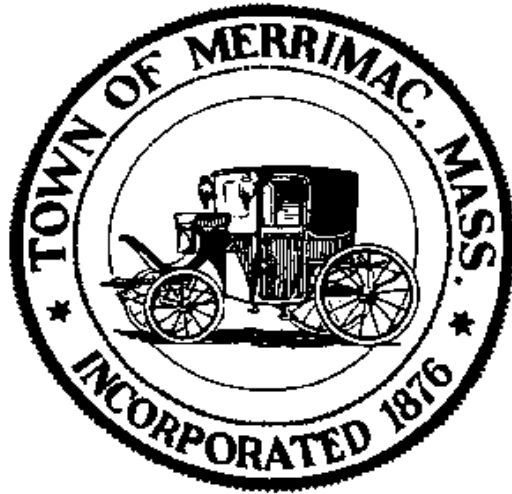


TOWN OF MERRIMAC

SPECIAL TOWN MEETING



October 21, 2019

Sweetsir School - 7:30 PM

TOWN OF MERRIMAC BUDGET SUMMARY

REVENUE ESTIMATES

	Departmental Requested Budget		4/29/19 Approved Budget	10/21/2019 Requested Budget
	Adopted	FY2020		
PROPERTY TAXES				
Tax Base	\$ 12,282,175	\$ 12,817,276	\$ 12,817,276	\$ 12,817,276
2 1/2 % Increase	\$ 307,054	\$ 320,432	\$ 320,432	\$ 320,432
Est New Growth	\$ 228,047	\$ 100,000	\$ 100,000	\$ 100,000
General Override	\$ -	\$ -	\$ -	\$ -
Unused Levy Capacity	\$ (43,673)	\$ (19,639)	\$ (19,639)	\$ (11,752)
PROPERTY TAXES	\$ 12,773,603	\$ 13,218,069	\$ 13,218,069	\$ 13,225,956
STATE PROVIDED FUNDS				
Cherry Sheet/State Aid	\$ 1,007,096	\$ 1,032,729	\$ 1,032,729	\$ 1,032,729
MSBA	\$ -	\$ -	\$ -	\$ -
SUBTOTAL: STATE FUNDS	\$ 1,007,096	\$ 1,032,729	\$ 1,032,729	\$ 1,032,729
DEBT EXCLUSIONS				
New Library Construction	\$ 132,100	\$ 129,225	\$ 129,225	\$ 129,225
Town Hall Renovations	\$ 156,625	\$ 148,200	\$ 148,200	\$ 148,200
Police Station	\$ -	\$ -	\$ -	\$ 122,718
SUBTOTAL	\$ 288,725	\$ 277,425	\$ 277,425	\$ 400,143

PROJECTED LOCAL RECEIPTS

Motor Vehicle Excise	\$ 940,000	\$ 940,000	\$ 975,000	\$ 985,000
Other Excise	\$ -	\$ -	\$ -	\$ -
Penalties & Interest	\$ 22,000	\$ 22,000	\$ 22,000	\$ 25,000
In Lieu of Tax	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Trash	\$ 115,000	\$ 115,000	\$ 120,000	\$ 120,000
Ambulance	\$ 220,000	\$ 220,000	\$ 320,000	\$ 320,000
Fees	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Rentals	\$ 105,000	\$ 105,000	\$ 115,000	\$ 129,000
Cemetery	\$ 10,000	\$ 10,000	\$ 10,000	\$ 12,000
Licenses & Permits	\$ 60,000	\$ 60,000	\$ 65,000	\$ 80,000
Fines & Forfeitures	\$ 45,000	\$ 45,000	\$ 45,000	\$ 35,000
Investment Income	\$ 35,000	\$ 35,000	\$ 45,000	\$ 65,000
Misc Recurring	\$ 37,000	\$ 37,000	\$ 37,000	\$ 37,000
Misc Non Recurring	\$ 100,000	\$ 100,000	\$ 100,000	\$ 75,000
SUBTOTAL	\$ 1,740,200	\$ 1,740,200	\$ 1,905,200	\$ 1,934,200

OTHER REVENUE

Free Cash Approp	\$ 358,257	\$ 706,297	\$ 706,297	\$ 706,297
Water Privilege	\$ 68,000	\$ -	\$ -	\$ 60,000
Water Retained Earnings	\$ 155,000	\$ 80,000	\$ 80,000	\$ 80,000
Other Revenue	\$ 519,710	\$ 39,800	\$ 39,800	\$ 89,800
Wastewater Retained Earnings	\$ 246,000	\$ -	\$ -	\$ -
Wastewater Development Fund	\$ -	\$ 180,000	\$ 180,000	\$ 180,000
Wastewater I & J	\$ -	\$ 500,000	\$ 500,000	\$ 500,000
Wastewater Betterment Fund	\$ -	\$ 50,000	\$ 50,000	\$ 50,000
Bonded Capital	\$ 7,803,280	\$ -	\$ -	\$ 35,000
Water Enterprise	\$ 1,028,623	\$ 1,042,565	\$ 1,042,565	\$ 1,042,565
Wastewater Enterprise	\$ 1,145,224	\$ 1,145,405	\$ 1,145,405	\$ 1,145,405
Cable Revenue	\$ 140,355	\$ 141,716	\$ 141,716	\$ 141,716
SUBTOTAL	\$ 11,464,449	\$ 3,885,783	\$ 3,885,783	\$ 4,030,783
TOTAL ESTIMATED REVENUE	\$ 27,274,073	\$ 20,154,206	\$ 20,319,206	\$ 20,623,811

EXPENDITURE ESTIMATES

	Departmental Requested Budget		4/29/19 Approved Budget	10/21/2019 Requested Budget
	Adopted	FY2020		
ARTICLE 1 OMNIBUS				
General Government	\$ 869,267	\$ 905,278	\$ 903,278	\$ 925,853
Public Safety	\$ 1,918,600	\$ 2,186,316	\$ 2,154,556	\$ 2,155,411
Health & Sanitation	\$ 115,317	\$ 139,007	\$ 121,749	\$ 121,989
Highway	\$ 565,301	\$ 600,011	\$ 600,011	\$ 600,156
Public Assistance	\$ 381,174	\$ 437,735	\$ 393,696	\$ 393,716
Education	\$ 9,189,854	\$ 9,480,724	\$ 9,480,724	\$ 9,521,724
Library	\$ 293,057	\$ 299,686	\$ 299,686	\$ 299,686
Cemetery	\$ 56,090	\$ 63,850	\$ 60,700	\$ 60,700
Parks & Rec	\$ 12,300	\$ 12,300	\$ 12,300	\$ 12,300
Town Gardens	\$ 600	\$ 600	\$ 600	\$ 600
Long Term Principal	\$ 326,816	\$ 321,855	\$ 321,855	\$ 321,855
Long Term Interest	\$ 141,827	\$ 87,818	\$ 87,818	\$ 187,818
Lease Expense	\$ 75,189	\$ 152,907	\$ 152,907	\$ 152,907
Gen Govt Unclassified	\$ 1,079,932	\$ 1,174,068	\$ 1,164,068	\$ 1,154,068
SUBTOTAL	\$ 15,025,323	\$ 15,862,155	\$ 15,753,948	\$ 15,908,783

CHARGES/ABATEMENTS/OTHER AMOUNTS TO BE RAISED

State & County	\$ 106,169	\$ 103,363	\$ 103,363	\$ 103,363
Tax Abatements	\$ 77,264	\$ 75,000	\$ 75,000	\$ 75,000
Library Offset	\$ 10,066	\$ 9,872	\$ 9,872	\$ 9,872
Overlay Deficit	\$ -	\$ -	\$ -	\$ -
Snow & Ice Deficit	\$ 36,562	\$ -	\$ -	\$ -
Other Deficits	\$ -	\$ -	\$ -	\$ -
SUBTOTAL	\$ 230,061	\$ 188,235	\$ 188,235	\$ 188,235

CURRENT YEAR SPECIAL ARTICLES

Special Articles	\$ 4,010,099	\$ 4,366,523	\$ 4,357,023	\$ 4,421,793
Transfer Articles	\$ 205,310	\$ 20,000	\$ 20,000	\$ 70,000
SUBTOTAL	\$ 4,215,409	\$ 4,386,523	\$ 4,377,023	\$ 4,491,793

BONDED ARTICLES

Prior Year Bond Issues	\$ 7,803,280	\$ -	\$ -	\$ 35,000
Bond Authorization	\$ -	\$ -	\$ -	\$ -
SUBTOTAL	\$ 7,803,280	\$ -	\$ -	\$ 35,000

TOTAL ESTIMATED EXPENSE	\$ 27,274,073	\$ 20,436,914	\$ 20,319,207	\$ 20,623,812
SURPLUS/(DEFICIT)	\$ 0	\$ (282,707)	\$ (0)	\$ (0)

**Town of Merrimac
October 21, 2019 - Special Town Meeting
Articles for Consideration**

Town Vote	Art. #	Recommendations			Description
		Selectmen	Finance Committee	Capital Planning	
	1	-	-	-	To increase the amount raised and appropriated in Article 1 of the April 29, 2019 Annual Town Meeting by the sum of \$154,835 and amend the following lines by the amounts listed below:
		Yes 3 - 0	*	-	Line #1 Selectmens Salaries \$ 535
		Yes 3 - 0	*	-	Line #8 Finance Department Salaries \$ 1,780
		Yes 3 - 0	*	-	Line #9 Finance Department Expenses \$ 2,000
		Yes 3 - 0	*	-	Line #12 IT Salaries \$ 60
		Yes 3 - 0	*	-	Line #32 Electricity - Town Buildings \$ 4,000
		Yes 3 - 0	*	-	Line #33 Heat - Town Buildings \$ 4,000
		Yes 3 - 0	*	-	Line #37 Municipal Building Expense \$ 10,000
		Yes 3 - 0	*	-	Line #39 Police Salaries \$ 265
		Yes 3 - 0	*	-	Line #45 Inspectional Services Salaries \$ 590
		Yes 3 - 0	*	-	Line #59 Essex Tech Tuition \$ 41,000
		Yes 3 - 0	*	-	Line #60 Highway Salaries \$ 145
		Yes 3 - 0	*	-	Line #66 Board of Health Salaries \$ 240
		Yes 3 - 0	*	-	Line #70 COA Salaries \$ 20
		Yes 3 - 0	*	-	Line #83 Short Term Debt \$ 100,000
		Yes 3 - 0	*	-	Line #93 Group Health Insurance \$ (10,000)
		Yes 3 - 0	*	-	New Line Moderator Expense \$ 200
	2	Yes 3 - 0	*	-	To raise and appropriate \$4,770 , to purchase three (3) poll pads.
	3	Yes 3 - 0	*	Yes 3 - 0	To transfer the remaining balance of Article 1(n) of \$12,050 of the April 29, 2019 Special Town Meeting, handicap accessible work on the playground, for additional enhancements to the playground.
	4	Yes 3 - 0	*	Yes 3 - 0	To rescind \$45,000 from the amount approved in Article 14 of the April 30, 2018 Annual Town Meeting, to pay costs of replacing the roof on the Merrimac Public Library.
	5	Yes 3 - 0	*	Yes 3 - 0	To appropriate \$60,000 from Water Privilege for Water Infrastructure improvements.
	6	Yes 3 - 0	*	Yes 3 - 0	To transfer \$50,000 from Article 2 of the April 27, 2015 Special Town Meeting, Aerator/Mixers at the Wastewater Facility for additional funds for the new generator at the Wastewater Facility.
	7	Yes 3 - 0	-	-	To accept the COA By-Law.
	8	Yes 3 - 0	-	-	To accept the Commissions on Disabilities By-Law.
	9	Yes 3 - 0	-	-	To amend the Town of Merrimac General By-Law for Article 1, Town Meeting.
	10	Yes 3 - 0	-	-	To transfer control of the town owned land at 90 R West Main St. to the Board of Selectmen and authorize the Selectmen to enter into a lease for the communications tower on said property. (2/3 vote required)
	11	Yes 3 - 0	-	-	To sell the town owned land adjacent to 3 Pinehurst Road to the abutter at 3 Pinehurst Rd. (2/3 vote required)
	12	Yes 2 - 1	-	-	Citizen's Petition to amend the Town of Merrimac Zoning By-Laws. (2/3 vote required)
	13	Yes 2 - 1	-	-	To accept MGL C64N, §3, to impose an excise on the retail sales of marijuana.

* The Finance Committee will review and make their recommendations prior to the meeting on 10/21/19.

**Town of Merrimac Warrant Articles
Special Town Meeting, October 21, 2019**

Essex, ss.

To one of the Constables of the Town of Merrimac:

GREETINGS,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the voters of the Town of Merrimac to meet in the Frederick N. Sweetsir School, 104 Church Street in Merrimac on October 21, 2019 at 7:30 PM to act on the following articles, namely:

Article 1: To see if the Town will vote to increase the amount raised and appropriated in Article 1 of the April 29, 2019 Annual Town Meeting by the sum of **\$154,835** and amend the following lines by the amounts listed below:

Line # 1 - Selectmen's Salaries	\$ 535
Line # 8 - Finance Dept. Salaries	\$ 1,780
Line #9 – Finance Dept. Expenses	\$ 2,000
Line # 12 - IT Salaries	\$ 60
Line #32 – Electricity Town Buildings	\$ 4,000
Line #33 – Heat Town Buildings	\$ 4,000
Line # 37 – Municipal Building Expense	\$ 10,000
Line # 39 - Police Salaries	\$ 265
Line # 45 - Inspectional Services Salaries	\$ 590
Line #59 – Essex Tech Tuition	\$ 41,000
Line # 60 - Highway Salaries	\$ 145
Line # 66 - Board of Health Salaries	\$ 240
Line # 70 - COA Salaries	\$ 20
Line # 83 – Short Term Debt	\$100,000
Line # 93 - Group Health	(\$ 10,000)
New – Moderator Expense	\$ 200

; or take any other action relative thereto.

Rationale: This article will amend the line items above to account for the estimated tuition for Essex-North Shore (2 new students), adjustments to salary lines, adjustments to town utility charges, adjustment to municipal building expense, adjustments to health insurance, and debt service for the police station. Per the request of the Board of Selectmen.

Selectmen Recommendation:	Yes 3 - 0
FinCom Recommendation:	*

Article 2: To see if the Town will vote to raise and appropriate a sum of money in the amount of **\$4,770** to purchase three (3) Poll Pads; or take any other action relative thereto.

Rationale: The poll pads are used to check voters in at Town Meetings and Early Voting. Due to the high voter turnout for Town Meetings and Early Voting, the time has come to purchase poll pads and use the current technology available expedite the check in / check out processes at these events. Per the request of the Town Clerk.

Selectmen Recommendation:	Yes 3 - 0
FinCom Recommendation:	*

Article 3: To see if the Town will vote to transfer the remaining balance of **\$12,050** in Article 1(n) of the April 29, 2019 Special Town Meeting, handicap accessible work on the playground, for additional enhancements to the playground; or take any other action relative thereto.

Rationale: The playground handicap assessable work has been completed, however there still needs fencing completed for safety reasons. This will allow the remaining funds to be used to install fencing. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 3 - 0
FinCom Recommendation: *
Capital Planning Recommendation: Yes 3 - 0

Article 4: To see if the Town will vote to rescind **\$45,000** from the amount approved to be borrowed under Article 14 of the April 30, 2018 Annual Town Meeting, to pay costs of replacing the roof on the Merrimac Public Library; or take any other action relative thereto.

Rationale: The Library costs came in under budget, allowing the Town to reduce the borrowing by \$45,000. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 3 - 0
FinCom Recommendation: *
Capital Planning Recommendation: Yes 3 - 0

Article 5: To see if the Town will vote to appropriate a sum of money in the amount of **\$60,000** from Water Privilege for Water Infrastructure improvements; or take any other action relative thereto.

Rationale: This will replace/upgrade pressure issues in town. Per the request of the DPW Director.

Selectmen Recommendation: Yes 3 - 0
FinCom Recommendation: *
Capital Planning Recommendation: Yes 3 - 0

Article 6: To see if the Town will vote to transfer a sum of money in the amount of **\$50,000** from Article 2 of the April 27, 2015 Special Town Meeting, Aerator/Mixers at the Wastewater Facility for additional funds to replace the generator at the Wastewater Facility; or take any other action relative thereto.

Rationale: This will allow for Design Phase Documents, Bid Phase Documents and Construction Phase inspection. Per the request of the DPW Director.

Selectmen Recommendation: Yes 3 - 0
FinCom Recommendation: *
Capital Planning Recommendation: Yes 3 - 0

Article 7: To see if the Town will vote to adopt the following bylaw, pursuant to the provisions of G.L. c 40, s. 8B, relative to the Merrimac Council on Aging established by vote under Article 26 of the May 6, 1974 Annual Town Meeting, said bylaw to be inserted at Article II of the General By-laws, "Town Officers", at Section 2.3, with the subsequent sections of Article II to be renumbered accordingly, or take any other action relative thereto:

2.3 Council on Aging

2.3.1. There shall be a 7-11 member council on aging with 2 Alternates, known as the "Merrimac Council on Aging" (hereinafter referred to as the "Council"). The purpose of the Council, as stated in G.L. c. 40, s. 8B, is to coordinate or carry out programs designed to meet the problems of the aging in

coordination with programs of the state Department of Elder Affairs. As required under G.L. c. 40, s. 8B, the Council shall submit an annual report to the town and shall send a copy thereof to the Department of Elder Affairs.

2.3.2. The members of the Council shall be appointed by the Board of Selectmen on a fiscal year basis, for alternating three year terms, in sufficient numbers so that at least two seat seats are up for appointment each fiscal year. Alternates must be approved each fiscal year by the Board of Selectmen. A chairperson, vice chairperson, secretary and clerk shall be elected annually by a majority of the Council.

2.3.3. The Council may adopt procedures and policies governing the conduct of its business, consistent with any applicable state or local laws.

2.3.4. The Council may nominate to the Board of Selectmen, for appointment a Director, and other such clerks and other employees as it may require, subject to the sufficiency of an appropriation for this purpose. All appointments shall be subject to the approval of the Board of Selectmen.

2.3.5. The Council on Aging Director is authorized to approve all bills, drafts, orders and payrolls chargeable to any monies budgeted and appropriated for the Council's purposes; provided, however, that the Director shall make available to the Council, at the first meeting following such action, a record of such actions.

Rationale: Town Meeting established a Council on Aging in 1974, however, G.L. c. 40, §8B requires that a Council on Aging By-law also be adopted. Per the request of the Merrimac Council on Aging.

Selectmen Recommendation: Yes 3 - 0

Article 8: To see if the Town will vote to adopt the following bylaw, effectuating a vote under Article 21 of the April 20, 2019 Annual Town Meeting, accepting the provisions of G.L c 40, s. 8J and establishing a Commission on Disability, said bylaw to be inserted at Article II of the General By-laws, "Town Officers", at Section 2.2, with the subsequent sections of Article II to be renumbered accordingly, or take any other action relative thereto:

2.2 Commission on Disability

2.2.1. There shall be a 5-13 member commission on disability, known as the "Merrimac Commission on Disabilities" (hereinafter referred to as the "Commission"). The purpose of the Commission is as stated in G.L. c. 40, s. 8J, to: (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of the Town of Merrimac as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

2.2.2. As required by G.L. c. 40, s. 8J, a majority of members of the Commission shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability, and one member of said commission shall be either an elected or appointed official of the Town. The members of the Commission shall be appointed by the Board of Selectmen on a fiscal year basis, for alternating three year terms, in sufficient numbers so that at least two seat seats are up for

appointment each fiscal year. A chairperson, vice chairperson, secretary and treasurer shall be elected annually by a majority of the Commission.

2.2.3. Members may be removed by the Board of Selectmen, and vacancies filled, in accordance with the provisions of G.L. c. 40, s. 8J. The Commission may recommend to the Board of Selectmen that members absent from three regularly-scheduled meetings in a fiscal year be removed, unless any or all absences have been excused for good cause by the Chair. "Good cause" for absences shall include, but not be limited to: illness, a death in the family, weather, or professional responsibility(ies).

2.2.4. The Commission may adopt procedures and policies governing the conduct of its business, consistent with any applicable state or local laws.

2.2.5. Subject to the approval of the Board of Selectmen, the Commission may receive gifts of property, both real and personal, in the Town's name, to be managed and controlled by the Commission for the purposes set forth in G.L. c. 40, s. 8J.

2.2.6. The Chair of the Commission, or in his/her absence the Vice-Chair, is authorized to approve all bills, drafts, orders and payrolls chargeable to any monies budgeted and appropriated for the Commission's purposes; provided, however, that the member shall make available to the Commission, at the first meeting following such action, a record of such actions.

Rationale: This bylaw implements the Town's prior acceptance of state law (G.L. c. 40, §8J) relative to the creation of a Commission on Disabilities.

Selectmen Recommendation: Yes 3 - 0

Article 9: To see if the Town will vote to amend Article I of the General By-laws, "Town Meeting," by replacing Section 1.5, as noted below, adding two new sections (1.6 and 1.7) thereafter, and renumbering the remainder of Article I accordingly; or take any other action relative thereto:

Replace existing Section 1.5 with the following –

Section 1.5 Without otherwise limiting the discretion of the Moderator pursuant to the provisions of Massachusetts General Laws and of these By-laws, the Moderator shall follow the guidance of *Town Meeting Time*, and not other procedural handbooks. In the event of a conflict between *Town Meeting Time* and these By-laws, the provisions of the By-laws shall prevail.

Add new Section 1.6

Section 1.6 A vote on any question shall in the first instance be taken in the manner in which the Moderator directs. If a two-thirds vote of a town meeting is required by statute, a count need not be taken, except as providing in the following sentence. If a vote declared by the Moderator but not counted by the tellers is immediately questioned by seven or more voters, the Moderator shall call for another vote by show of hands or in a standing vote, in either case counted by the tellers, or by ballot.

Add new Section 1.7

Section 1.7 No vote of the meeting shall be reconsidered except by a two-thirds vote, and only if the person moving the same shall have made a declaration of his intent to do so within an hour after the vote to be reconsidered. Furthermore, no vote of the meeting shall be reconsidered at a future session of the same meeting unless notice is given of the intent to move for reconsideration prior to the adjournment of the session. When a motion for reconsideration is decided, that decision shall not be

reconsidered and no question shall be reconsidered more than once. No vote shall ever be reconsidered on a motion to adjourn, to lay on the table, or for the previous question.

Rationale: These amendments are intended to help streamline Town Meeting.

Selectmen Recommendation: Yes 3 - 0

Article 10: To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, from the Board or officer currently having such care, custody, maintenance and control for the purposes for which it is currently held, to such Board or officer and to the Board of Selectmen for the joint purposes of leasing to telecommunications companies for the location of telecommunications facilities and for the purposes for which it is currently held, and further to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of the land, and water tank thereon, located on 90 R West Main St. and shown on Assessors Map 48-1-6, upon such terms and conditions, and for a period in excess of three years, and to grant such easements upon said land as are necessary for utility services in support of such use, as the Board of Selectmen shall determine to be in the best interest of the Town; or take any action thereon or relative thereto.

(2/3 vote required)

Rationale: The Town would like to do a Request for Proposals for the communication tower next to the water tower on 90 R West Main St. Town meeting must determine that this is an appropriate use of the property prior to entering into a lease. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 3 - 0

Article 11. To see if the Town will vote to transfer the care, custody, management and control of the real property described in this article from the Board of Selectmen for the purpose for which the property is now held to the Board of Selectmen for general municipal purposes and the purpose of conveyance, and to authorize the Selectmen to maintain or convey, pursuant to the requirements of General Laws Chapter 30B, Section 16, all or a portion of surplus land with any buildings thereon located on Pinehurst Road, approximately shown on a plan entitled "Pinehurst Road Land Sale Plan" on file with the Town Clerk, on such terms and conditions and for such consideration as the Selectmen determine to be in the best interests of the Town; or take any other action relative hereto.

(2/3 vote required)

Rationale: The town owns a parcel adjacent to 3 Pinehurst Rd, the Selectmen have declared the property surplus and offered it for sale to the abutters. Per the request of the Board of Selectmen.

Selectmen Recommendation: Yes 3 - 0

Article 12: To see if the Town will vote to amend the Zoning Bylaw as follows:

Remove Article 3.1.1: The operation of all types of non-medical marijuana establishments as defined in GL c 94G sec.1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana related businesses within the Town of Merrimac.

Add Article 11.4.5 Adult Use Retail Marijuana Establishments

Add New Article Adult Use Retail Marijuana Establishments Purpose

A. To provide for Marijuana Establishments in suitable locations and under strict conditions.

- B. To regulate the siting, design, placement, operation, safety, monitoring, modification and removal of any Marijuana Establishment that may be located within the Town.
- C. To minimize the adverse impacts of any Marijuana Establishment on the Town, nearby properties, residential neighborhoods, schools and other places where minors congregate, local historic districts, and other land uses incompatible with said establishments.
- D. To limit the overall number of Marijuana Retailers that may be located within the Town to an appropriate amount, which shall not exceed twenty per cent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the General Laws.
- E. To establish that on-premises consumption shall not be permitted unless the Town votes to authorize on-premises consumption pursuant to M.G.L. c.94G, §3.

Applicability.

- A. The commercial cultivation, production, processing, manufacturing, packaging, testing, retail or wholesale trade, distribution, transporting, dispensing, researching and studying of Marijuana for Adult Use is prohibited unless permitted as a Marijuana Establishment under this Article.
- B. No Marijuana Establishment shall be established except in compliance with the provisions of this Article.
- C. Nothing in this Article shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs; nor shall any special permit issued pursuant to this Article supersede federal, state or local laws.
- D. Where not expressly defined, all terms used herein shall be as defined in MGL E.C. 94G and 935 CMR 500 et seq.

Siting.

- A. The following classes of Marijuana Establishments may be sited within the Office-Light Industrial District (01) only, subject to all of the provisions of this Article:
 - 1. Marijuana Retailer.

Limitations on Marijuana Retailers.

- A. The number of Marijuana Retailers within the Town shall not exceed twenty per cent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the General Laws.
- B. All Marijuana Establishments are prohibited from delivering cannabis or marijuana products to consumers, and offering cannabis or marijuana products for consumption on the premises of a Marijuana Establishment.

Administration and Procedure.

- A. Retail Marijuana Establishment may be allowed in locations set forth above by special permit from the Planning Board/Special Permit Granting Authority (the "SPGA") in accordance with M.G.L. c.40A, §9, only subject to the procedures, regulations, requirements, conditions and limitations set forth herein. Only an applicant holding a valid existing medical marijuana license from the Cannabis Control Commission issued pursuant to M.G.L. c.94G and 935 CMR 500 et. seq., is eligible to receive a special permit pursuant to this Article.

- B. Applicants for a special permit pursuant to this Article are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed application for an Adult Use Retail Marijuana Establishment license, in conjunction with the applicant's existing medical marijuana establishment license, and to discuss in general terms, the proposed Adult Use Retail Marijuana Establishment prior to the formal submission of an application.
- C. In addition to the standard Special Permit Application form, an applicant for a special permit under this Article shall also submit the following:
1. A copy of the final, executed Host Community Agreement ("HCA") between the applicant and the Town of Merrimac.
 2. A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable.
 3. A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable.
 4. Copies of all policies and procedures that have been submitted to the Cannabis Control Commission including without limitation the Marijuana Establishment's operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable.
 5. The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed Marijuana Establishment, as applicable.
 6. Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations as applicable, or a statement explaining how any such uses have been authorized by the Commission.
 7. Names and addresses of each owner of the Marijuana Establishment, and where the owner is a business entity, the names and address of each owner of that establishment.
 8. If applicable, a copy of the Applicant's Articles of Organization/Certificate of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.
 9. Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies.
 10. Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
 11. In addition to what is otherwise required to be shown on a site plan, the applicant shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Marijuana Establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the SPGA can evaluate the design and operational standards contained in this Article.
 12. Certification to the SPGA that the applicant has filed copies of the special permit application as required.

Special Permit Requirements.

- A. No Marijuana Establishment shall be located within 500 feet of any lot containing a school. For purposes of this section, distances shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.
- B. No smoking, burning, or consumption of any marijuana product shall be permitted at any Marijuana Establishment, except as may be authorized by 935 CMR 500 et seq for purposes of cultivation, testing, research, or manufacturing.
- C. All shipping and receiving areas shall serve the Marijuana Establishment exclusively. In the case of a multi-use or multi-tenant site, the Marijuana Establishment shall be laid out and designed to ensure separation from other uses or tenants at the site.
- D. The Marijuana Establishment shall have adequate water supply, storm water systems, sewage disposal, and surface and subsurface drainage.
- E. A Marijuana Retailer shall post at a conspicuous location at the public entrance a sign that states "Only individuals 21 years of age or older, unless in possession of a registration card issued by the MA Department of Public Health." The required text shall be a minimum of two inches in height. Signage shall otherwise be limited to that which is permitted under 935 CMR 500 et. seq. and the Town's sign bylaw.
- F. The Marijuana Establishment shall provide and keep up to date contact information as required by the Chief of Police such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week.
- G. No special permit shall be issued unless the applicant has executed a Host Community Agreement with the Town in accordance with M.G.L. c.94G, §3.
- H. No special permit shall be issued until the Applicant has held a community outreach hearing consistent with the Commission's Guidance for License Applicants on Community Outreach and 935 CMR 500.101(1)(a)(9) or (2)(b)(7).

Special Permit Approval Criteria.

The SPGA may grant a SPECIAL PERMIT for an Adult Use Retail Marijuana Establishment with any conditions, safeguards, and limitations, upon determining that the applicant meets all SPECIAL PERMIT granting criteria for the zoning district in which the proposed facility will be located and the following additional criteria:

- A. The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G may be a condition of the special permit.
- B. The proposed use is designed to minimize any adverse impacts on the on the residents of the Town;

Special Permit Conditions.

- A. In addition to compliance with M.G.L. c.94G, and 935 CMR 500 et seq., the SPGA may impose reasonable conditions to Improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:
 - 1. Minimization of the impacts of increased noise and traffic.
 - 2. Imposition of security precautions related to the high value of products and case transactions.
 - 3. Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana

Establishment.

4. Imposition of measures to prevent diversion of marijuana and marijuana products.
5. Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
6. Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

B. The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article:

1. Hours of operation
2. Compliance with the Host Community Agreement.
3. The submission of a copy of the license from the Cannabis Control Commission with the SPGA and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
4. The reporting of any incidents to the Building Commissioner as required pursuant to 935 CMR 500.110(7) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
5. The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment to the Building Commissioner within 48 hours of the applicant's receipt.
6. Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10) (d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the SPGA within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
7. Documentation to the SPGA that each Marijuana Establishment Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the establishment shall provide documentation to the SPGA and the Board of Selectmen that all Marijuana Establishment Agents have received at least eight hours of on-going training.

The issuance of a special permit pursuant to this Article shall also be subject to the following:

1. The special permit shall expire within five (5) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.
2. Special permits shall be limited to the original applicant(s) and shall expire on the special permit holder ceases operation of the Marijuana Establishment.
3. The holder of a special permit shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.
4. The holder of a special permit shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or termination of the permit holder's license from the Cannabis Control Commission.
5. Special permits shall lapse upon the expiration or termination of an applicant's license from the Cannabis Control Commission.

; or take any other action relative hereto.

(2/3 vote required)

Rationale: This is a citizen's petition.

Selectmen Recommendation: Yes 2 - 1

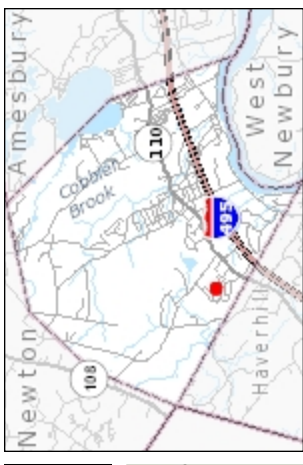
Article 13: To see if the Town will vote to accept the provisions of M.G.L. c.64N, §3, to impose an excise tax on the retail sales of marijuana for adult use at the rate of three percent (3%); or take any other action relative hereto.

Rationale: If the Citizen's Petition in Article 13 is successful, the Town needs to accept Massachusetts General Laws C64N, §3, to be able to impose an excise tax on the retail sale of marijuana. Requested by the Board of Selectmen.

Selectmen Recommendation: Yes 2 - 1

- * **The Finance Committee will review and make their recommendations prior to the meeting on 10/21/19.**

Pinehurst Road Land Sale Plan



- Legend**
- ▭ Municipal Boundary
 - ▭ Parcels
 - ▭ Other Legal Interest
 - - - Easements
 - Roads
 - Interstate
 - Major Road
 - Local Road
 - Hydrographic Features
 - Streams
 - Wetlands



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Merrimac & Merrimac (MassGIS). The information depicted TOWN OF MERRIMAC MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF MERRIMAC AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

9/25/2019 -33
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