

WARRANT FOR THE ANNUAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

May 16, 2017

7:00 p.m.

Annual Town Election, Tuesday, May 9, 2017, at 7:00 a.m. to 8:00 p.m. at the Southwick Town Hall, 454 College Highway for Precincts I, II, and III.

Annual Town Meeting Tuesday, May 16, 2017 at 7:00 p.m. at the Southwick Regional High School, 93 Feeding Hills Road, in the Auditorium.

HAMPDEN SS. To either of the Constables of the Town of Southwick in the County of Hampden

GREETINGS:

ARTICLE 1. In the name of the Commonwealth of Massachusetts the Town Clerk is hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet and assemble at the TOWN HALL, 454 COLLEGE HIGHWAY, PRECINCTS I, II, & III, in said Southwick on Tuesday, May 9, 2017 between the hours of 7:00 A.M. and 8:00 P.M. to elect on one ballot the following officers: One Selectman for a three-year term, Two Regional School District Committee members each for a three-year term. One Assessor for a three-year term. One Assessor for a two-year term. One Cemetery Commissioner for a three-year term. One Dickinson School Trustee for a three-year term. One Southwick Housing Authority for a five year term. Two Library Trustees each for a three-year term. Two Park and Recreation Commission members each for a three-year term. One Planning Board member for a five-year term. One Water Commissioner for a three-year term. One Board of Health member for a three-year term. One Moderator for a three-year term.

Also, in the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet and assemble at the SOUTHWICK REGIONAL SCHOOL AUDITORIUM ON TUESDAY, May 16, 2017, at 7:00 P.M. then and there for the Annual Town Meeting and to act on the following articles:

Given under our hand at said Southwick this 28th day of April in the year of the Lord Two Thousand and Seventeen.

ARTICLE 2. To see if the Town will vote to accept the reports as published in the Annual Town Report of the Selectmen, Assessors, Town Accountant, Town Clerk, Water Commissioners and all others to be acted thereon, or take any other action thereon.

Requested by the Select Board

ARTICLE 3. To see if the Town will vote to instruct the Selectmen to appoint minor officers or to take any other action relative thereon.

Requested by the Select Board

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to sell or trade obsolete equipment or take any action relative thereon.

Requested by the Select Board

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to apply for and accept any and all grants from private entities, the Federal Government or the Commonwealth of Massachusetts for the purposes for which said grants are authorized, or to take any other action relative thereon.

Requested by the Select Board

ARTICLE 6. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds, notes, and certificates of indebtedness for a period of not more than two years in accordance with M.G.L. Chapter 44, Section 17 or take any other action relative thereon.

Requested by the Select Board

ARTICLE 7.

To see if the Town will appropriate \$238,000, or any other amount, to pay costs of purchasing and equipping a full-size, multi-use dump truck for the use of the Department of Public Works, and for the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

MOTION: That the sum of \$238,000 is appropriated to pay costs of purchasing and equipping a full-size, multi-use dump truck for the use of the Department of Public Works, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, or pursuant to any other vote of the Town heretofore adopted, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Requested by the Select Board and DPW

ARTICLE 8.

To see if the Town will appropriate \$400,000, or any other amount, to pay costs of upgrading and rehabilitating the College Highway and North Longyard Road Pump Stations, and for the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

MOTION: That the sum of \$400,000 is appropriated to pay costs of upgrading and rehabilitating the College Highway and North Longyard Road Pump Stations, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, or pursuant to any other vote of the Town heretofore adopted, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Treasurer is further authorized to obtain all or any portion of this borrowing through the United States Department of Agriculture. The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants received by the Town on account of this project.

Requested by the Water Commissioners

ARTICLE 9.

To see if the Town will appropriate \$3,260,000, or any other amount, to pay costs of the College Highway Water Main Replacement Project, so-called, and for the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

MOTION: That the sum of \$3,260,000 is appropriated to pay costs of the College Highway Water Main Replacement Project, so-called, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, or pursuant to any other vote of the Town heretofore adopted, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Treasurer is further authorized to obtain all or any portion of this borrowing through the United States Department of Agriculture. The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants received by the Town on account of this project.

Requested by the Water Commissioners

ARTICLE 10.

To see if the Town will vote to fix the compensation of elected officers and town employee salaries where stipulated, provide for a reserve fund, provide a sum of money for Capital Outlay for the following Town Departments: Building Inspector, Cable Ch. 15, Library, Assessor, Emergency Management, Park and Recreation, Cemetery, Election/Registration, Computer, Town Hall/Public Safety Buildings, Police, Fire, Lake Management, DPW (various Divisions), and EMS and determine the sum of money the Town will raise and appropriate including appropriations from available funds to defray charges and expenses of the Town including debt and interest for the ensuing FY July 1, 2017 to June 30, 2018 or to take any other action relative thereon.

Requested by the Finance Committee

ARTICLE 11.**REVOLVING ACCOUNTS**

DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION. To See if the Town will vote to authorize revolving funds for certain town departments under M.G.L. C. 44 § 53E½ for the fiscal year beginning July 1, 2017, or take any other action relative thereto.

MOTION: That the Town reestablish revolving funds for certain town departments under M.G.L. C. 44 § 53E½ for the fiscal year beginning July 1, 2017, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	Spending Limit	Disposition of Fund Balance
Inspector's Revolving	Inspectors	Inspection permits	Inspectors fees, stipends and expenses	\$40,000	Balance available for expenditure in following fiscal year
HAZ-MAT Revolving	Police & Fire	HAZ-MAT fines	Personnel training, purchasing supplies & equip, maint & repair of equip & vehicles & anything related to HAZ-MAT response	\$40,000	Balance available for expenditure in following fiscal year
Boat Ramp Revolving	Lake Mgmt	Boat Ramp access	Seasonal employee wages & boat ramp expenses	\$50,000	Balance available for expenditure in following fiscal year
Harbormaster Revolving	Police	Fines for Lake removals	Expenses regarding removal & storage of items removed from lake	\$20,000	Balance available for expenditure in following fiscal year
Local Lake Permitting Revolving	Police & Conservation	Lake permitting fees	Expenses regarding DEP regulations for lake structures and safety patrols	\$40,000	Balance available for expenditure in following fiscal year

Custodial Service Fund	Maintenance Dept.	Fees from use	Expenses to staff and monitor events in town owned buildings	\$5,000	Balance available for expenditure in following fiscal year
COA Revolving Fund	COA	Fees/Charges	Fund Trips/Newsletter	\$10,000	Balance available for expenditures in following fiscal year
COA Classes Revolving Fund	COA	Fees/Charges	Fund Sr. Citizen Classes	\$10,000	Balance available for expenditure in following fiscal year
TOTAL SPENDING				\$215,000	

Requested by the Select Board

ARTICLE 12. DEPARTMENTAL REVOLVING FUND BYLAW

To see if the Town will vote to pursuant to the provisions of M.G.L. c. 44, §53E1/2, as most recently amended, to amend the General Bylaws of the Code of the Town of Southwick to add a new CHAPTER 25 – DEPARTMENTAL REVOLVING FUND BYLAW as follows:

CHAPTER 25. DEPARTMENTAL REVOLVING FUND BYLAW

§25-1. Purpose.

This by-law establishes and authorizes revolving funds for use by the town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by M.G.L. c. 44, §53E1/2.

§25-2. Expenditure Limitations

A department or department manager, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriate subject to the following limitations:

- A. Full-time employee salaries shall not be charged to the fund unless fringe benefits associated with full-time employees are also charged to the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1, of that fiscal year, or any increased amount of that authorization is later approved during the fiscal year by the Select Board and Finance Committee.

§25-3. Interest

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

§25-4. Procedures and Reports

Except as provided in M.G.L. c. 44, §53E1/2 and this by-law, the laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for the expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§25-5. Authorized Revolving Funds

The Table establishes:

- A. Each Revolving Fund authorized for use by a Town department, board, committee, agency or officer,
- B. The Department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or other receipts credited to fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
Inspector's Revolving	Inspectors	Inspection permits	Inspectors fees, stipends and expenses	NONE	NONE	FY that begin on or after July 1, 2017
HAZ-MAT Revolving	Police & Fire	HAZ-MAT fines	Personnel training, purchasing supplies & equip, maint & repair of equip & vehicles & anything related to HAZ-MAT response	NONE	NONE	FY that begin on or after July 1, 2017
Boat Ramp Revolving	Lake Mgmt	Boat Ramp access	Seasonal employee wages & boat ramp expenses	NONE	NONE	FY that begin on or after July 1, 2017
Harbormaster Revolving	Police	Fines for Lake removals	Expenses regarding removal & storage of items removed from lake	NONE	NONE	Fiscal years that begin on or after July 1, 2017
Local Lake Permitting Revolving	Police & Conservation	Lake permitting fees	Expenses regarding DEP regulations for	NONE	NONE	Fiscal years that

			lake structures and safety patrols			begin on or after July 1, 2017
Custodial Service Fund	Maintenance Dept.	Fees from use	Expenses to staff and monitor events in town owned buildings	NONE	NONE	Fiscal years that begin on or after July 1, 2017
COA Revolving Fund	COA	Fees/Charges	Fund Trips/Newsletter	NONE	NONE	Fiscal years that begin on or after July 1, 2017
COA Classes Revolving Fund	COA	Fees/Charges	Fund Sr. Citizen Classes	NONE	NONE	Fiscal years that begin on or after July 1, 2017

Requested by the Select Board

ARTICLE 13. SPENDING LIMITS FOR REVOLVING FUNDS

To see if the Town will vote to set the limits on the Revolving Funds set forth in Chapter 25 of the Code of the Town of Southwick in accordance with M.G.L. c. 44, §53E1/2, as most recently amended, as follows, or take any other action relative thereto:

Revolving Fund	Limit on Spending
Inspector's Revolving	\$40,000
HAZ-MAT Revolving	\$40,000
Boat Ramp Revolving	\$50,000
Harbormaster Revolving	\$20,000
Local Lake Permitting Revolving	\$40,000
Custodial Service Fund	\$5,000
COA Revolving Fund	\$10,000
COA Classes Revolving Fund	\$10,000

Requested by the Select Board

ARTICLE 14.

PEG FUND

To see if the Town will accept M.G.L. c. 44, §53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017, and further to authorize the accounting officer of the Town to transfer any balance to said PEG Access and Cable Related Fund at the beginning of the fiscal year 2018, or take any other action relative thereto.

MOTION: Moved that the Town accept M.G.L. c. 44, §53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017, and further to authorize the accounting officer of the Town to transfer any balance to said PEG Access and Cable Related Fund at the beginning of the fiscal year 2018.

Requested by the Select Board

ARTICLE 15.

To act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation Budget and to set up a budgeted reserve for later appropriation of monies from the Community Preservation Fund annual revenues or available funds for the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year. Pursuant to Massachusetts General Laws, Chapter 44B from the estimated FY 2018 Community Preservation Fund, appropriation to be set aside as follows.

MOTION: To see if the town will vote to set up a budgeted reserve from the Community Preservation Fund annual revenues the amounts recommended by the Community Preservation in Fiscal Year 2018 with each item to be considered a separate reserve.

Proposed Fiscal Year 2018 Community preservation Reserves

- ♦ To reserve \$42,409 from FY2018 Community Preservation Fund revenues for Open Space.
- ♦ To reserve \$42,409 from FY2018 Community Preservation Fund revenues for Historic Resources.
- ♦ To reserve \$42,409 from FY2018 Community Preservation Fund revenues for Community Housing.
- ♦ To reserve \$293,496 from FY2018 Community Preservation Fund revenues for Community Preservation General Unreserved Fund.

Reserves

Open Space.....	\$42,402
Historic Resources.....	\$42,402
Community Housing.....	\$42,402
General unreserved.....	\$296,813.
Total.....	\$424,019

Estimated FY2017 revenues = State match to be received on 10/15/17	\$130,523
+ estimated new surcharge collections for FY2018	<u>\$293,496</u>
Total	\$424,019

State match = FY2017 CPA commitments minus abatements

Estimated new surcharge collections for FY2018 = FY2017 collections

10% of estimated FY2018 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.

70% of estimated FY2018 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

Requested by the Community Preservation Committee

ARTICLE 16.

To act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation Budget and appropriate 4% (\$11,872), of the monies from the Community Preservation General Unreserved Fund for the administrative and operating expenses of the Community Preservation Committee, or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate from the Community Preservation General Unreserved Fund \$11,872 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

ARTICLE 17.

NORTH POND PROJECT

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, for open space, passive recreation and conservation purposes pursuant to G.L. c. 44B and to accept a deed to the Town of Southwick, of a fee simple interest of land located off South Longyard Road comprised of approximately 61.63 acres more or less, being a portion of land comprised of two (2) parcels of property more fully described in two (2) deeds recorded in the Hampden County Registry of Deeds in Book 20621, Page 446 [see also Assessor's Map 099, Lot 038] and Book 20621, Page 449 [see also Assessor's Map 098, Lot 83] owned by South Longyard Holding Co., Inc. and that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as amended and other Massachusetts statutes relating to conservation, be held under the care, custody and control of the Conservation Commission on behalf of the Town;

And that to fund said purchase, to appropriate and transfer the sum of \$1,000,000.00 from the Undesignated Community Preservation Fund for the acquisition of said Property, said funds to be expended by the Conservation Commission and the Community Preservation Committee;

And to authorize the Conservation Commission and the Select Board to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) program (M.G.L. c. 132A, §11) and/or any other state or federal programs including those in aid of conservation land acquisitions; and/or any others in any way connected with the scope of this Article; and to enter into any necessary contracts therefor;

And to authorize the Select Board to grant a perpetual conservation restriction on said parcel of land meeting the requirements of M.G.L. c. 44B, §12 and M.G.L. c. 184, §§31-33, as may be deemed appropriate and any other statutory provisions relating to the same, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate said purchase, all subject to approval of town counsel,

or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate and transfer the sum of \$1,000,000.00 from the Undesignated Community Preservation Fund for the acquisition of said Property, said funds to be expended by the Conservation Commission and the Community Preservation Committee;

And to authorize the Conservation Commission and the Select Board to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) program (M.G.L. c. 132A, §11) and/or any other state or federal programs including those in aid of conservation land acquisitions; and/or any others in any way connected with the scope of this Article; and to enter into any necessary contracts therefor;

And to authorize the Select Board to grant a perpetual conservation restriction on said parcel of land meeting the requirements of M.G.L. c. 44B, §12 and M.G.L. c. 184, §§31-33, as may be deemed appropriate and any other statutory provisions relating to the same, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate said purchase, all subject to approval of town counsel

Requested by the Community Preservation Committee

ARTICLE 18.

WATER LINE EASEMENT

To see if the Town will authorize the Select Board to acquire an easement on behalf of the Town by purchase, gift, eminent domain or otherwise for purposes of constructing and maintaining a waterline and including all matters incidental and related thereto on a portion of the property to be purchased from the Franklin Land Trust, the exact location and size of said easement is to be negotiated between the Town and the Franklin Land Trust, said easement to be located on the property off of South Longyard Road which is comprised of two (2) parcels of property more fully described in two (2) deeds recorded in the Hampden County Registry of Deeds in Book 20621, Page 446 [see also Assessor's Map 099, Lot 038] and Book 20621, Page 449 [see also Assessor's Map 098, Lot 83] currently owned by South Longyard Holding Co., Inc., subject to Town Counsel approval, and further that the Select Board is authorized to execute any and all documents as may be required to acquire said easement, and further to see if the Town will vote to appropriate and transfer the sum of \$30,000.00 from the Water Retained Earnings Account to purchase said easement and for all other costs incidental and related thereto, or take any other action relative thereto.

Requested by the Water Commissioners and Department of Public Works

ARTICLE 19.

To see if the Town will vote to appropriate and transfer the sum of \$73,000.00 from the FY 2018 Community Preservation Unreserved Funds for a 10% local match towards the purchase of an Agricultural Preservation Restriction of 34.8 acres of farmland on Laro Road and North Longyard Road. The APR is valued at \$730,000.00. The State of Massachusetts APR program is paying \$657,000.00. Project Site: Hampden County Registry of Deeds, Book 20704, Pages 497 and 502, formally known as part of Assessors Map 23, Parcel 1 and Map 23 Parcel 9 owned by Laro West LLC and Longyard Laro LLC or take any other action relative thereto.

MOTION: To see if the Town will vote to appropriate the sum of \$73,000.00 in accordance with the recommendation of the Community Preservation Committee."

Requested by the Community Preservation Committee

ARTICLE 20.

To see if the Town will vote to accept the provisions of M.G.L. c. 59, §5K which authorizes the Select Board to establish a program to allow persons over the age of 60 to volunteer to provide services to the Town in exchange for a reduction in the real property tax obligations of such person over 60 in an amount not to exceed \$1,500.00 or take any other action relative thereto.

Requested by the Finance Committee and Select Board

ARTICLE 21.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,885,951.00 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2018 commencing July 1, 2017 and ending on June 30, 2018, or take any other action thereon.

Requested by the Southwick-Tolland-Granville Regional School District

ARTICLE 22.

To see if the Town of Southwick will vote not to disapprove certain additional debt authorized by the Southwick-Tolland-Granville Regional School Committee under a vote dated April 4, 2017, which reads as follows:

"Voted: approve authorization to incur debt by the issuance and sale of bonds or notes for the amount of \$600,000 for the purchase of all items specified in the School District's Fiscal Year 2018 Capital Improvement Plan," or take any other action relative thereon.

Requested by the Southwick-Tolland-Granville Regional School District

ARTICLE 23.

OPEN CONTAINER – ALCOHOL

To see if the Town will vote to amend the general bylaws of the Code of the Town of Southwick to add a new **CHAPTER 169** entitled **ALCHOLIC BEVERAGES – OPEN CONTAINERS** as follows, and further that non-substantive changes to the lettering and numbering of the Code of the Town of Southwick be authorized to be consistent with the Code of the Town of Southwick:

CHAPTER 169. ALCOHOLIC BEVERAGES – OPEN CONTAINERS

Article I. Open Containers

§169-1. Prohibited Acts.

No persons shall drink any alcoholic beverage as defined in M.G.L. c. 138, §1, or possess an open container of the same, whether full or partially full, while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Southwick, or any place to which the public has a right of access as invitees or licensees. This section shall not apply to events or festivals duly licensed by the Select Board of the Town of Southwick.

§169-2. Violations and Penalties.

This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal complaint pursuant to M.G.L. c. 40, §21, or by noncriminal disposition pursuant to M.G.L. c. 40, §21D, by the Select Board, or any duly authorized agent of the Select Board or any police officer as enforcing persons. The fine for violation of this bylaw shall be \$100.00 for the first offense, \$200.00 for a second offense and \$300.00 for a third or subsequent offense.

Requested by the Police Department and Select Board

ARTICLE 24.

PUBLIC CONSUMPTION MARIJUANA

To see if the Town will vote to amend the general bylaws of the Code of the Town of Southwick to add a new **CHAPTER 170 entitled PUBLIC CONSUMPTION OR USE OF MARIJUANA OR TETRAHYDROCANNABINOL** as follows, and further that non-substantive changes to the lettering and numbering of the Code of the Town of Southwick be authorized to be consistent with the Code of the Town of Southwick:

CHAPTER 170. PUBLIC CONSUMPTION OR USE OF MARIJUANA OR TETRAHYDROCANNABINOL

Article I. Public Consumption or Use

§170-1. Prohibited Acts.

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Southwick, or any place to which the public has a right of access as invitees or licensees.

§170-2. Seizure of Marijuana or Tetrahydrocannabinol.

Any marijuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M.G. L. c. 94C, §47A.

§170-3. Name and Address.

Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.

§170-4. Enforcement.

A. 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 M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Select Board, or any duly authorized agent of the Select Board or any police officer as enforcing persons.

B. The fine for a violation of this By-Law shall be two hundred dollars (\$200.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

C. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

Requested by the Police Department and Select Board

ARTICLE 25.

COMMON DRIVEWAY MORATORIUM DELETION

To see if the Town will vote to amend Chapter 185 of the Code of the Town of Southwick by deleting Section 185-23.3 in its entirety; and further that non-substantive changes to the numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Code of the Town of Southwick or take any other action relative thereto.

Requested by the Planning Board

ARTICLE 26.

MEDICAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Zoning bylaws of the Code of the Town of Southwick to add a new Section 185-23.4 entitled Temporary Moratorium on Registered Marijuana Dispensaries as follows; and further that non-substantive changes to the numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Code of the Town of Southwick:

§185-23.4 Temporary Moratorium on Registered Marijuana Dispensaries

A. Purpose. By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013. The Massachusetts Department of Public Health (DPH) subsequently issued regulations regarding implementation of the law. In April of 2015, the DPH announced significant changes to the Commonwealth's Medical Marijuana Dispensary program first authorized in 2012. The revised application process took effect on May 15, 2015 and applies only to new applications, not the additional Registered Marijuana Dispensaries (hereinafter "RMDs") that have been previously

B. provisionally certified and are currently in the Inspection phase. The revised process licenses RMDs in a format similar to other healthcare facilities, such as pharmacies, which DPH also administers. This process will phase out the current use of state procurement policies to register a dispensary. According to DPH, the new process for registering dispensaries will be a fairer, more efficient, market-driven licensure process that will result in more timely approvals.

In August, 2015, the DPH updated their Guidance for Municipalities regarding the Medical Use of Marijuana. Moreover, on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. This new law prohibits zoning bylaws from barring recreational marijuana establishments where RMDs have been sited. Further, the Cannabis Control Commission is required to issue regulations regarding implementation of this new law by March 15, 2018 and these regulations may provide guidance to the Town or otherwise have an effect on the siting of RMDs. Since the process has been significantly changed and will be impacted by required future regulations, the Town of Southwick is proposing a temporary moratorium to provide time for the Town to study and consider the regulation of RMDs in Southwick. The use of property as an RMD is novel in the Town of Southwick (and the Commonwealth of Massachusetts) and the number of opinions and variables surrounding medical marijuana, including possible legal, planning, and public safety issues, make it a complex subject matter to address. The Town needs time to study and consider the regulation of RMDs and address this novel use and complex subject matter, as well as to address the potential impact of the State regulations on local zoning and undertake a planning process, if necessary, to consider amending the Zoning Bylaws to address RMDs. The Town's adoption of a temporary moratorium on the use of land and structures in the Town for RMDs will allow the Town sufficient time to engage in a process to consider and address the potential effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

C. Definition:

"Registered Marijuana Dispensary" – A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers to be conducted entirely within a secure facility with no drive-thru services. Unless otherwise specified, a Registered Marijuana Dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

D. Temporary Moratorium:

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a RMD. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of RMDs and related uses in the Town, consider the Department of Public Health regulations regarding RMDs and related uses, consider the impact of the Cannabis Control Commission's regulations regarding recreational marijuana on the siting of RMDs, and shall consider adopting a new Zoning Bylaw or Bylaws to address any impact and the operation of RMDs and related uses.

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

Or take any other action relative thereto.

Requested by the Planning Board

ARTICLE 27.

RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Zoning bylaws of the Code of the Town of Southwick to add a new Section 185-23.3 entitled Temporary Moratorium on the Sale and Distribution of Recreational Marijuana as follows; and further that non-substantive changes to the numbering of this bylaw be made in order to make it consistent with the numbering format and sequencing of the Code of the Town of Southwick:

§185-23.3 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Control Commission is required to issue regulations regarding implementation by September 15, 2017, which deadline has since been extended to March 15, 2018.

Any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Further, the 2016 law established two important provisions that require ballot action by the Town prior to the adoption of Bylaws. The Town may, by ballot, determine whether it will limit the number of marijuana establishments in Town in the manner allowed by the law, and second, must determine, if properly petitioned, whether to allow on-site consumption of marijuana products where sold, which vote cannot occur prior to November 6, 2018, the next biennial state election.

The use of property as a marijuana establishment is novel in the Town of Southwick (and the Commonwealth of Massachusetts) and the number of opinions and variables surrounding recreational marijuana, including possible legal, planning, and public safety issues, make it a complex subject matter to address. The Town needs time to study and consider the regulation of marijuana establishments and address this novel use and complex subject matter, as well as to address the potential impact of the State regulations on local zoning and undertake a planning process, if necessary, to consider amending the Zoning Bylaws to address marijuana establishments and other related uses. The Town's adoption of a temporary moratorium on the use of land and structures in the Town for marijuana establishments will allow the Town sufficient time to engage in a process to consider and address the potential effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. Definitions:

"Manufacture," as used herein, means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories," as used herein, means equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator," as used herein, means 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.

"Marijuana establishment" as used herein, means a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any type of licensed marijuana-related business.

"Marijuana product manufacturer," as used herein, means 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.

"Marijuana products," as used herein, means products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms or marijuana and products composed of marijuana and other ingredients that are intended for use of consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility," as used herein, means an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer" as used herein, means 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.

C. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for marijuana establishments. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana establishments in the Town, consider the Cannabis Control Commission's regulations regarding marijuana establishments and related uses, determine whether the Town will limit the number of marijuana establishments in Town, determine whether the Town, if properly petitioned, will prohibit on-site consumption at marijuana establishments, and shall consider adopting a new Zoning Bylaw or Bylaws to address any impact and the operation of marijuana establishments and related uses.

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

Or take any other action relative thereto.

Requested by the Planning Board

ARTICLE 28.

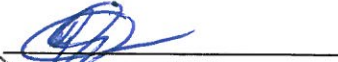
To see if the Town will vote to authorize the Board of Selectmen to enter into a lease for all or a portion of the following properties: (1) 13 Liberty Lane consisting of approximately 0.515 acres of land, Assessor's Map 092, Lot 032 and (2) land Off Foster Road consisting of approximately 31 acres of land and shown on Assessor's Map 092, Lot 031 and also described in a deed recorded in the Hampden County Registry of Deeds in Book 3468, Page 167 for a term not to exceed twenty (20) years which shall include option periods and further to authorize the Select Board to negotiate the terms of said lease, subject to approval by Town Counsel, and after compliance with M.G.L. c. 30B and any other relevant provisions of the General Laws and, or take any other action relative thereto.

Requested by the Select Board

Given under our hands at said Southwick this 28th day of April the year of the Lord Two Thousand and Seventeen.

SELECT BOARD

 Russell S. Fox, Chairman

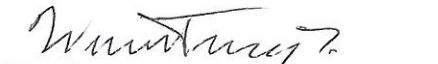
 Doug Moglin, Vice-Chairman

 Joseph J. Deedy, Clerk

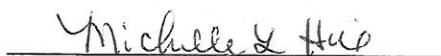
HAMPDEN SS.,

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Southwick by posting up attested copies of the same at three (3) public places in said Town Seven (7) days before the date thereof, as within directed.

Constable of Southwick, MA


William Terry Jr.

A TRUE COPY ATTEST:


Michelle L. Hill, Town Clerk

POSTED: TOWN HALL, POST OFFICE, LIBRARY