

# WARRANT FOR THE ANNUAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

May 15, 2018

7:00 p.m.

Annual Town Election, Tuesday, May 8, 2018, 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 15, 2018 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.           BALLOTS

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 8, 2018 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, One District School Committee member for a three-year term. One Assessor for a three-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 for a three-year term. One Planning Board member for a five-year term. One Planning Board Member for a four-year term. One Water Commissioner for a three-year term.

### BALLOT QUESTION

Shall the Town adopt the following zoning and general bylaws prohibiting the operation of Non-Medical Marijuana Retailers, as defined in G.L.c. 94G, s. 1, within the Town of Southwick?

**Town Counsel Summary:** The above ballot question seeks voter approval of a **zoning bylaw and a general bylaw** to prohibit non-medical marijuana retailers from locating and operating within the Town. A marijuana retailer is 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 consumers. This ballot question and the related bylaws will not impact the location or operation of medical marijuana dispensaries within the Town. Further, no ban would be in effect until the Town meeting should pass a bylaw or bylaws establishing the ban on such establishment. A "Yes" vote means that you are in favor of the prohibition of non-medical marijuana establishments as set forth above. A "No" vote means that you oppose the prohibition of non-medical marijuana establishments as set forth above.

#### A. Zoning Bylaw:

**Chapter 185, Section 185-35.2(C): Prohibited Uses.** Non-medical "marijuana retailers" as defined in G.L. c. 94G, s. 1, shall be prohibited with the Town of Southwick.

#### B. General Bylaw:

**Chapter 63, Section 63-1: Non-Medical Marijuana Establishments.** Non-Medical "marijuana retailers" as defined in G.L. c. 94G, s. 1, shall be prohibited with the Town of Southwick.

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 15, 2018, 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 27<sup>th</sup> day of April in the year of the Lord Two Thousand and Eighteen.

**ARTICLE 2. TOWN REPORTS - OMNIBUS**

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. APPOINTMENT OF MINOR OFFICERS - OMNIBUS**

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

Requested by the Select Board

**ARTICLE 4. SELL OR TRADE OBSOLETE EQUIPMENT - OMNIBUS**

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. APPLY AND ACCEPT GRANTS - OMNIBUS**

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. PURCHASE OF DUMP TRUCK**

To see if the Town will appropriate \$240,000, 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 \$240,000 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 M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Requested by the DPW and Select Board

**ARTICLE 7. PURCHASE OF 2 FIRE TRUCKS**

To see if the Town will appropriate \$1,200,000, or any other amount, to pay costs of purchasing and equipping a ladder truck and a pumper truck for the use of the Fire Department, 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 \$1,200,000 is appropriated to pay costs of purchasing and equipping a ladder truck and a pumper truck for the use of the Fire Department, and for 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 M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Requested by the Fire Department and Select Board

**ARTICLE 8. CONSTRUCTION OF NEW PUMP STATION**

To see if the Town will appropriate \$1,700,000, or any other amount, to pay costs of (i) relocating the current College Highway Pump Station to a new location closer to the Town line also on College Highway, and (ii) decommissioning, as needed, one or both of the current College Highway and North Longyard Road Pump Stations, including 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 \$1,700,000.00 is appropriated to pay costs of (i) relocating the current College Highway Pump Station to a new location closer to the Town line also on College Highway, and (ii) decommissioning, as needed, one or both of the current College Highway and North Longyard Road Pump Stations, including the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) the vote of the Town adopted under Article 8 of the Warrant at the 2017 Annual Town Meeting, is amended to permit the expenditure of \$400,000.00 of the \$400,000 authorized to be borrowed pursuant to that vote to pay costs of upgrading the current College Highway and North Longyard Road Pump Stations, to pay a like amount of the costs of this project, and (ii) the Treasurer, with the approval of the Selectmen, is authorized to borrow an additional \$1,300,000.00 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 M.G.L. c. 44, §20, 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. ANNUAL BUDGET**

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: Planning Board, Cable Ch. 15, , Town Clerk, Emergency Management, Park and Recreation, Computer, Town Hall, Animal Control, Police, Fire, Lake Management, and DPW (various Divisions), 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, 2018 to June 30, 2019 or to take any other action relative thereon.

Requested by the Finance Committee

**ARTICLE 10. AMENDMENTS TO REVOLVING ACCOUNTS**

To see if the Town will vote to amend Chapter 25 §25-5 Departmental Revolving Fund Bylaw to include the following revolving accounts in addition to the existing revolving accounts:

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
Sidewalk Revolving	DPW	Fees for waiver of sidewalk condition, regulation, or requirement	Expenses for the construction of sidewalks within the Town	NONE	NONE	Fiscal Years that begin on or after July 1, 2018
COA House Numbering Program Revolving Fund	COA	Fees/Charges from the Southwick Residents purchasing signs and posts	Purchasing of signs and posts from vendors	NONE	NONE	Fiscal years that begin on or after July 1, 2018

Requested by the Select Board

**ARTICLE 11. DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMIT AUTHORIZATION**

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 for the revolving funds established in Chapter 25 of the Code of the Town of Southwick for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, §53E1/2, or take any other action relative thereto.

MOTION: Moved that the Town fix the maximum amount that may be spent during fiscal year 2019 beginning on July 1, 2018 for the revolving funds established in Chapter 25 of the Code of the Town of Southwick for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, §53E1/2 as follows:

Revolving Fund	Department, Board, Committee, Agency or Officer	Limit on Spending
Inspector's Revolving	Inspectors	\$40,000
HAZ-MAT Revolving	Police & Fire	\$40,000
Boat Ramp Revolving	Lake Mgmt	\$50,000
Police Chief Lake Revolving	Police	\$20,000
Local Lake Permitting Revolving	Police & Conservation	\$40,000

Custodial Service Fund	Maintenance Dept.	\$5,000
COA Revolving Fund	COA	\$10,000
COA Classes Revolving Fund	COA	\$10,000
Sidewalk Revolving	DPW	\$80,000
COA House Numbering Program Revolving Fund	COA	\$10,000

Requested by the Select Board

**ARTICLE 12. COMMUNITY PRESERVATION ANNUAL BUDGET**

To act on the report of the Community Preservation Committee on the Fiscal Year 2019 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 2019 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 2019 with each item to be considered a separate reserve.

Proposed Fiscal Year 2019 Community preservation Reserves

- ♦ To reserve \$41,961 from FY2019 Community Preservation Fund revenues for Open Space.
- ♦ To reserve \$41,961 from FY2019 Community Preservation Fund revenues for Historic Resources.
- ♦ To reserve \$41,961 from FY2019 Community Preservation Fund revenues for Community Housing.
- ♦ To reserve \$293,723 from FY2019 Community Preservation Fund revenues for Community Preservation General Unreserved Fund.

Reserves	
Open Space.....	\$ 41,961
Historic Resources.....	\$ 41,961
Community Housing.....	\$ 41,961
General unreserved.....	<u>\$293,723.</u>
Total.....	\$419,606

Estimated FY2018 revenues = State match to be received on 10/15/18	\$114,255
+ estimated new surcharge collections for FY2019	<u>\$305,351.</u>
Total	\$419,606

State match = FY2018 CPA commitments minus abatements  
 Estimated new surcharge collections for FY2019 = FY2018 collections  
 10% of estimated FY2019 revenues equal the amount reserved for each CPA purpose, Historical, Open Space and Community Housing, as required by law.  
 70% of estimated FY2019 revenues equal the amount reserved for the Community Preservation General Unreserved Fund

Requested by the Community Preservation Committee

**ARTICLE 13. COMMUNITY PRESERVATION COMMITTEE – ADMINISTRATIVE AND OPERATING EXPENSES**

To act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget and appropriate 5% (\$15,268), 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 \$15,268 as recommended by the Community Preservation Committee.

Requested by the Community Preservation Committee

**ARTICLE 14. COMMUNITY PRESERVATION COMMITTEE – AGRICULTURAL PRESERVATION RESTRICTION**

To see if the Town will vote to appropriate and transfer the sum of \$44,500.00 from the FY 2018 Community Preservation Open Space Fund for a 10% local match towards the purchase of an Agricultural Preservation Restriction of approximately 58.65 acres of farmland on North Longyard Road. The APR is valued at \$445,000. The State of Massachusetts APR Program is paying \$400,500.00. Project Site Hampden County Registry of Deeds, Book 20704, page 483, 488, and 494, formerly known as part of the Assessors Map 69, parcel 9, Map 47, parcel 2 and Map 47, parcel 3 owned by North Longyard LLC recorded at the Hampden County Registry of Deeds or to take any action relative there to:

**MOTION:**  
To see if the Town will vote to appropriate the sum of \$44,500.00 in accordance with the recommendation of the Community Preservation Committee.

Requested by the Community Preservation Committee

**ARTICLE 15. COMMUNITY PRESERVATION COMMITTEE – HISTORICAL MOORE HOUSE ROOF REPLACEMENT**

To see if the Town will vote to authorize the Community Preservation Committee to transfer \$25,000 from the Community Preservation Historical Fund to the Southwick Historical Society to replace the roof on the Historical Moore House and to take any other action relative thereto.

**MOTION:**  
To see if the Town will vote to authorize the Community Preservation Committee to transfer \$25,000 from the Community Preservation Historical Fund for the Southwick Historical Society to replace the roof on the Historical Moore House and to take any other action relative thereto.

Requested by the Community Preservation Committee

**ARTICLE 16. REGIONAL SCHOOL DISTRICT BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$11,076,993.00 for the Southwick-Tolland-Granville Regional School District assessment for Fiscal Year 2019 commencing July 1, 2018 and ending on June 30, 2019, or take any other action thereon.

Requested by the Southwick-Tolland-Granville  
Regional School District

**ARTICLE 17. REGIONAL SCHOOL DISTRICT – DEBT AUTHORIZATION**

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 3, 2018, 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 2019 Capital Improvement Plan,” or take any other action relative thereon.

Requested by the Southwick-Tolland-Granville  
Regional School District

**ARTICLE 18. MARIJUANA ZONING BYLAW**

To see if the Town will vote to amend the Code of the Town of Southwick to add a new Chapter 185, §185-35.2: Medical and Recreational Marijuana 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:

**“Section 185-35.2 Medical and Recreational Marijuana**

**A. Purposes.** It is recognized that the nature of the substance cultivated, processed and/or sold by medical marijuana dispensaries and recreational marijuana establishments have unique operational characteristics and should be located in such a way as to ensure the health, safety and general well-being of the public as well as patients and customers seeking the substance. The specific and separate regulation of marijuana uses is necessary to advance these purposes and to minimize adverse impacts on abutters and other parties in interest within the Town of Southwick.

Subject to the provisions of this Zoning Bylaw, Chapter 40A and 94G of the Massachusetts General Laws, 105 CMR 725.000 and 935 CMR 500.00, Registered Medical Marijuana Dispensaries, Registered Recreational Marijuana Establishments and Off-site Marijuana Dispensaries may be permitted upon issuance of a Special Permit and Site Plan Approval from the Planning Board to provide for marijuana production and/or distribution that meet or exceed state regulations as established by the MA Department of Public Health and the MA Cannabis Control Commission.

**B. Definitions.**

REGISTERED MEDICAL MARIJUANA DISPENSARY (RMMD) - A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000 and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that may acquire, cultivate, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), test, research, transfer, transport, sell, distribute, dispense and/or administer marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

REGISTERED RECREATIONAL MARIJUANA ESTABLISHMENT (RRME) - A use operated by an entity registered and approved by the MA Cannabis Control Commission in accordance with 935 CMR 500.00 and pursuant to all other applicable state laws and regulations that may acquire, cultivate, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), test, research, transfer, transport, sell, distribute and/or dispense marijuana, products containing marijuana, related supplies or educational materials to customers. A RRME shall explicitly include establishments which cultivate and process recreational marijuana and which may also dispense and deliver recreational marijuana and related products.

OFF-SITE MARIJUANA DISPENSARY (OMD) – A marijuana retailer that is located off-site from a RRMD or a RRME and which serves only to dispense processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00 or which serves only to dispense processed recreational marijuana, related supplies and educational materials to customers in accordance 935 CMR 500.000.

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**\*\*\*\*SECTION C WILL BE REMOVED IF THE BALLOT QUESTION SEEKING TO PROHIBIT NON-MEDICAL MARIJUANA RETAILERS IN TOWN IS NOT SUCCESSFUL\*\*\*\***

**C. Prohibited uses.** Non-medical “marijuana retailers,” as defined in G.L. c. 94G, s. 1, shall be prohibited within the Town of Southwick.

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**D. Permitted uses.** A Registered Medical Marijuana Dispensary (RMMD), Registered Recreational Marijuana Establishment (RRME) or Off-site Marijuana Dispensary (OMD) may only be involved in the uses permitted by its definition and not otherwise prohibited herein, and may not include other businesses or services.

**E. Permitted locations.**

(1) Marijuana cultivation may be permitted in the Agriculture and Conservation District [Chapter 185-11(B)(1)] and on a minimum tract of five acres in the succeeding Residential Zone R-40 [Chapter 185-12(A)(1)] and Residential Zone R-20 [Chapter 185-13(A)(1)].

(2) Registered Medical Marijuana Dispensaries and Registered Recreational Marijuana Establishments may be permitted in the Registered Medical and Recreational Marijuana District.

(3) Off-site Marijuana Dispensaries may be permitted in the Off-site Marijuana Dispensary District.

(4) The Registered Medical and Recreational Marijuana District and the Off-site Marijuana Dispensary District are overlay districts located as shown on a map on file with the Town Clerk of the Town of Southwick identified as the "Marijuana Districts Overlay," dated December 19, 2017.

(5) The above Districts will be construed as overlay districts and the regulations of the underlying zoning districts shall remain in effect, except that where the above districts impose additional regulations, such regulations shall prevail.

**F. General requirements.**

(1) A Special Permit with Site Plan Approval is required from the Planning Board for all marijuana facilities.

(2) All aspects of the use relative to the acquisition, cultivation, possession, processing, sale, distribution, dispensing, testing, researching or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location.

(3) No outside storage is permitted.

(4) All signage shall be subject to the requirements of 105 CMR 725.000 or 935 CMR 500.00 and the requirements of Chapter 185-29 of the Zoning Bylaws of the Town of Southwick.

(5) Security measures shall be provided in accordance with 105 CMR 725.110 or 935 CMR 500.110, and a copy of the security plan shall be provided to the Southwick Police Department.

**G. Specific requirements.**

(1) No marijuana dispensary or establishment shall be located within 500 feet of any property line of a public or private elementary or secondary school.

(2) No marijuana dispensary or establishment shall be located within 1,000 feet (to be measured in a straight line from the nearest points on each building or storefront) of another marijuana dispensary or establishment.

(3) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the site of an OMD.

**H. Issuance/Transfer/Discontinuance of Use.**

(1) Special Permits/Site Plan Approvals shall be issued to the marijuana dispensary or marijuana establishment registered entity.

(2) Special Permits/Site Plan Approvals shall be issued for a specific site/parcel.

(3) Special Permits/Site Plan Approvals shall be transferable to another operator with the approval of the Southwick Planning Board.

(4) Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership or control of the premises, and shall lapse:

(a) If the permit holder ceases operation, and/or

(b) The permit holder's registration expires or is terminated.

**I. Bond.** Prior to the issuance of a Building Permit/Occupancy Permit for a marijuana related business, the applicant may be required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town securing the facility and removing all materials, plants, equipment and other paraphernalia if the



applicant fails to do so. The Building Inspector shall give the applicant 45 days written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.”

Or take any other action relative thereto

Requested by the Planning Board

**ARTICLE 19. MARIJUANA OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map for the Town of Southwick to include the Registered Medical and Recreational Marijuana District and the Off-site Marijuana Dispensary District as overlay districts located as shown on a map on file with the Town Clerk of the Town of Southwick identified as the “Marijuana Districts Overlay,” dated December 19, 2017.

Or take any other action relative thereto.

Requested by the Planning Board

**ARTICLE 20. RECREATIONAL MARIJUANA – GENERAL BYLAW**

To see if the Town will vote to amend the Code of the Town of Southwick to add a new Chapter 63, § 63-1: Non-Medical Marijuana Establishments as follows, and further that non-substantive changes to the lettering and number of the Code of the Town of Southwick be authorized to be consistent with the Code of the Town of Southwick:

“Chapter 63, § 63-1: Non-Medical Marijuana Establishments  
Non-Medical “marijuana retailers” as defined in G.L. c. 94G, §1, shall be prohibited with the Town of Southwick.”

Or take any other action relative thereto.

Requested by the Select Board

**ARTICLE 21. MARIJUANA TAX**

To see if the Town of Southwick will vote to accept the G.L. c. 64N, §3 to authorize the Town to impose a local excise tax on the retail sales of marijuana for adult use at the rate of 3%, or take any other action relative thereto.

Requested by the Select Board

**ARTICLE 22. PERSONAL WATERCRAFT OPERATION ON NORTH POND BYLAW**

To see if the Town will vote to add a new Chapter 75, §75-12 “Operation of Personal Watercraft on the North Pond section of Congamond Lakes” and a new §75-13 “Penalty” to the Code of the Town of Southwick as follows; and further that non-substantive changes to the lettering and numbering of the Town Code be authorized to be consistent with the Code of the Town of Southwick:

**“§75-12. Operation of Personal Watercrafts allowed on North Pond Section of the Congamond Lake**

- A. Personal Watercraft is defined: A personal watercraft is a Class A inboard motorboat. Personal watercraft shall mean a vessel propelled by a water jet pump or other machinery as its primary source of motor propulsion which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.
- B. The use of a powered craft generally known as a “Jet Ski”, “Surf Jet”, “Wet Bike” or otherwise described as a “Personal Watercraft shall not be operated at more than headway speed on the body of water known as North Pond section of the Congamond Lake.

- C. For the purposes of this by-law or section, the term, "headway speed", shall mean the slowest speed at which a personal watercraft, jet ski, surf jet or wet bike can be operated and maintain steerage way, but not to exceed 6 miles per hour.

**§75-13. Enforcement and Penalty**

- A. Enforcement. The provisions of this Chapter 75 shall be enforced by the local police, and/or Massachusetts Environmental Police 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.
- B. Penalty. The fine for violation of this bylaw shall be \$50 for the first offense, \$100 for a second offense and each subsequent offense."

Or take any other action relative thereto.

Requested by Chief of Police and Select Board

**ARTICLE 23. TEMPORARY REPAIRS TO PRIVATE WAYS BYLAW**

To see if the Town will vote to add a Chapter 84 "Temporary Repair of Private Ways" to the Code of the Town of Southwick as follows; and further that non-substantive changes to the lettering and numbering of the Town Code be authorized to be consistent with the Code of the Town of Southwick:

**§84-1 General**

Pursuant to the provisions of M.G.L. c. 40, §6N, the Board of Selectmen may authorize temporary repairs to be made to private ways that have been open to the public for a minimum of ten (10) years, out of funds appropriated for this purpose by the Town Meeting. In all cases the entire cost shall be assessed as a betterment upon those properties which benefit from the repairs and owners of such properties shall be required to make a cash deposit for all or any portion of the cost of such repairs.

**§84-2 Types of Repairs**

The repairs must be temporary in nature, such as filling, grading, patching and surface coating, may include such repairs to drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway. All repairs must be determined by the Public Works Director to be required by public necessity.

**§84-3 Petition**

A minimum of fifty-one (51%) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each ownership entity counting as one.

**§84-4 Betterment Charges**

If betterments are to be assessed, they shall be assessed upon each parcel of land benefiting from such repair in proportion to linear frontage on the proportion of the way to be improved or other proportion to linear frontage on the proportion of the way to be improved or other proportional method as may be required by vote of the Town Meeting.

**§84-5 Status of Way**

This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public" under the Massachusetts Subdivision Control Law.

**§84-6 Liability**

The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

**§84-7 Indemnity Agreement**

No repair of a private way shall be undertaken until the Select Board has in its possession agreements executed by at least 75% of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- (i) that the Town assumes no liability to such owners by making the repairs;
- (ii) jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- (iii) that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- (iv) that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law;
- (v) that if betterment assessments are assessed for the repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over five years.

**§84-8 Continually Open to Public Use**

Repairs or maintenance under this section shall not be performed on private ways that do not remain open to public use, or on private ways that are posted as restricted to private use."

Or take any other action relative thereto.

Requested by the DPW and Select Board

**ARTICLE 24. PILOT AGREEMENT – AUTHORIZATION TO NEGOTIATE AND ENTER**

To see if the Town will vote to authorize the Select Board to negotiate and enter into an agreement for payment in lieu of taxes (PILOT Agreement), with Loadstar Energy, LLC or its successor in interest, in accordance with M.G.L. c. 59, §38H and M.G.L. c. 164, §1, or any other enabling authority for the planned solar electric generating facilities to be located within the Town of Southwick at the property known as 0 Goose Pond Road, Southwick and described in a deed recorded in the Hampden County Registry of Deeds in Book 20700, Page 436 and in Book 21089, Page 599 and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Select Board to take any and all actions and execute any and all documents or instruments necessary or convenient to accomplish, implement and administer the PILOT Agreement and to submit a Special Act therefore to the General Court if enabling legislation is necessary, or take any other action relative thereto.

Requested by the Select Board and Board of Assessors

**ARTICLE 25. AUTHORITY TO SELL OLD LIBRARY OWNED BY TOWN**

To see if the Town will vote to authorize the Select Board to sell or otherwise dispose of Town-owned property commonly known as the Old Library located at 475 College Highway as more fully described in a deed recorded in the Hampden County Registry of Deeds in Book 2599, Page 428 after compliance with M.G.L. Chapter 30B and any other relevant authority at a price and subject to restrictions and conditions determined by the Select Board to be in the best interest of the Town of Southwick subject to Town Counsel review or take any other action relative thereto.

Request by the Select Board and Historical Commission

**ARTICLE 26. PERMANENT EASEMENT FROM WHIP CITY TOOL & DIE FOR PUMP STATION**

To see if the Town will vote to authorize the Board of Selectmen to accept the conveyance of a permanent easement for construction, access and maintenance for a new pump station over a portion of the property located at 813 College Highway, Southwick, Massachusetts as set forth on a plan dated March 30, 2018 consisting of approximately 3,750 square feet and on file with the Southwick DPW, said property is owned by Whip City Tool & Die Corporation as more fully set forth in a deed recorded in the Hampden County Registry of Deeds in Book 2755, Page 251, or take any other action relative thereto.

Requested by DPW and Water Commission


**ARTICLE 27. DEPOT STREET PERMANENT EASEMENT FOR SIDEWALK**

To see if the Town will vote to accept, by gift or otherwise a permanent easement from William J. Malone and Elizabeth Malone at the property known as 42 Depot Street, Southwick consisting of approximately 4,420 sq. ft. which is more fully described as a 10' strip of land along the southerly portion of said property for the purposes of constructing and maintaining a sidewalk on said property and for all matters incidental and related thereto; or take any other action relative thereto.

Requested by DPW and Select Board

Given under our hands at said Southwick this 27<sup>th</sup> day of April the year of the Lord Two Thousand and Eighteen.

**SELECT BOARD**

  
\_\_\_\_\_ Doug Moglin, Chairman

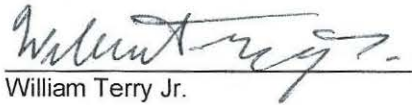
  
\_\_\_\_\_ Joseph J. Deedy, Vice-Chairman

  
\_\_\_\_\_ Russell S. Fox, Clerk

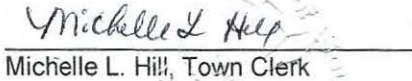
**HAMPDEN SS.,**

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**