's regular compensation under chapter 32 of the General Laws for any service performed subsequent to reaching age 65. Upon the retirement of such permanent or call fire fighter, he shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired upon reaching age 65, if any.

SECTION 4. The provisions of this act shall not entitle any permanent or call fire fighter to remain in service to the Town of Groveland if otherwise removed or suspended from office in accordance with applicable laws, rules and regulations.

SECTION 5. This act shall take effect upon its passage.

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action - Unanimous

ARTICLE 4: To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, codified as Chapter 6, Section 172 B ½, Massachusetts General Laws, to enact a by-law as set forth below enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

1. Hawking and Peddling or other persons Soliciting and Canvassing
2. Manager of Alcoholic Beverage License
3. Owner or Operator of Public Conveyance
4. Dealer of Second-hand Articles
5. Pawn Dealers
6. Hackney Drivers
7. Ice Cream Truck Vendors

and to authorize the Board of Selectmen to adopt appropriate policies and procedures to effectuate the purposes of this bylaw, or take any other action relative thereto.

Article submitted by the Police Chief and approved by the Board of Selectmen

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action – Brief discussion – Approved by Majority vote

ARTICLE 5: To see if the Town will vote to amend the Town's General Bylaw by adding Chapter 7, Section 8, **Civil Fingerprinting By-Law**, that would provide as follows, and further to amend the Table of Contents to add Section 7.8.

Sec. 7.8 Civil Fingerprinting

A. The Police Department shall, as authorized by this by-law and the Massachusetts General Law Chapter 6, Section 172 B ½, shall conduct State and Federal Fingerprint Based Criminal History Checks for individuals applying for the following licenses:

1. Hawking and Peddling or other persons Soliciting and Canvassing
2. Manager of Alcoholic Beverage License
3. Owner or Operator of Public Conveyance
4. Dealer of Second-Hand Articles
5. Pawn Dealers
6. Hackney Drivers
7. Ice Cream Truck Vendors

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 and obtain the individual's consent. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (EOPSS) to ensure the Town remains in compliance with guidance issued by that office.

Upon receipt of the fingerprints and payment of the applicable 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.

B. Authorization to Conduct Fingerprint-Based Background Checks, and to utilize such information for purposes of the Bylaw. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information System (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 criminal history will not be disseminated to unauthorized entities.

C. Notice to Appropriate Licensing Authority. The Police Department shall confidentially communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

D. Promulgation of Regulations. The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed by-law.

E. 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 based on 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.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

F. Fees. The fee charge by the Police Department for conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. General Laws Chapter 6, Section 172B ½, shall be deposited into the Firearms fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

Or take any action relative thereto.

Article submitted by the Police Chief and approved by the Board of Selectmen

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action - Brief discussion - Approved by Majority vote

ARTICLE 6: To see if the Town will vote to amend Chapter 11 – Article III of the Town of Groveland General By-laws by adding a new section 11-52 **TOWN MEETING APPROVAL OF SEWER EXTENSIONS**, that would provide as follows.

Sec. 11-52: No permit for an extension in excess of 500 lineal feet to be located within a public way or within an easement to be dedicated to the Town for common sanitary sewer and/or other street and/or other utility purposes, shall be approved by the Sewer Commissioners, in any calendar year, unless and until it shall have received approval by the voters assembled at the next Town meeting warned within the calendar year following submission of the application for said permit. This bylaw shall not apply to a private pressure sewer installed on private property, the use of which is restricted to service to a lot which has an on-site disposal works system which has been determined by the Groveland Board of Health to be in failure.

Or take any action relative thereto.

Article submitted by Debra Webster and approved by the Board of Selectmen

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action - Brief discussion followed by a motion to table and second – Tabled by a 2/3 majority

ARTICLE 7: To see if the Town will vote to amend the Town’s Zoning By-laws by adding a new Section 7.6, **Recreational Marijuana Establishments Prohibited**, that would provide as follows, and further to amend the Table of Contents to add Section 7.6, **“Recreational Marijuana Establishments Prohibited”**, and further to amend Section 4.5 Table of Uses to add Recreational Marijuana Establishments as a prohibited use as follows:

7.6 Marijuana Establishments Prohibited. Consistent with G.L. c.94G, §3(a)(2), all types of non-medical “marijuana establishments” as defined in 935 CMR 500.002, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, hereinafter, “recreational marijuana establishments” shall be prohibited within the Town of Groveland. This prohibition shall apply in the Town upon approval by the voters at a Town Election.

Section 4.5

USES	R-1	R-2	R-3	LB	B	I	Site Plan Review (3)
Prohibited Uses							
Recreational Marijuana Establishments	NP	NP	NP	NP	NP	NP	N/A

Or take any action relative thereto.

Submitted by the Board of Selectmen

Requires 2/3's affirmative vote

PLANNING BOARD RECOMMENDS FAVORABLE ACTION

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action - brief discussion followed by 2/3 Affirmative Vote of 144 in favor 17 against

ARTICLE 8: To see if the Town will vote to amend the Town's Zoning By-laws, Section 7.5, Temporary Moratorium on Recreational Marijuana Establishments, by deleting the strikethrough text and adding the text in bold as follows:

7.5 Temporary Moratorium on Recreational Marijuana Establishments

7.5.1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017). ~~requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018.~~ **The Cannabis Control Commission issued regulations on March 23, 2018 regarding recreational (non-medical) use of Marijuana and has begun accepting applications for licensing of non-medical marijuana establishments.** Currently under the Zoning By-laws, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G. L. c. 94G §1 and 935 CMR 500.00, is not specifically addressed.

Regulations promulgated by the Cannabis Control Commission provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 7.5.2 Definition

"Marijuana Establishment" shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business" **as such terms are defined in 935 CMR 500.02.**

Section 7.5.3 Temporary Moratorium

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 a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through **June 30, 2019** ~~December 31, 2018~~. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to

consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new zoning bylaws in response to these new issues.

Or take any action relative thereto.

Submitted by the Board of Selectmen

Requires 2/3's affirmative vote

PLANNING BOARD RECOMMENDS FAVORABLE ACTION

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action – Unanimous

ARTICLE 9: To see if the Town will vote to amend the Town's General Bylaw by adding Chapter 8, Section 23, Marijuana Establishments Prohibited, that would provide as follows, and further to amend the Table of Contents to add Section 8.23, "Marijuana Establishments Prohibited":

Section 8.23. Marijuana Establishments Prohibited

Consistent with G.L. c.94G, §3(a)(2), all types of non-medical "marijuana establishments" as defined in 935 CMR 500.002, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Groveland.

This prohibition shall apply in the Town upon approval by the voters at a Town Election.

Submitted by the Board of Selectmen

PLANNING BOARD RECOMMENDS FAVORABLE ACTION

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: 12/3/2018 – Motion and second for favorable action – Approved by Majority

Motion to dissolve at 7:55pm

And you are directed to serve this Special Town Meeting Warrant by posting attested copies thereof in said Town, one copy in each of the three parts of Town