

**CHAPTER
SIX
ELECTIONS &
TOWN
MEETINGS**

**Report of the Election Officers
& Town Clerk**

**FALL TOWN MEETING
OCTOBER 21, 2013**

The 2013 Fall Town Meeting was held on October 21, 2013 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were 247 present when the Moderator called the meeting to order at 7:15 p.m. The number of voters checked as being present was as follows: Precinct 1, 121; Precinct 2, 75; and Precinct 3, 73. Total present: 269

Town Clerk, Nancy Burnham, read the return of service from Constable Kenneth Vaidulas.

The Moderator called for a moment of silence for the following:

John Bisbee – He was a member of the Conservation Commission for 33 years, Oct. 1980 to July 2013.

Barbara Warner – She was the secretary for the Veteran's Office from September 1986 to February 1998.

Charles G. Wirth, Jr. – He served on the Athol Conservation Commission having written two natural resource programs for the Town in the 1970's.

Cathy Robuccio – She was a teacher in Athol for 35 years teaching third and fourth grade at Silver Lake School and she retired in 2009 from Sanders Street School.

The following is a true record of the votes taken at the October 21, 2013 Fall Town Meeting.

Article 1: On the Motion of Ken Duffy, it was **VOTED:** That the Town will amend the Town Bylaws by adding Chapter VII – Miscellaneous Licenses and Fees, Civil Fingerprinting as follows:

CHAPTER VII: Miscellaneous Licenses and Fees

11. Civil Fingerprinting

11.1. Criminal History Check Authorization

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

11.1.1.1. Hawking and Peddling or other Door-to-Door Salespeople

11.1.1.2. Manager of Alcoholic Beverage License

11.1.1.3. Owner or Operator of Public Conveyance

11.1.1.4. Dealer of Second-hand Articles

11.1.1.5. Pawn Dealers

11.1.1.6. Hackney Drivers

- 11.1.1.7. Ice Cream Truck Vendors
- 11.1.1.8. Applicant of Adult Entertainment License
- 11.1.1.9. Applicant of a registered Marijuana Dispensary
- 11.1.2. 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.
- 11.1.3. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.
- 11.1.4. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.
- 11.1.5. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law.
- 11.1.6. The Town authorizes the Athol Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law.
- 11.1.7. The State and FBI criminal history will not be disseminated to unauthorized entities.
- 11.1.8. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in

the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

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

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

11.2. Use of Criminal Record by Licensing Authorities

11.2.1. Licensing authorities of the Town of Athol 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.

11.2.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity.

11.2.3. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

11.2.4. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

11.3. Fees

11.3.1. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be sixty dollars (\$60). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

11.3.2. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the

fingerprinting system, subject to Town Meeting appropriation or deposited in a revolving account.

11.4. Effective Date

11.4.1. This by-law shall take effect upon approval by the Attorney General, so long as the requirements of G.L. c. 40 sec. 32 are satisfied. *Passed by a majority vote.*

Article 2: On the motion of Ben J. Feldman , it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article II, Section 2.5, Dimensional Measurements, by deleting the following language:

2.5 Dimensional Measurements

2.5.1 No part of any yard or other open space required for the purpose of complying with the provisions of this by-law shall be included as part of a yard or other open space similarly required for another building.

2.5.2 In all districts except the CA District, a corner lot shall provide visibility unobstructed at intersections. No sign, fence, wall, tree, ledge, or other vegetation, and no building or other structure shall be more than three and one-half feet and less than six feet above the established street grade within the area formed by the intersecting street lines and a straight line joining said street lines at a point which is twenty-five (25) feet distant from the point of intersection measured along said street lines.

2.5.3 In the case of corner lots, structures shall be set back from streets the minimum front yard distance for the entire length of lot frontage. In the case of through or reverse frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, minimum front yards shall be provided on all frontages.

2.5.4 Corner, through and reverse frontage lots shall have no real lot lines or yards, but only front and side lot lines and yards.

2.5.5 On a corner lot, the length of lot frontage shall be equal to twice the required frontage, and shall be measured along the tangents to the front lot line from the points of intersection of the side lot lines to the point where the tangents intersect.

2.5.6 On a lot having frontage separated by intervening land, the frontage may not be added together to comply with the minimum lot frontage requirements.
Amendment effective May 4, 1987.

And replacing it with the following:

2.5 Dimensional Measurements

2.5.1 No part of any yard or other open space required for the purpose of complying with the provisions of this by-law shall be included as part of a yard or other open space similarly required for another building.

- 2.5.2 Signs, fences, walls, trees, ledges, or other vegetation, and buildings or other structures running perpendicular to sidewalks or roads shall not be allowed to block vision over two and one half feet above the sidewalk or road grade for a distance of fifteen feet along driveways immediate in location.
- 2.5.3 In all districts except the CA District, a corner lot shall provide visibility unobstructed at intersections. No sign, fence, wall, tree, ledge, or other vegetation, and no building or other structure shall be more than three and one-half feet in height, and the total height shall be less than six feet above the established street grade within the area formed by the intersecting street lines and a straight line joining said street lines at a point which is twenty-five (25) feet distant from the point of intersection measured along said street lines.
- 2.5.4 In the case of corner lots, structures shall be set back from streets the minimum front yard distance for the entire length of lot frontage. In the case of through or reverse frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, minimum front yards shall be provided on all frontages.
- 2.5.5 Corner, through and reverse frontage lots shall have no real lot lines or yards, but only front and side lot lines and yards.
- 2.5.6 On a corner lot, the length of lot frontage shall be equal to twice the required frontage, and shall be measured along the tangents to the front lot line from the points of intersection of the side lot lines to the point where the tangents intersect.
- 2.5.7 On a lot having frontage separated by intervening land, the frontage may not be added together to comply with the minimum lot frontage requirements.

Required a 2/3rd's vote. The vote was 188 yes and 13 no.

Article 3: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article II, Section 3.19.4, the sixth bullet item, by deleting the following language:

- description of compliance with the citing criteria set forth below in sections 3.19.6, 3.19.7, and 3.19.8; and

And replacing it with the following:

- description of compliance with the siting criteria set forth below in sections 3.19.6, 3.19.7, and 3.19.8; and

Required a 2/3rd's vote. The vote was 229 yes and 1 no.

Article 4: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article II, Section 3.19.5, by deleting the following language:

3.19.5 Adult Entertainment Use Special Permit shall be issued to any applicant, or the representative of an owner, operator, or manager of an adult entertainment

facility who has been convicted of violating the provisions or Massachusetts General Laws Chapter 119, Section 63 (Inducing or abetting delinquency of a child) or Massachusetts General Laws Chapter 272 (Crimes against chastity, morality, decency and good order) or equivalent statutes in other jurisdictions. The applicant shall include authorization for the Town to confirm criminal record information through the appropriate authorities.

And replacing it with the following:

3.19.5 Adult Entertainment Use Special Permit shall not be issued to any applicant, or the representative of an owner, operator, or manager of an adult entertainment facility who has been convicted of violating the provisions or Massachusetts General Laws Chapter 119, Section 63 (Inducing or abetting delinquency of a child) or Massachusetts General Laws Chapter 272 (Crimes against chastity, morality, decency and good order) or equivalent statutes in other jurisdictions. The applicant shall include authorization for the Town to confirm criminal record information through the appropriate authorities.

Required a 2/3rd's vote. The vote was 228 yes and 1 no.

Article 5: On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by deleting, under the category of RESIDENTIAL USES, the sub-category Assisted Living Facilities/Residences/Communities:

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
RESIDENTIAL USES							
Assisted Living Facilities/Residences/Communities	SP	N	SP	N	N	SP	SP

And replacing it with the following:

Industrial Commercial
General Commercial
Neighborhood Commercial
Central Commercial
Residence C
Residence B
Residence A

2.3 Use Regulation Schedule

RA RB RC CA CB G I

RESIDENTIAL USES

Assisted Living Facilities/Residences/Communities	SP	SP	SP	N	N	SP	SP
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And to further amend the Athol Zoning Bylaws Article II, Section 2.4.2 by deleting the following language;

- 2.4.2 No more than one principal building shall be permitted per lot with the following exceptions:
1. Industrial and commercial developments in the Industrial Commercial District
 2. Industrial and commercial developments for lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts
 3. Assisted Living Facilities/Residences/Communities in all zoning districts for which they are permitted.
- These exceptions shall require a Special Permit as provided for in section 1.2.6.

And replacing it with the following:

- 2.4.2 No more than one principal building shall be permitted per lot with the following exceptions:
1. Industrial and commercial developments in the Industrial Commercial District
 2. Industrial and commercial developments for lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts
 3. Assisted Living Facilities/Residences/Communities in zoning districts Residence A (RA), Residence C (RC), General Commercial (G), and Industrial Commercial (I).
 These exceptions shall require a Special Permit as provided for in section 1.2.6.

Required a 2/3rd's vote. The vote was 218 yes and 12 no.

Article 6: On the Motion of Erik Euvrard, it was **VOTED:** That the Town establish an Ambulance Subscription program with all funds collected from subscribers of this program directed into Ambulance Reserve account. *Passed by a majority vote.*

Article 7: On the Motion of Kenneth Duffy, it was **VOTED:** That the Town authorize and direct the Board of Selectmen to file with the Massachusetts General Court a petition for special legislation to remove the part-time call firefighters of the

Athol Fire Department from the provisions of Massachusetts General Laws Chapter 31 the civil service law and regulations promulgated thereunder, provided that such legislation shall not impair the civil service status of incumbents in the position of call firefighter upon the effective date of such legislation; or take any action relative thereto. *Passed by a majority vote.*

Article 8: On the Motion of Ben J. Feldman, it was **VOTED:** That the Town, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 38H to authorize the Board of Assessors, on behalf of the Town of Athol, to negotiate and enter into a Payment In Lieu Of Tax agreement (PILOT) with the lessee/operator of the solar photovoltaic energy generating facility at Adams Farm property, located at 854 Bearsden Road and shown on Assessor's Map 37 Lot 55, upon such terms as the Board of Assessors shall deem to be in the best interest of the Town. *Passed by a majority vote.*

Article 9: On the Motion of Cynthia Hahn Caldwell, it was **VOTED:** That the Town abandon and relinquish all rights to easements associated with water lines, associated with property commonly referred to as the "Poor Farm", recorded in Worcester South District Registry of Deeds, Book 1709, Page 199, and conveyed by the former Athol Water Company to the "Inhabitants of the Town of Athol" as voted at a Town Meeting on December 17, 1904. *Passed by a majority vote.*

Article 10: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town accept a parcel of land on Island Street as located on Athol Assessors Map 30, Lot 163, and recorded as a Land Court Document on March 8, 1941 at the Worcester District Registry of Deeds in Book 14, Certificate No. 2674. Such property shall be restricted for the future use of the library. *Passed by a majority vote.*

Article 11: On the Motion of Gary Deyo, it was **VOTED:** That the Town accept a parcel of land at Crescent Street, Parcel A, of a plan recorded at the Worcester District Registry of Deeds on August 19, 2013, Plan Book 902 Plan 47, 12,800 square feet. Said parcel is a portion of Athol Assessors Map 30, Parcel 180 and recorded at the Worcester District Registry of Deeds Book 1948, Page 399 on November 10, 1910. Such property shall be restricted for the future use of the library. *Passed by a majority vote.*

Article 12: On the Motion of Erik Euvrard, it was **VOTED:** That the Town appropriate by borrowing \$400,000 to pay costs of creating the Miller's River Park Recreational Area, which will include recreational amenities and the purchase of property for recreational purposes either by eminent domain or negotiated purchase or otherwise; including certain property located at 182 Marble Street Book 47931, Page 40, and 194 Marble Street Book 47372, Page 33 and 55 Island Street, Book 47372, Book 33, recorded in the Worcester District Registry of Deeds and that said parcels conveyed to the Town of Athol under the provisions of the Massachusetts General laws Chapter 45, Section 3 and as it may hereafter be amended and other Massachusetts Statutes relating to recreation uses, to be managed and controlled by the Athol Department of Public Works and the Trustees of the Athol Public Library; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) and Section 7(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds and

notes of the Town therefore; that the appropriate officials of the Town and the Trustees of the Athol Public Library are authorized to file on behalf of the Town of Athol any and all applications deemed necessary for grants and/or reimbursements from The Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act (301 CMR 5.00) and/or any others in any way connected with the scope of this Article, and the appropriate officials of the Town and The Trustees of the Athol Public Library are authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Athol to affect said project. It is the expectation of the Town that seventy percent of the funds expended by the Town for the Miller's River Park Recreational Area will be reimbursed by funds provided by the Commonwealth, and that the remaining thirty percent may be covered under a Federal grant program and if such a program is ineligible for such federal funding, the remaining thirty percent will be provided through a grant from the Athol Library Building Fund. As such, any borrowing authorized by this vote shall be reduced to the extent of any such grants or gifts received by the Town. *Required a 2/3rd's vote. The vote was 208 yes and 30 no.*

Article 13: No Motion. No Action taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to amend the fiscal year 2014 Capital Improvement Plan as voted by the Capital Program Committee".

Article 14: No Motion. No Action taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds or to transfer a sum of money from the water enterprise retained earnings for partial funding of a vehicle for the water & sewer division as voted by the Capital Planning Committee".

Article 15: No Motion. No Action taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds or to transfer a sum of money from the sewer enterprise retained earnings for partial funding of a vehicle for the water & sewer division as voted by the Capital Planning Committee".

Article 16: On the Motion of Alan Dodge, it was **VOTED:** That the Town raise and appropriate from taxation \$28,483.67 to supplement the FY14 general budget and that \$5,000 be added to the Elections & Registration budget and that \$23,483.67 be added to various departmental budgets for personal services to eliminate four scheduled furlough days as detailed below:

Department	Amount
Election and Registration	\$ 5,000.00
Town Clerk	\$ 1,878.52
Assessors	\$ 1,650.79
Treasurer/Collector	\$ 2,311.28
Board of Selectmen	\$ 816.25
Town Manager	\$ 1,555.49
Town Hall	\$ 629.07
Board of Health	\$ 1,583.93
Building Department	\$ 1,665.89

Inspector of Wires	\$ 401.35
DPW	\$ 2,546.66
Accountant	\$ 1,831.83
Council on Aging	\$ 755.32
Planner	\$ 367.36
Police	\$ 2,950.45
Fire	\$ <u>2,539.48</u>
	\$ 23,483.67

TOTAL **\$ 28,483.67**

Passed by a majority vote.

Article 17: No Motion. No Action taken on “To see if the Town will vote in accordance with Massachusetts General Laws Chapter 32 Section 103(j), as amended by Section 19 of Chapter 188 of the Acts of 2010, to approve the Athol Contributory Retirement System’s acceptance of an increase to the base amount for calculating retiree cost of living increases to \$13,000”.

Article 18: No Motion. No Action taken on “To see if the Town will vote to accept MGL Chapter 32B, Section 20 authorizing the Town Treasurer to establish a separate fund to be known as the “Other Post Employment Benefits (OPEB) Liability Trust Fund”. The purpose of the fund to reduce the unfunded actuarial liability of health care and other post-employment benefits to zero as of an actuarially acceptable period of years and to meet normal cost of all such future benefits for which the Town of Athol is obligated. And further, to raise and appropriate or transfer from available funds a sum of money for such fund”.

Article 19: On the Motion of Cynthia Hahn Caldwell, it was **VOTED:** That the Town designate a Development District consisting of 316 acres, more or less, bounded by Route 2, Route 2A and Route 32, as more fully described on the plan entitled “North Quabbin Business Park DIF Plan” and filed in the office of the Town Clerk, and make all applicable findings necessary to create such district, as required by Chapter 40Q of the General Laws. *Passed by a majority vote.*

Article 20: On the Motion of Alan Dodge, it was **VOTED:** That the Town adopt a Development Program for such district, in such form as set forth in the North Quabbin Business Park DIF Plan and filed in the office of the Town Clerk. *Passed by a majority vote.*

Article 21: On the Motion of Kenneth Duffy, it was **VOTED:** That the Town appropriate by borrowing \$3,065,000 to pay costs of extending the Town’s water system to the North Quabbin Business Park Development District, so-called, including the payment of all costs incidental and related thereto, and that the meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 40Q, Section 4 of the General Laws, or pursuant to any other enabling authority, and to issue general obligation bonds and/or notes of the Town therefore. *Required 2/3rd’s vote. The vote was 232 yes and 6 no.*

Article 22: On the Motion of Alan Dodge, it was **VOTED:** That the Town appropriate by borrowing \$16,279,743 for the purpose of paying costs for the design and construction of a new Athol Elementary School, Pleasant Street, Athol, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Town, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. *Required a 2/3rd's vote. The vote was 225 yes and 25 no.*

Article 23: On the Motion of Guarang Patel, it was **DEFEATED:** That the Town authorize and direct the Board of Selectmen to file with the Massachusetts General Court a petition for special legislation to allow a fourth license in accordance with Massachusetts General Law Chapter 138 Section 15 (All Alcohol Off-Premise) commonly referred to as a "Package Store License" to only be issued to Guarang Patel for retail sale at the restricted location of Country Convenience, 49 S. Main St., Athol. Said license not to be transferable. *Defeated by a majority vote.*

Petition Article

Article 24: On the Motion of Samantha Spates, it was **DEFEATED:** That the Town shall stop putting fluoride or fluoride compounds into the public water supply. *Defeated by a majority vote.*

Meeting dissolved at 10:41 p.m.

Attest:

Nancy E. Burnham
Town Clerk

**SPECIAL TOWN MEETING
JANUARY 13, 2014**

The 2014 Special Town Meeting was held on January 13, 2014 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were 591 present when the Moderator called the meeting to order at 7:35 p.m. The number of voters checked as being present was as follows: Precinct 1, 247; Precinct 2, 174; and Precinct 3, 170. Total present: 591

Town Clerk, Nancy Burnham, read the return of service from Constable Kenneth Vaidulas.

The Moderator called for a moment of silence for the following:

J. Edmund Chiasson – He was a Constable for the Town of Athol from 1954 to 2005.

Richard E. Shine – He was a firefighter for the Town of Athol for many years.

Robert Banks Coyle, Jr. – He was a teacher at the Athol Junior High School from 1856-1957 and 1962-1988. He founded the Athol Bird and Nature Club in 1963 and served as its president for 25 years. He served on the Athol Shade Tree Commission from 1967-1991.

The Moderator led with the Pledge of Allegiance and then stated that the meeting was run under “Town Meeting Time”.

The Moderator recognized Mark Wright for his services in assisting the Town in acquiring a new sound system. Mr. Wright gave instructions to the voters on the new sound system.

Town Clerk, Nancy Burnham swore in the tellers: Richard Godin, John Maroni, Calvin Taylor, Paul Forand, Peter Lanteigne and Albert Mailloux, Jr.

The following is a true record of the vote taken at the January 13, Special Town Meeting.

Article 1: On the Motion of Kenneth Duffy, it was VOTED: That the Town amend the vote adopted under Article 22 of the Warrant at the Town Meeting held on October 21, 2013, to appropriate and authorize the borrowing of the entire cost of the Athol Elementary School Project \$43,931,363, as required by the Massachusetts School Building Authority (“MSBA”), rather than the anticipated net share of such costs appropriated and authorized to be borrowed by the Town under said Article 22 (\$16,279,743), which increased appropriation shall be reduced by all grants received on account of the project from the MSBA, resulting in no change to the Town’s anticipated net share of total project costs. *Required a 2/3rd’s vote. The vote was 477 yes and 94 no. Motion passes.*

Meeting dissolved at 8:20 p.m.

Attest:

Nancy E. Burnham
Town Clerk

**ANNUAL TOWN MEETING
JUNE 9, 2014**

The 2014 Annual Town Meeting was held on June 9, 2014 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were 84 present when the Moderator called the meeting to order at 7:04 p.m. The number of voters checked as being present was as follows: Precinct 1, 34; Precinct 2, 24; and Precinct 3, 28. Total present: 86.

Town Clerk, Nancy Burnham, read the return of service from Constable Randy Mitchell.

The Moderator called for a moment of silence for the following:

Charles Evashousky - He was an officer of the Athol Police Department in the 1970's

Dominic F. Erali – He was a teacher at Athol High School for 17 years

Paul F. Savoy, Sr. – He was an evening custodian at the Athol High School beginning on March 10, 1976. He was promoted to head custodian at Riverbend School on October 17, 1984 and retired January 1, 1991.

Jesse C. Worrick, Jr. – He was on the Board of Registrars of Voters from 1979-2003.

Anne M. Killay – She was a Selectwoman for the Town of Athol from 1988-1994, a Library Trustee from 1982-1986, and an election worker

Clinton W. Smith – He was a call firefighter for the Athol Fire Department for 30 years and an election worker.

The Board of Selectmen handed out the Annual Margaret Grazis Awards:

Employee of the Year – Ronny Cote, Athol Police Department Detective

Citizen of the Year – Kenneth Duffy, Chairman of the Finance and Warrant Advisory Committee

The Moderator recognized Brian King, a Junior at Monty Tech who built the 2 new podiums being used at Town Meeting. Brian began working on the podiums in January and put approximately 140 hours into making them.

The following is a true record of the votes taken at the June 9, 2014 Annual Town Meeting.

Article 1 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town of Athol choose all necessary Town Officers not already elected. *Passed by a majority vote.*

Article 2 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town review and act upon the reports of Town Offices and to receive the reports of any committee. *Passed by a majority vote. Kenneth Duffy, FWAC Chairman, read a report from the Finance and Warrant Advisory Committee.*

- Article 3** On the Motion of Gary H. Deyo, it was **VOTED:** That the Town accept all donations and gifts received and turned into the treasury during fiscal year 2015. *Passed by a majority vote.*
- Article 4** On the Motion of Erik Euvrard, it was **VOTED:** That the Town accept all cemetery and other funds received and provided to the treasury during fiscal year 2015. *Passed by a majority vote.*
- Article 5** On the Motion of Paul W. Nelson, it was **VOTED:** That the Town authorize the treasurer to enter into a compensating balance agreement or agreements for fiscal year 2015 pursuant to Chapter 44, Section 53F of the Massachusetts General Laws. *Passed by a majority vote.*
- Article 6** On the Motion of Gary H. Deyo, it was **VOTED:** That the Town authorize the Board of Selectmen and or the Town Manager to apply for, accept and expend any and all State and Federal grants for fiscal year 2015, for which no additional appropriation by the Town is required. *Passed by a majority vote.*
- Article 7** On the Motion of Kenneth Duffy, it was **VOTED:** That the Town appropriate \$12,998,331 to fund the fiscal year 2015 budget to be funded as follows: \$12,644,631 from taxation; transfer \$250,000 from free cash; transfer \$35,000 from Cemetery Trust Fund; transfer \$15,000 from parking meter receipt account; transfer \$500 from Cemetery Lot Sales; transfer \$20,500 from Pothole Grant; and transfer \$32,700 from Prior Year Storm Reimbursement;

Division/Department	FY13	FY14	FY15	% DIF
Finance				
Accountant	103,839	107,215	113,721	6.07
Assessor	115,187	112,526	116,581	3.60
FWAC	126,450	126,200	75,000	-40.57
Capital Planning Committee	1,270	1,020	1,020	0
Collector/Treasurer	2,952,364	3,788,753	4,021,004	6.13
Subtotal	3,299,110	4,135,714	4,327,326	4.63
Public Safety				
Building Inspector	100,484	104,409	107,485	2.95
Fire Department	1,730,804	1,646,799	1,680,935	2.07
Health Department	111,030	104,398	108,968	4.38
Police Department	1,652,541	1,674,909	1,700,033	1.50
Sealer of Weights and Measures	7,765	7,485	7,485	0
Wire Inspector	26,731	28,013	29,147	4.05
Subtotal	3,629,355	3,566,013	3,634,053	1.91
Public Services				
Board of Selectmen	530,051	587,329	622,020	5.91
Council on Aging	118,471	126,867	110,616	-12.81
Conservation Commission	13,800	10,400	8,300	-20.19
Contributory Retirement	1,181,995	1,373,233	1,573,182	14.56
Elections & Registration	24,494	14,294	23,100	61.61
Library	442,864	454,644	464,545	2.18
Parking	12,593	10,175	10,175	0
Personnel Board	350	0	0	0
Planning Board	1,850	1,800	1,500	-16.67
Planning /CDBG	100,710	86,208	85,913	-.34

Professional Services	144,610	159,587	157,633	-1.22
Recreation	49,873	27,200	29,300	7.72
Beaches	22,675	23,639	24,985	5.69
Town Buildings	117,948	125,888	124,816	-.85
Town Clerk	117,303	120,692	124,502	3.16
Town Manager	154,269	113,757	106,750	-6.16
Veterans	181,901	158,794	210,000	32.25
Zoning Board of Appeals	4,230	2,230	2,050	-8.07
Subtotal	3,219,987	3,396,737	3,679,387	8.32
Public Works	1,418,830	1,362,986	1,357,565	-.40
	11,567,282	\$12,461,450	12,998,331	4.31%

Passed by a majority vote.

Article 8 On the Motion of Kenneth Duffy and reconsidered and amended by Stephen Raymond, it was **VOTED:** That the Town vote to appropriate \$489,000 to fund the fiscal year 2015 Capital Improvement Plan to be funded as follows: \$318,814 from free cash; \$170,186 from FY08, FY09, FY10, FY11, FY12, FY13 & FY14 Capital Improvement Plans as recommend by the Capital Program Committee and as detailed in the charts below::

Department	Item/Project	CPC FY15	Transfer FY15	Total FY15
COA	Re-Point Senior Center Bldg (all sides)	10,000.00		
	Senior Center Build out Plan	16,500.00		
Town Hall	Memorial Building Roof & Clock Tower	10,000.00		
	Computer Network Wiring	8,500.00		
	Masonry (west side) engineering	10,000.00		
Fire - vehicles	Ambulance		220,000.00	
DPW - Vehicles	Leases, Bob Cat, Chipper, Combo	175,000.00		
DPW - Projects	Grant Project Match	50,000.00		
	Non Chapter 90	75,000.00		
	Infrastructure Improvements	50,000.00		
	Gun Club Remediation	17,500.00		
	Landfill Monitoring	27,500.00		
DPW-- Water	Improvements		100,000.00	
DPW-- Sewer	Improvements		125,000.00	
DPW-Sewer	Ultraviolet		20,000.00	
Police - Vehicles	Cruiser Replacement	39,000.00		
	Total Budget	489,000.00	465,000.00	954,000.00

Balance	Year	Project Name	Account
76,060.68	FY08	Lake Ellis	0100-928-6533
16,000.00	FY09	Philipston Dam	0100-929-6301

250.00	FY09	Town Hall	0100-929-6433
4,472.50	FY09	Police Fire Arms	0100-929-6485
10,352.00	FY09	AHS Technology	0100-929-6583
1,469.47	FY09	Assessors 3-yr Reval	0100-929-6693
5,000.00	FY09	Reserve Fund	0100-929-6783
3,280.00	FY09	Police Cruisers	0100-929-6855
5,000.00	FY10	Reserve Fund	0100-920-6783
403.00	FY10	Police Cruisers	0100-920-6855
318.34	FY10	Fire Command Vehicle	0100-920-6856
1,500.00	FY11	DPW 51 School St.	0100-931-6534
5,067.00	FY11	Revaluation	0100-931-6693
16,336.00	FY11	CIP Reserve Fund	0100-931-6783
293.86	FY11	Ambulance	0100--931-6851
972.60	FY11	Fire Dept Command Veh	0100-931-6852
2,610.00	FY11	Police Cruisers	0100-931-6855
6,474.11	FY11	Fire / Police Preempt	0100-931-6871
10,000.00	FY12	Fire Alarm System	0100-932-6852
575.00	FY13	Fire Accountantability	0100-933-6581
800.92	FY13	Police Cruiser	0100-933-6855
754.52	FY13	Police Radio Tower Reloc	0100-933-6871
1,455.00	FY14	Police Cruiser Replacement	0100-934-6855
741.00	FY14	Fire Skid Unit	0100-934-6856
170,186.00			

Passed by a majority vote.

Article 9 On the Motion of Erik Euvrard, it was **VOTED:** That the Town transfer \$100,000 from the Water Enterprise Reserve account for the purchase of equipment and infrastructure improvements for the Water Division. *Passed by a majority vote.*

Article 10 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town transfer \$125,000 from the Sewer Enterprise reserve account for the purchase of equipment and infrastructure improvements for the Sewer Division. *Passed by a majority vote.*

Article 11 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town transfer \$20,000 from the Sewer Enterprise reserve account for the purchase of ultra violet lamp replacements for the Sewer Division. *Passed by a majority vote.*

Article 12 **No Motion, No Action** taken on “To see if the Town will vote to raise and appropriate or appropriate from available funds or transfer a sum of money to continue environmental and remediation work at the former Athol Rod & Gun Club as required by the Department of Environmental Protection and the EPA; *or act in relation thereto.*

Article 13 **No Motion, No Action** taken on “To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to continue monitoring of the former Athol Sanitary Landfill as required by the Department of Environmental Protection; *or act in relation thereto.*

Article 14 On the Motion of Erik Euvrard, it was **VOTED:** That the Town transfer \$51,000 from free cash for future Triennial Revaluations and Interim Year Value Adjustments, as require under M.G.L. Ch. 40, Section 56, Ch. 58, Sections 1, 1A & 3 and Ch. 59 Section 2A. Such funding is to cover all aspects of revaluation including, but not limited to, statistical analysis, sales analysis, video imaging, field reviews and all other tasks deemed necessary for successful completion of these state mandated requirements. *Passed by a majority vote.*

Article 15 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town appropriate from taxation \$3,875,513 for the fiscal year 2015 assessment to the Athol-Royalston Regional School District. *Passed by a majority vote.*

Article 16 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town appropriate from taxation \$237,738 for the fiscal year 2015 assessment to the Montachusett Regional Vocational Technical School District. *Passed by a majority vote.*

Article 17 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town appropriates \$200,000, for the purpose of financing the following water pollution abatement facility projects: repair, replacement, and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owner(s), including without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant Chapter 111, Section 127B 1/2 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. All or any portion of the borrowing authorized by this vote may be obtained through the Massachusetts Water Pollution Abatement Trust. *Required a 2/3rd's vote. The vote was 70 yes and 0 no.*

Article 18 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town set the salaries of several elected officers and appointed positions of the boards of the Town of Athol as shown above and printed in the warrant.

Moderator	\$ 194.00
Selectmen, Chairman	\$1652.00
Selectmen, all other (4)	\$1377.00
Assessors, Chairman	\$1652.00
Assessors, all other (1)	\$1350.00
Constable	None
Board of Health, Chairman	\$1652.00
Board of Health, all other (2)	\$1377.00
Library Trustees	None

Passed by a majority vote.

Article 19 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town appropriate from available funds \$1,179,466 to operate the Department of Public Works/Water Division.

Water Division	Expenses
Operational Expenses	809,515
Debt	212,357
Health Insurance	59,794
Overhead	97,800
Capital	0
Total	1,179,466

and that \$1,179,466 be raised as follows:

Water Division	Revenues
Water Rates	1,088,966
Water Service	8,000
Water Interest	5,000
Water Account Charges	77,500
Total	1,179,466

Passed by a majority vote.

Article 20 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town appropriate from available funds \$1,390,426 to operate the Department of Public Works/Sewer Division.

Sewer Division	Expenses
Operational Expenses	826,287
Debt	370,545
Health Insurance	59,794
Overhead	97,800
Capital	0
Total	1,390,426

and that \$1,390,426 be raised as follows:

Sewer Division	Revenues
Sewer Rates	1,317,926
Sewer Service	1,000
Sewer Interest	4,000
Sewer Acct. Charge	67,500
Total	1,390,426

Passed by a majority vote.

Article 21 On the Motion of Erik Euvrard, it was **VOTED:** That the Town appropriate from available funds \$366,844 to operate the Department of Public Works/Transfer/Recycling Enterprise Fund.

Transfer Station	Expenses
Operational Expenses	307,339
Debt	41,050
Health Insurance	18,455
Overhead	0
Total	366,844

and that \$366,884 be raised as follows:

Transfer Station	Revenues
Departmental Receipts	339,534
Retained Earnings for Expenses	27,310
Total	366,844

Passed by a majority vote.

Article 22 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town establish and authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53 E½ for fiscal year 2015.

Revolving fund	Authorized to spend	Revenue source	Use of fund	FY2015 spending limit
Plumbing Inspection	Selectmen	Plumbing Inspection fees	Pay plumbing insp. & asst. plumb. insp.	\$20,000
Recycling	Board of Health Town Manager	Grants, bulky waste, PAYT, recycling containers, compost bins	Expenses and equipment	\$20,000
Gas Inspections	Selectmen	Gas inspection fees	Pay gas insp. & asst. gas insp.	\$2,500
Waste Facility Debt	Town Manager	Sewer user fees	Pay upgrade debt	\$60,000
Trench Permit	Building Dept.	Permit Fees & Reimbursement	Enforcement	\$5,000
Vaccinations	Board of Health	Insurance Reimbursements & User Fees	Public Health Administration	\$25,000
Recreation	Recreation Commission	Registration Fees	Program Administration	\$10,000
Total Spending				\$142,500

Passed by a majority vote.

Article 23 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town establish and authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53C for fiscal year 2015.

Police Detail	Police Chief	Contractors	Pay police	\$100,000
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Passed by a majority vote.

Article 24 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town suspend the contribution of ten (10) percent (%) of ambulance revenue to Receipts Reserved for Ambulance Appropriation for fiscal year 2015, with all receipts being allocated to the General Fund. *Passed by a majority vote.*

Article 25 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town transfer \$50,000 from free cash to be used for the purpose of demolishing and removing dangerous, vacant and abandoned buildings. *Passed by a majority vote.*

Article 26 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town transfer \$126.99 from free cash to pay a fiscal year 2013 W. B. Mason bill incurred by Office of Treasurer / Collector. *Passed by a majority vote*

Article 27 On the Motion of Erik Euvrard, it was **VOTED:** That the Town reimburse the Stabilization Account from money received from New England Equestrian Land Management Conservation Corporation for the construction of a road in the Equestrian Park for vehicle traffic as voted at the June 13, 2011 Annual Town Meeting. *Passed by a majority vote*

Article 28 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town authorize the Board of Selectmen to file a petition with the Massachusetts General Court for special legislation to repeal the vote taken on November 3, 1936 by which the Town accepted the provisions of M.G.L. c 32 establishing a contributory retirement system for their employees. Said special legislation shall dissolve the Athol Contributory Retirement System. And to further authorize the Board of Selectmen to seek membership on behalf of the Town of Athol to the Worcester Regional Retirement System. *Passed by a majority vote*

Article 29 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town accept as a donation, vacant land in Athol described as Map 1, Parcel 70 by the Athol Assessors records, and described at the Worcester Registry of Deeds in book 4284, page 451, presently owned by Howard C. and Margaret H. Adams, as ownership by the Town has been requested by the Department of Environmental Protection. *Passed by a majority vote*

Article 30 On the Motion of Erik Euvrard, it was **VOTED:** That the Town rescind the unissued balances on the following authorizations for which the projects have been completed for less than the voted authorizations at the following Town Meetings as printed in the warrant and written above.

PURPOSE	DATE OF VOTE	ARTICLE #	AMOUNT AUTHORIZED	ISSUED	REMAINING BALANCE
Ejector Station	May 15, 2000	48	\$160,000	\$100,000	\$60,000
Sewage Treatment	Jan. 31, 2005	1	\$5,000,000	\$4,910,000	\$90,000
Sewage Treatment	May 1, 2006	18	\$2,000,000	\$1,500,000	\$500,000
Sewage Treatment	Oct. 16, 2006	32	\$1,400,000	\$1,375,444	\$24,556

Required a 2/3rd's vote. The vote was 75 yes and 0 no.

Article 31 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town rescind the vote for which the Town authorized the bonding of the sum of \$200,000 to purchase land or take by eminent domain and associated cost in regards to purchasing land for the development of an Industrial Park in the Town of Athol as voted in Article 9 of the October 21, 1996 Special Town Meeting and amended in Article 7 of the February 12, 1997 Special Town Meeting. *Required a 2/3rd's vote. The vote was 76 yes and 1 no.*

Article 32 On the Motion of Gary H. Deyo, it was **VOTED:** That the Town rescind the vote for which the Town authorized the bonding of the sum of \$30,000.00 to purchase 19.4 acres located on Templeton Road for the purpose of development of an Industrial Park as voted in Article 8 of the February 12, 1997 Special Town Meeting. *Required a 2/3rd's vote. The vote was unanimous.*

Article 33 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town transfer \$97,389 from free cash to the stabilization account. *Passed by a majority vote.*

Article 34 On the Motion of Erik Euvrard, it was **VOTED:** That the Town amend the Town Bylaws by amending Chapter X, Section 10 of the Dog Bylaws as printed in the warrant above.

FAILURE TO LICENSE \$25.00

and replacing it with the following:

FAILURE TO LICENSE \$50.00

Passed by a majority vote.

Article 35 On the Motion of Susannah Lee, it was **VOTED:** That the Town table Article 35 until the October 2014 Fall Town Meeting.

“To see if the Town will vote to amend the Town Bylaws by deleting Chapter V, Section 15 by deleting the following language:

Section 15. The owner of any real estate abutting upon any sidewalk now in use - or hereafter constructed within the Town shall, except when exempted as noted below, within forty

eight (48) hours after the ceasing to fall or form of any snow, ice or sleet; shall cause the same to be removed from such sidewalk, and if the same cannot be wholly removed, shall sprinkle thereon sand, or other proper substance, so that such sidewalk shall be safe for travel.

15.1 The property owner shall not be responsible for removing snow on an abutting sidewalk if an excessive amount of snow is plowed onto the sidewalk by municipal or state vehicles (in the course of plowing a public way) which cannot be reasonably removed by hand shoveling, or by a mechanical snow thrower marketed as a residential model.

15.2 The property owner shall not be responsible for removing snow on an abutting sidewalk if a law enforcement agency or other agency having jurisdiction, determines a police detail is necessary.

15.3 The property owner shall not be responsible for removing snow on an abutting sidewalk if an extreme hardship is determined to exist. This determination to be made by the Town Manager or the Town Manager's agent.

15.4 No fines will be imposed on any property owner until the Town has completed clearing and/or treating all sidewalks that abut Town property.

15.5 With the written approval of the Town Manager, any Owner or owner's agent, when compliant with Chapter V, S15 will be held harmless by the Town and the Town shall defend the owner, or the owner's agent, at town cost in the event of litigation regarding snow removal from said sidewalk. If the Town Manager does not agree to defend the owner, or owner's agent, then the owner, or owner's agent, has the right to appeal the decision to the Board of Selectmen. *(Amended at the October 18, 2004 Fall Town Meeting. Approved by the Attorney General on December 22, 2004.)*

and replacing it with the following:

Section 15. The owner of any real estate abutting upon any sidewalk now in use - or hereafter constructed within the Town shall, except when exempted as noted below, within **twenty-four (24)** hours after the ceasing to fall or form of any snow, ice or sleet; shall cause the same to be removed from such sidewalk. And if the same cannot be wholly removed, shall sprinkle thereon sand or other proper substance, so that such sidewalk shall be safe for travel.

15.1 With the written approval of the Town Manager, any Owner, or owner's agent, when compliant with Chapter V, S15 will be held harmless by the Town and the Town shall defend the owner, or the owner's agent, at town cost in the event of litigation regarding snow removal from said sidewalk. If the Town Manager does not agree to defend the owner, or owner's agent, then the owner, or owner's agent, has the right to appeal the decision to the Board of Selectmen."

Required a 2/3rd's vote. The vote was 76 yes and 0 no.

Article 36 No motion. No action taken on "To see if the Town will vote to amend Chapter III, Section 18 "Non Criminal Disposition" by deleting the following language:

2.3 Violation of Chapter V, S15 of the bylaws "failure to shovel sidewalks of ice and snow after a storm. Commercial and residential areas."

Enforcing Agent: Police Department

Penalty: First offense warning
Second and subsequent offense \$20;

and replacing it with the following:

2.3 Violation of Chapter V, S15 of the bylaws “failure to shovel sidewalks of ice and snow after a storm. Commercial and residential areas.”

Enforcing Agent: Police Department

Penalty: \$25 per day

Article 37 On the Motion of Paul W. Nelson and amended by Richard D. Godin, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Section 3.26.

3.26 Registered Marijuana Dispensaries

3.26.1 Purpose and Intent

3.26.1.1 The purpose and intent of this bylaw is to provide criteria for the placement of Registered Marijuana Dispensaries (RMD) in the Town of Athol and to ensure that proper security measures are in place in order to prevent adverse impacts on public health, property values of residential and commercial properties, the business climate and the general quality of life in the community.

3.26.1.2 105 CMR 725.000 defines the regulations for Register Marijuana Dispensaries and permits the dispensing of marijuana, the cultivation of marijuana and the processing of marijuana, to be conducted at a single location or at two separate locations with each activity conducted at only one location. This zoning bylaw provides criteria for the siting of Registered Marijuana Dispensaries in the Town of Athol for these purposes.

3.26.2 Definitions

Certificate of Registration: The certificate issued by the Massachusetts Department of Public Health that confirms that a Registered Marijuana Dispensary has met all requirements pursuant to Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana, and 105 CMR 725.000, and is registered by the Massachusetts Department of Public Health.

CMR: Commonwealth of Massachusetts Regulation

Cultivating Marijuana: The act of growing and harvesting marijuana.

Dispensing Marijuana: The act of selling marijuana to qualifying patients.

Marijuana: All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is

incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

Marijuana-Infused Product (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils and tinctures. These products, when created or sold by a RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

Processing Marijuana: The act of preparing marijuana for dispensing to qualifying patients and/or preparing Marijuana-Infused Products.

Registered Marijuana Dispensary (RMD): A not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and processing of marijuana.

Personal Caregiver: A person, registered by the Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

Qualifying Patient: A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registered Qualifying Patient: A qualifying patient who has applied for and received a registration card from the Massachusetts Department of Public Health.

Registration Card: An identification card issued by the Massachusetts Department of Public Health to a registered qualifying patient, personal caregiver or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Massachusetts Department of Public Health; that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Massachusetts Department of Public Health and is authorized to work at a RMD.

The registration card allows access into appropriate elements of a Massachusetts Department of Public Health-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The registration card identifies for the Massachusetts Department of Public Health and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and the Act.

Written Certification: A form submitted to the Massachusetts Department of Public Health by a Massachusetts licensed certifying physician, describing the qualifying patient's pertinent symptoms, specifying the patient's debilitating medical condition and stating that in the physician's professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient.

Zoning Enforcement Officer: The Building Inspector is the Zoning Enforcement Officer for the Town of Athol.

3.26.3 Registered Marijuana Dispensary by Special Permit

3.26.3.1 The operation of a Registered Marijuana Dispensary in the Town of Athol, shall require a Special Permit from the Athol Zoning Board of Appeals.

3.26.3.2 Registered Marijuana Dispensary facilities that dispense marijuana shall be allowed by Special Permit only in the following zoning districts:

- General Commercial (G)
- Industrial Commercial (I)

3.26.3.3 Registered Marijuana Dispensary facilities that cultivate marijuana and/or process marijuana, shall be allowed by Special Permit only in the following zoning districts:

- Central Commercial (CA)
- General Commercial (G)
- Industrial Commercial (I)

3.26.3.4 Separate special permits must be acquired for each Registered Marijuana Dispensary facility.

3.26.3.5 An outdoor cultivation site is considered a Registered Marijuana Dispensary facility and shall require a separate special permit.

3.26.3.6 Outdoor cultivation sites shall not be permitted in the Central Commercial (CA) zoning district.

3.26.3.7 No activity shall be conducted at the Registered Marijuana Dispensary other than that for which the special permit has been issued.

3.26.3.8 The Special Permit shall not be assigned or transferred.

3.26.3.9 Any special permit granted for a Registered Marijuana Dispensary shall

- be personal to the applicant, shall not run with the land, and shall expire upon expiration of the applicant's lease or upon sale or transfer of the applicant's property or business
- expire upon the expiration or termination of the applicant's Certificate of Registration by the Massachusetts Department of Public Health

3.26.3.10 An application for renewal must be submitted at least 120 days prior to the expiration of the Special Permit.

3.26.3.11 The holder of the Special Permit shall notify the Zoning Enforcement Officer and the Zoning Board of Appeals in writing within 48 hours of the cessation of operation of the Registered Marijuana Dispensary or the expiration or termination of the Special Permit holder's Certificate of Registration with the Massachusetts Department of Public Health.

3.26.4 Setbacks

3.26.4.1 Registered Marijuana Dispensaries, sited in the General Commercial (G) or Industrial Commercial (I) zoning districts, which

- dispense marijuana
- cultivate marijuana at an outdoor location shall not be located within 500 feet of the following:
 - a. A residential dwelling
 - b. A structure used for educational or religious purposes
 - c. A structure or parcel owned, operated or maintained by the federal government, the Commonwealth of Massachusetts, or the Town of Athol for use by, or with activities open to the general public, such as a library, municipal building, park, playground or recreational area
 - d. A structure or parcel used for a licensed childcare facility registered with the town
 - e. Any facility in which children commonly congregate
 - f. Any establishment that serves or sells alcoholic beverages that are consumed on the premises, except restaurants

3.26.4.2 Measure of Distance: The distance specified above shall be measured by a straight line from the point of the structure for which the proposed Registered Marijuana Dispensary is to be located, which is nearest the point of the other designated uses set forth above.

3.26.4.3 The setbacks defined in section 3.26.4.1 shall not apply to Registered Marijuana Dispensaries, sited in the Central Commercial (CA), General Commercial (G) or Industrial Commercial (I) zoning districts, which are engaged only in either of the following activities:

- cultivating marijuana
- processing marijuana

However, in cases in which the cultivation area is outdoors, the setbacks defined in section 3.26.4.1 shall apply.

3.26.5 Registered Marijuana Dispensary Security Requirements

3.26.5.1 The applicant for a special permit for a Registered Marijuana Dispensary shall provide the Athol Police Department with the following information:

- a. All information described in section 3.26.7.1 a - h
- b. All information necessary to demonstrate compliance with 105 CMR 725.110, Security Requirements for Registered Marijuana Dispensaries.

3.26.5.2 The Athol Police Department shall provide the applicant documentation that the

information in section 3.26.5.1 has been provided and the date it was received.

3.26.5.3 The Athol Police Department shall have thirty (30) days to review the information provided by the applicant. Upon completion of the review period, if the Athol Police Department determines that additional security requirements not addressed in 105 CMR 725.110 are warranted, they shall inform the applicant and the ZBA in writing.

3.26.6 Registered Marijuana Dispensary Health Requirements

3.26.6.1 The applicant for a special permit for a Registered Marijuana Dispensary shall provide the Athol Board of Health with the following information:

- a. All information described in section 3.26.7.1 a - h
- b. All information necessary to demonstrate compliance with:
 - 105 CMR 725.105(A)(4)(5)(7)(10)(12)(14)
 - 105 CMR 725.105(C)(6)
 - 105 CMR 725.105(D)
 - 105 CMR 725.105(E)
 - 105 CMR 725.105(G)
 - 105 CMR 725.105(H)
 - 105 CMR 725.105(I)(2)(3)(4)(6)
 - 105 CMR 725.105(J)
 - 105 CMR 725.105(K)
 - 105 CMR 725.105(L)(1)(6)(8)(9)(10)

3.26.6.2 The Athol Board of Health shall provide the applicant documentation that the information in section 3.26.6.1 has been provided and the date it was received.

3.26.6.3 The Athol Board of Health shall have thirty (30) days to review the information provided by the applicant. Upon completion of the review period, if the Athol Board of Health determines that additional health regulations not addressed in section 3.26.6.1 b are warranted, they shall inform the applicant and the ZBA in writing.

3.26.7 Registered Marijuana Dispensary Special Permit Application Requirements

3.26.7.1 The application for a special permit for a Registered Marijuana Dispensary shall provide the following information:

- a. Address of the dispensary
- b. A statement declaring the activities that will be conducted at the dispensary which shall include only the following:
 - dispensing marijuana
 - cultivating marijuana
 - processing marijuana
- c. Name, address and phone number of the legal owner of the dispensary - The individual(s) or entity issued, or applying for, the Certificate of Registration from the Massachusetts Department of Public Health
- d. Name, address and phone number of the legal owner of the property
- e. Name, address and phone number of the manager of the dispensary
- f. Number of employees

- g. Hours of operation and after-hours contact information
- h. Description and illustration of the physical layout of the premises
- i. Documentation of Athol Police Department receipt of the information listed in Section 3.26.5.1
- j. Documentation of Athol Board of Health receipt of the information listed in Section 3.26.6.1

3.26.7.2 The applicant shall provide the information defined in section 3.26.7.1 a - h, to the Building Inspector, the Conservation Commission, the Historical Commission, the Department of Public Works, the Planning Board and the Fire Chief for their advisory review and comments. The applicant shall submit proof of receipt from each of these departments to the ZBA.

3.26.7.3 Agents for the departments listed in section 3.26.7.2 shall have thirty (30) days to review the information provided by the applicant and to submit written comments to the ZBA. Failure to respond to the ZBA within this timeframe shall be construed as lack of opposition to the application as submitted.

3.26.8 Conditions, Safeguards and Limitations, for Registered Marijuana Dispensaries

In granting a special permit, the Zoning Board of Appeals may impose additional conditions, safeguards and limitations on the permit.

3.26.9 Registered Marijuana Dispensary Operational Requirements

3.26.9.1 Before the Registered Marijuana Dispensary becomes operational, the applicant must provide the Police Department, the Athol Board of Health and the Building Department, a copy of the Certificate of Registration issued by the Massachusetts Department of Public Health.

3.26.9.2 The Registered Marijuana Dispensary shall post the Certificate of Registration in a conspicuous location on the premises approved by the Athol Board of Health.

3.26.10 Severability

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

Required a 2/3rd's vote. The vote was 59 yes and 1 no.

Article 38 On the Motion of Paul W. Nelson, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule.

Industrial Commercial	I
General Commercial	G
Neighborhood Commercial	CB
Central Commercial	CA
Residence C	RC
Residence B	RB
Residence A	RA

2.3 Use Regulation Schedule

COMMERCIAL USES

Registered Marijuana Dispensaries	N	N	N	SP8	N	SP	SP
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Footnote 8 shall contain the following language:

Registered Marijuana Dispensaries that dispense marijuana and/or cultivate marijuana at an outdoor location are prohibited in the Central Commercial zoning district.

Required a 2/3rd's vote. The vote was 60 yes and 1 no.

Meeting dissolved at 9:07 p.m.

Attest:

Nancy E. Burnham
Town Clerk

**SPECIAL TOWN ELECTION
DECEMBER 9, 2013**

In each precinct polling place, the polls were opened at 10:00 a.m. and the ballot box in each precinct registered 0.

Ballots received in each of the polling places were as follows:

Precinct 1: 1103 Regular Ballots and 12 Absent Voter Ballots
Precinct 2: 1000 Regular Ballots and 7 Absent Voter Ballots
Precinct 3: 1002 Regular Ballots and 8 Absent Voter Ballots

The polls in each precinct were closed at 8:00 p.m. and after all the ballots, including absent voter ballots, were cast, the ballot boxes registered as follows:

Precinct 1: 488 on the ballot box and 0 in the side pocket.
Precinct 2: 341 on the ballot box and 0 in the side pocket
Precinct 3: 345 on the ballot box and 0 in the side pocket

The number of names checked on the voting list was as follows:

Precinct 1: On the ballot clerk's list and on the list at the ballot box : 488
Precinct 2: On the ballot clerk's list and on the list at the ballot box : 341
Precinct 3: On the ballot clerk's list and on the list at the ballot box : 345

NUMBER OF BALLOTS CAST

Precinct 1: Number of Ballots Cast, 488; Spoiled Ballots, 1; Provisional Ballots, 0; Unused Ballots, 626
Precinct 2: Number of Ballots Cast, 341; Spoiled Ballots, 1; Provisional Ballots, 0; Unused Ballots, 665
Precinct 3: Number of Ballots Cast, 345; Spoiled Ballots, 0; Provisional Ballots, 0; Unused Ballots, 657

ELECTION OFFICERS

Precinct 1: Warden (D) Patricia Kaczmarczyk; Deputy Warden (U) Allen Hodgdon; Clerk (R) Alice Woessner; Inspectors: (U) Joyce Sinclair; (U) Nancy Daub; (U) Lillian Bachelder; (U) Bonnie Hodgdon; (U) Marilyn Farnum; (D) Jean Torstensen; (D) Roberta Casella

Precinct 2: Warden (U) Ann Shea; Clerk (U) Madeleine Andrews; Inspectors: (U) Betty Anne Smith; (U) Marsha Smith; (U) Margaret Feldman; (U) Jean White; (D) Richard Lozier; (U) Cathy Foster

Precinct 3: Warden (U) Ben Feldman; Clerk (R) Marion Euvrard; Inspectors: (U) Clinton Smith; (U) Gloria Stoddard; (R) Claire Butler; (D) Muriel Holden; (U) Dawn Maroni

In each precinct, all of the election officers were sworn in by the warden.

The votes were canvassed, counted, recorded and declared by law as required, and were as follows:

Shall the Town of Athol be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order for the design and construction of a new Athol Elementary School, Pleasant Street, Athol, Massachusetts?

PRECINCT	<u>1</u>	<u>2</u>	<u>3</u>	<u>TOTALS</u>
BLANKS	0	0	1	1
YES	323	203	201	727
NO	165	138	143	446
TOTALS	488	341	345	1174

We have canvassed the returns of votes cast in Precincts 1, 2, and 3, Town of Athol, and the Special Town Election this date, and declare the foregoing to be so.

In accordance with the requirements of General Laws, chapter 51, section 61, as amended, we certify that the number of registered voters in each voting precinct in the Town of Athol at the close of registration on November 19, 2013 was as follows. viz.-

Precinct	Registered Voters
1	2201
2	1995
3	<u>2020</u>
Total	6316

Nancy E. Burnham
 Hugh A. Horrigan
 Gerard Lozier
REGISTRARS OF VOTERS

**ANNUAL TOWN ELECTION
 APRIL 7, 2014**

In each precinct polling place, the polls were opened at 10:00 a.m. and the ballot box in each precinct registered 0.

Ballots received in each of the polling places were as follows:

- Precinct 1:** 598 Regular Ballots and 6 Absent Voter Ballots
- Precinct 2:** 599 Regular Ballots and 6 Absent Voter Ballots
- Precinct 3:** 600 Regular Ballots and 4 Absent Voter Ballots

The polls in each precinct were closed at 8:00 p.m. and after all the ballots, including absent voter ballots, were cast, the ballot boxes registered as follows:

- Precinct 1:** 169 on the ballot box and 0 in the side pocket.
- Precinct 2:** 122 on the ballot box and 0 in the side pocket
- Precinct 3:** 139 on the ballot box and 0 in the side pocket

The number of names checked on the voting list was as follows:

- Precinct 1:** On the ballot clerk's list and on the list at the ballot box : 169
- Precinct 2:** On the ballot clerk's list and on the list at the ballot box : 122
- Precinct 3:** On the ballot clerk's list and on the list at the ballot box : 139

NUMBER OF BALLOTS CAST

- Precinct 1:** Number of Ballots Cast, 169; Spoiled Ballots, 1; Provisional Ballots, 0; Unused Ballots, 434
- Precinct 2:** Number of Ballots Cast, 122; Spoiled Ballots, 2; Provisional Ballots, 0; Unused Ballots, 481
- Precinct 3:** Number of Ballots Cast, 140; Spoiled Ballots, 1; Provisional Ballots, 0; Unused Ballots, 460

ELECTION OFFICERS

Precinct 1: Warden (D) Patricia Kaczmarczyk; Deputy Warden (U) Allen Hodgdon; Clerk (R) Alice Woessner; Inspectors: (U) Joyce Sinclair; (U) Nancy Daub; (U) Lillian Bachelder; (U) Bonnie Hodgdon; (U) Marilyn Farnum; (D) Roberta Casella

Precinct 2: Warden (U) Ben Feldman; Clerk (U) Madeleine Andrews; Inspectors: (U) Betty Anne Smith; (U) Marsha Smith; (U) Margaret Feldman; (U) Jean White; (U) Joan Starrett; (U) Cathy Foster; (U) Shirley Hyre

Precinct 3: Warden (U) Ben Feldman; Clerk (R) Marion Euvrard; Inspectors: (U) Clinton Smith; (U) Gloria Stoddard; (R) Claire Butler; (D) Muriel Holden; (U) Dawn Maroni; (D) Linda Lozier

In each precinct, all of the election officers were sworn in by the warden. The votes were canvassed, counted, recorded and declared by law as required, and were as follows:

OFFICE/CANDIDATE	1	2	3	TOTALS
TOTALS	1	2	3	TOTALS
MODERATOR				
BLANKS	18	13	17	48
LAWRENCE P. MCLAUGHLIN	150	108	122	380
KEITH HENSLEY	0	0	1	1
ALL OTHERS	1	1	0	2
TOTALS	169	122	140	431
SELECTMAN - 3 YEARS				
BLANKS	80	74	91	245
ANTHONY A. BRIGHENTI	122	83	103	308
ALAN D. DODGE	124	77	78	279
KENNETH VAIDULAS	1	0	0	1
WAYNE MILLER	1	0	0	1
BRENT WINTERS	1	0	0	1
PHIL KING	1	0	0	1
WAYNE KING	1	0	0	1
JAMES SMITH	2	2	0	4
JASON LERAY	1	1	3	5
THOMAS MANN	1	0	0	1
BARBARA SMITH	2	1	2	5
KALA FISHER	1	0	0	1
KENNETH DUFFY	0	1	1	2
WILLIAM CALDWELL	0	1	0	1
RANDY MITCHELL	0	1	0	1
BRIAN DODGE	0	1	0	1

CHARLES WINTERS	0	1	0	1
CARMEN HENSLEY	0	0	1	1
WILLIAM WRIGHT	0	0	1	1
ALL OTHERS	0	1	0	1
TOTALS	338	244	280	862
SCHOOL COMMITTEE FROM ATHOL - 3 YEARS				
BLANKS	84	75	90	249
LEE E. CHAUVETTE	114	77	84	275
MITCHELL R. GROSKY	133	87	100	320
KENNETH VAIDULAS	3	1	3	7
PATRICIA ROIX	2	0	0	2
JEN GODIN-TALBOT	1	0	0	1
REBECCA LERAY	1	1	2	4
JEREMIAH RIORDAN	0	1	0	1
KRISTIN RIORDAN	0	1	0	1
RICHARD EUVRARD	0	0	1	1
ALL OTHERS	0	1	0	1
TOTALS	338	244	280	862
SCHOOL COMMITTEE FROM ROYALSTON - 3 YEARS				
BLANKS	33	23	28	84
NANCY D. MELBOURNE	134	99	109	342
MARJORIE CHASE	1	0	0	1
ROBERTA NEWMAN	1	0	3	4
ALL OTHERS	0	0	0	0
TOTALS	169	122	140	431
LIBRARY TRUSTEE				
BLANKS	56	47	70	173
JOHN R. GREENE	138	95	102	335
MARGARET L. YOUNG	144	102	108	354
ALL OTHERS	0	0	0	0
TOTALS	338	244	280	862
HOUSING AUTHORITY				
BLANKS	33	17	24	74
EDWARD F. LEDGARD	136	104	116	356
ALL OTHERS	0	1	0	1
TOTALS	169	122	140	431
CONSTABLE - 3 YEARS				
BLANKS	13	7	14	34
KEVIN MATERAS	59	36	42	137
RANDY MITCHELL	97	79	83	259
DAN EATON	0	0	1	1
ALL OTHERS	0	0	0	0
TOTALS	169	122	140	431
QUESTION 1 - This is a non-binding question.				
Shall the Town Charter require the position of Town Manager to be a full-time resident of the Town of Athol?				
BLANKS	12	6	10	28
YES	102	86	96	284
NO	55	30	34	119
TOTALS	169	122	140	431

We have canvassed the returns of votes cast in Precincts 1, 2, and 3, Town of Athol, and the Special Town Election this date, and declare the foregoing to be so.

In accordance with the requirements of General Laws, chapter 51, section 61, as amended, we certify that the number of registered voters in each voting precinct in the Town of Athol at the close of registration on March 18, 2014 was as follows. viz.-

Precinct	Registered Voters
1	2291
2	2005
3	<u>2031</u>
Total	6327

Nancy E. Burnham
Hugh A. Horrigan
Gerard Lozier
REGISTRARS OF VOTERS