

**Warrant for the 2020 Annual Town Meeting
Town of Phillipston
Commonwealth of Massachusetts
June 29, 2020**

Worcester, ss.

To either of the Constables of the Town of Phillipston, Greetings:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the said Town who are qualified to vote in Town affairs, to meet at the Phillipston Memorial Elementary School, 20 The Common, Phillipston, Massachusetts on Monday, June 29, 2020 at 7:00 p.m. to act on the following articles:

This hereby CERTIFIES the Annual Town Meeting that was called to order at 7:00 pm by Moderator, Kevin Flynn, on June 29, 2020 pursuant to a warrant duly posted and served.

The moderator called for a moment of silence for Sterling Whiting and Stephen Frizzell to recognize their community service. All were led in the pledge of allegiance.

CUSTOMARY ARTICLES

ARTICLE 1:

To choose all necessary Town Officers and Committees for the ensuing year.

Motion made and 2nd to move the article as written – So Voted Unanimously

ARTICLE 2:

To receive and hear the reports of the Town Officers and Committees for the Fiscal Year 2019, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 3:

To see if the Town will vote, pursuant to Chapter 268A, Section 21A of the General Laws, to approve the appointment of a member of the Board of Selectmen, Board of Health, Board of Cemetery Commissioners, Board of Assessors, Finance Committee, Historical Commission, Agricultural Commission, Planning Board, Zoning Board of Appeals, and Conservation Commission as Clerk for their respective Boards, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “or act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 4.

To see if the Town will vote to authorize the Selectmen to apply for, receive and expend any grants which do not require further appropriation of funds by the Town, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “or act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 5:

To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow in anticipation of revenue for the twelve month period beginning July 1, 2020 in accordance with Chapter 44, Section 4, of the General Laws and to renew any note or notes as may be given for a period of less than one year in accordance with the Chapter 44, Section 17, of the General Laws, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 6:

To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow in anticipation of Highway reimbursement funds allotted by Massachusetts Department of Transportation Highway Division for the Fiscal Year 2021 in accordance with the provisions of Chapter 44, Section 6A of the General Laws, and Acts in amendment thereof, for a period of not more than two years from their dates of issue, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

OPERATING BUDGET ARTICLES

ARTICLE 7:

To see if the Town will set the salary and compensation of all elective Town Officers as provided by Chapter 41, Section 108 of the General Laws, and raise and appropriate a sum of \$46,030 therefore, or act in relation thereto:

Board or Position	CAO FY21 Proposed	Selectmen FY21 Recommendation	FinCom FY21 Recommendation
Assessors	4,613	4,613	4,613
Board of Health	3,647	3,647	3,647
Cemetery Commission	959	959	959
Constable	308	308	308
Moderator	359	359	359
Planning Board	6,558	6,558	6,558
School Committee	5,758	5,758	5,758
Selectmen	9,141	9,141	9,141

Town Clerk	46,030	46,030	46,030
ARTICLE GRAND TOTAL	77,373	77,373	77,373

Motion made that the Town set the salary and compensation of all elective Town Officers as provided by Chapter 41, Section 108 of the General laws, and add the Tax Collector to the list at \$27,417, and Raise and Appropriate the sum of \$104,790, 2nd – So Voted Unanimously

ARTICLE 8:

To raise and appropriate, appropriate from available funds, or otherwise provide such sums of money as may be deemed necessary to pay the Town charges for the twelve month period commencing July 1, 2020, and further that appointing authorities shall set salaries for personnel within the amounts appropriated hereunder in accordance with the provisions of G.L. c.41, §108, or act in relation thereto.

Motion made to review the appropriations of the article, 2nd

Board, Committee or Department	CAO FY21 Proposal	Selectmen FY21 Recommendation	FinCom FY21 Recommendation
Agricultural Commission			
Clerk (Stipend) Payroll	300	300	300- \$365.00
So Voted Change to Payroll			So Voted
Expense	1,539	1,539	1,539
Animal Control			
(Stipend) Payroll Unanimously voted to change to Payroll	4,543	4,543	4,543
Expense	1,810	1,810	1,810
Board of Appeals			
Clerk (Stipend) Payroll	300	300	300 - \$789.00
So Voted change to Payroll			So Voted
Expenses	114	114	114
Board of Assessors			
Payroll	21,057	21,057	21,057
Expenses	10,894	10,894	10,894
Board of Health			
Payroll	29,767	29,767	29,767
Expenses	40,767	40,767	40,767
Board of Selectmen			
Payroll	96,509	96,509	96,509
Expenses	188,350	188,350	188,350
Building Department			
Payroll	7,700	7,700	7,700
Expense	3,420	3,420	3,420
Cemetery Commission			
Payroll	9,066	9,066	9,066
Expense	4,940	4,940	4,940
Conservation Commission			

Board, Committee or Department	CAO FY21 Proposal	Selectmen FY21 Recommendation	FinCom FY21 Recommendation
Clerk (Stipend) Payroll So Voted Unanimously change to Payroll	820	820	820
Expense	2,500	2,500	2,500
Dispatch Services			
Expense	66,250	66,250	66,250
Emergency Management			
Payroll	5,345	5,345	5,345
Expense	10,000	10,000	10,000
Finance Committee			
Reserve Fund	30,000	30,000	30,000
Expenses	285	285	285
Fire Department		000	
Payroll	203,045	203,045	203,045
Expense	55,528	55,528	55,528
Highway			
Payroll	163,657	163,657	163,657
Snow & Ice	50,000	50,000	50,000
Expenses	51,300	51,300	51,300
So Voted to change amount			59,000
Inspector of Barns & Animals			
(Stipend) Payroll	754	754	754
Expense	95	95	95
Unanimously to change to Payroll			
Library			
Payroll	16,057	16,057	16,057
Expense	5,990	5,990	5,990
Circulation Materials (state)	5,500	5,500	5,500
Moderator			
Expense	48	48	48
Planning Board			
Expense	766	766	766
Consultant	4,750	4,750	4,750
Police Department			
Payroll	265,845	265,845	265,845
Expenses	65,777	65,777	65,777
Tax Collector			
Expense	13,823	13,823	13,823
Town Accountant			
Expense	7,695	7,695	7,695
Payroll	23,014	23,014	23,014
Town Clerk			
Assistant Town Clerk	3,634	3,634	3,634
Election & Regis	4,541	4,541	4,541
Expense	4,622	4,622	4,622
Voter Registration	238	238	238 - 250

Board, Committee or Department	CAO FY21 Proposal	Selectmen FY21 Recommendation	FinCom FY21 Recommendation
Unanimously voted to change Voter registration to \$250.00			
Treasurer			
Payroll	52,000	52,000	52,000
Assistant Treasurer/Collector Voted to changeTo Asst. Collector	6,386	6,386	6,386
Expense	5,924	5,924	5,924
Group Health/Life	180,360	180,360	180,360
Medicare	15,798	15,798	15,798
Unemployment Comp.	11,810	11,810	11,810
Highway Garage Debt	38,680	38,680	38,680
QL Dam Debt	75,855	75,855	75,855
Worcester Reg. Retirement	152,104	152,104	152,104
WPAT	7,696	7,696	7,696
Tax Title Expenses	10,000	10,000	10,000
Tree Warden			
Payroll	1,640	1,640	1,640
Expense	9,975	9,975	9,975
Veterans Services			
Administration	5,055	5,055	5,055
Direct Benefits	10,500	10,500	10,500
ARTICLE GRAND TOTAL Voted 6/29/20 \$2,048,776	2,066,738	2,066,738	2,066,738 \$2,048,776

Motion made to amend the Agricultural Commission, Clerk Stipend payroll of \$300.
Amendment to Agricultural Commission, Clerk Payroll \$300.00, Remove the word stipend,
change to payroll and change the amount to \$365.00, 2nd – So Voted

Motion made to amend the Animal Control from stipend to Payroll, Remove the word stipend
change to payroll, 2nd – So Voted Unanimously

Motion made to amend the Board of Appeals Clerk Stipend, remove the word stipend to say
payroll and change the amount to \$789.00, 2nd – So Voted

Motion made to amend the Conservation Commission Clerk from stipend to Payroll, remove the
word stipend change to payroll, 2nd – So Voted Unanimously

Motion made to add Finance Committee Clerk Payroll and set the amount at \$788.00, 2nd
Moderator ruled the amendment out of order and out of the scope of the article. Thomas
McEnaney, Esq, Town Council, stated that it is the Moderator's discretion to make the
determination. No action is taken.

Motion made to amend the Highway Expense and increase it to \$56,300.00, 2nd - Motion is with
drawn.

Motion made to increase the Highway Expense to \$59,000, 2nd – So Voted

Motion made to amend Inspector of Barns & Animals striking the word stipend and making it Payroll, 2nd – So Voted Unanimously

Motion made to amend the Town Clerk's Voter Registration changing the amount from \$238 to \$250.00 per MGL., 2nd – So Voted Unanimously

Motion made to amend the Treasurers payroll from \$52,000 to \$25,772.00, 2nd – So Voted Unanimously

Motion made to amend the Assistant Treasurer/Collector payroll to Zero, 2nd - Motion is withdrawn

Motion made to change the title of Assistant Treasurer/Collector to Assistant Collector and leave the funding at \$6,386.00, 2nd – So Voted

Moderator calls for an eight-minute recess for new calculations at 8:07 pm

Meeting called back to order at 8:16 pm

Main motion with amendments is moved that the Town pay all town charges for the twelve month period commencing July 1, 2020, and further that the appointing authorities shall set salaries for personnel within the amounts appropriated hereunder in accordance with the provisions of G.L. c.41, Sec 108 and Raise & Appropriate \$2,041,079.00 and transfer from WPAT the sum of \$7,696.00 for a total of \$2,048,776.00, for FY21, 2nd – So Voted

ARTICLE 9:

To see if the Town will vote to appropriate \$60,000 from the Ambulance -- Receipts Reserved for Appropriation Account to fund running of the Ambulance Department for the FY21 budget year; any remaining funds will be retained in the Ambulance - Receipts Reserved for Appropriation to be appropriated in further years; or act in relation thereto.

Motion made to move the article as written with the deletion of the words "act in relation thereto." 2nd – So Voted Unanimously

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from available funds, or otherwise provide the sum of \$1,646,239 to pay its share of the Narragansett Regional School District budget for FY21, or act in relation thereto.

Motion made that the Town Raise and Appropriate the sum of \$1,646,239 to pay its share of the Narragansett Regional School District budget for FY21, 2nd

Motion made to amend the amount of the article to \$1,000,000.00, 2nd

Question is moved after much discussion, 2nd – So Voted Question is moved

Motion made to request paper ballot for amendment, 2nd – No majority voice. Moderator declares no paper ballot.

Motion as amend to \$1,000,000.00 - Yes 28 No 18 Amendment carries

Main Motion as amended to \$1,000,000.00 – So Voted by majority at 8:47 pm

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$204,650 to pay its share of the Montachusett Regional Vocation Technical School budget for FY21, or act in relation thereto.

Motion made that the Town Raise and Appropriate \$204,650 to pay its share of the Montachusett Regional Vocation Technical School budget for FY21, 2nd – So Voted Unanimously

ARTICLE 12: To see if the Town will vote to authorize the Cemetery Commissioners to utilize members of said Commission for work in the cemeteries and set their compensation at \$15.11 per hour, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 13: To see if the Town will vote to authorize the Board of Health to utilize members of said Board for work at the Transfer Station, and set their compensation at \$15.11 per hour, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 14:

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$20,000 to be used for repairs and maintenance at the Phillipston Memorial School, including all incidental and related expenses, to be expended at the discretion of the Selectboard, or act in relation thereto.

Motion made that the Town Raise and Appropriate the sum of \$5,000 to be used for repairs and maintenance at the Phillipston Memorial School, including all incidental and related expenses, to be expended at the discretion of the Selectboard, 2nd – So Voted Unanimously

ARTICLE 15:

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$40,000 to be used for general repairs and maintenance on any Town owned buildings, including all incidental and related expenses, to be expended at the discretion of the Selectboard, or act in relation thereto.

Motion made that the Town vote to raise and appropriate the sum of \$10,000 to be used for general repairs and maintenance on any Town owned buildings, including all incidental and related expenses, to be expended at the discretion of the Selectboard, 2nd

Motion made to move the question after discussion. 2nd – Voted unanimously to move the question

Main motion setting the sum at \$10,000.00 – So Voted

ARTICLE 16:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds to pay the following bills of prior fiscal years as noted:

KPLaw	\$ 2,817.88	FY19
Coastal Medical Billing, Inc.	\$ 203.73	FY18
Airgas USA, LLC	\$ <u>185.00</u>	FY16
Total	\$ 3,242.61	

Motion made to Raise and Appropriate \$3,242.61 to pay the bills of prior fiscal years as noted, 2nd – So Voted Unanimously

COMMUNITY PRESERVATION ARTICLES

ARTICLE 17: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2021 Community Preservation Budget and to appropriate or reserve from the Community Preservation annual revenues the amounts recommended below by the Community Preservation Committee to be expended for the purposes of committee administrative expenses, community preservation projects and other expenses in FY2021, with each line being considered a separate appropriation.

Reserves:

From FY2021 estimated annual revenues for Historic Resources Reserve.....	\$ 12,500
From FY2021 estimated annual revenues for Community Housing Reserve.....	\$ 12,500
From FY2021 estimated annual revenues for Open Space Reserve.....	\$ 12,500
From FY2021 estimated annual revenues for Budgeted Reserve.....	\$ 87,000

Appropriations:

From FY2021 estimated annual revenues for committee administrative expenses.....\$ 500,

or act in relation thereto.

Community Preservation Committee – Donn Clifford read the report and stated that the CPC supported the article.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

CAPITAL INVESTMENT ARTICLES

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$150,000 to the Capital Investment Fund, or act in relation thereto.

Motion made that the Town vote to transfer from Free Cash the sum of \$150,000.00 to the Capital Investment Fund, 2nd – So Voted Unanimously

ARTICLE 19: To see if the Town will vote to transfer and appropriate the sum of \$48,605 from the Capital Investment Fund to pay for the final of three annual payments for the Combination Brush/Rescue/Plow truck for the Fire Department, or act in relation thereto.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd – So Voted Unanimously

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, or act in relation thereto.

Motion made that the Town vote to transfer from Free Cash the sum of \$65,723.00 to the Stabilization Fund, 2nd – So Voted Unanimously

ZONING BYLAW ARTICLE

ARTICLE 21: Marijuana Establishments.

To see if the Town will vote to amend the Zoning Bylaw to add a new Section 25: Temporary Moratorium on the Siting of Marijuana Establishments, as follows, or act in relation thereto.

SECTION 25: Temporary Moratorium on the Siting of Marijuana Establishments

25.1 Authority and Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017). The Cannabis Control Commission issued regulations regarding the licensing of commercial activities on March 23, 2018 regarding recreational (non-medical) use of Marijuana, and began reviewing and acting on applications for licensing of non-medical marijuana establishments pursuant to those regulations. By vote of the May 8, 2019 Annual Town Meeting, the Town first adopted zoning

regulation of recreational (non-medical) Marijuana Establishments, as that term is defined in G.L. c. 94G, §1. Immediately thereafter, concerned citizens requested amendments to the newly adopted regulation to limit the number and location of recreational Marijuana Establishments in the Town. Responding to the concerns, the Board of Selectmen brought forward an amendment to the General Bylaws at the July 31, 2019 Special Town Meeting proposing to limit the number of recreational (Adult Use) Marijuana Establishments. The Planning Board requested time to study the proposal, and Town Meeting voted to pass over the article. The Planning Board then began deliberation on amendments to the recently enacted zoning regulation, and heard new concerns from citizens regarding setbacks, size, and the type of facilities allowed. The recent and ongoing COVID-19 public health emergency interrupted the Planning Board's consideration of these amendments, and the uncertain duration of that emergency, coupled with the public health concerns arising therefrom, make it difficult for the Planning Board to obtain necessary public comment and conclude its work on the proposed amendments. The Town has received no application to date to issue the required zoning approval for a recreational Marijuana Establishment in the Town. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and recent developments have clarified that the Town needs additional time to study and address these issues. Imposition of a temporary moratorium on recreational Marijuana Establishments will allow sufficient time for the Town to complete the planning process and adopt zoning regulation consistent with Town needs and planning goals.

25.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for recreational, adult use Marijuana Establishments, as that term is defined in G.L. c. 94G, §1 and 935 CMR 500.002. The moratorium shall be in effect through **December 31, 2021**, or until such time as the Town adopts amendments to the Zoning Bylaw regulating such Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw are needed or desirable to allow for and regulate such use consistent with the Town's needs and planning goals.

Motion made to move the article as written with the deletion of the words “act in relation thereto.” 2nd

Report given by John Telepciak of the Planning Board also stating that the Planning Board Members support and recommend the article as presented.

Standing Counted vote taken Yes 26 No 13 Motion passes

ARTICLE 22: Large-Scale Ground-Mounted Solar Photovoltaic Installations.

To see if the Town will vote to amend the Zoning Bylaw to add a new Section 24: Temporary Moratorium on the Siting of Large-Scale Ground-Mounted Solar Photovoltaic Installations, as follows, or act in relation thereto:

SECTION 24: Temporary Moratorium on the Siting of Large-Scale Ground- Mounted Solar Photovoltaic Installations

24.1 Authority and Purpose

The Town of Phillipston currently has three approved large-scale ground-mounted solar photovoltaic installations completed or under construction. These projects have involved significant clear cutting of trees and ground vegetation and have been located in close proximity to abutting residential neighborhoods. An installation in an abutting town has made clear the threat of further solar development in Phillipston to scenic vistas and recreational areas.

Pursuant to the Zoning Bylaw, large-scale ground mounted solar photovoltaic installations are defined as installations having a minimum nameplate capacity of 40 kW DC, and are allowed by special permit in the Commercial (C1), Residential (R) and the Residential/Agricultural (RA) Districts. Existing regulation, however, has proved inadequate for protecting the Town's natural resources and mitigating other negative effects of large-scale ground mounted solar facilities on the Town. Further, the unexpected high demand for large-scale ground mounted solar installation sites, together with the size of the proposed installations, has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, and economic issues and creating an urgent need to review the current regulation of this use. The Town needs time to consider and study the future implications and impact of ground-mounted solar photovoltaic installations upon the Town as a whole, as well as the consistency of the already completed solar facilities with the Town's current and future planning goals, and adopt regulation accordingly. Imposition of a temporary moratorium on large-scale ground-mounted solar photovoltaic installations will allow sufficient time to assess these issues and amend the Zoning Bylaw to address the impact of these facilities on the Town's natural resources and its planning goals.

24.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for large-scale ground-mounted solar photovoltaic installations. The moratorium shall be in effect through **December 31, 2021** or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale ground-mounted solar photovoltaic installations, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale ground-mounted solar photovoltaic installations are needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and furthering its planning goals.

Motion made to move the article as written with the deletion of the words "act in relation thereto." 2nd

Report given by John Telepciak of the Planning Board also stating that the Planning Board Members support and recommend the article as presented.

Standing Counted vote taken Yes 26 No 23 Motion Failed

ACCEPTANCE OF STATUTES

ARTICLE 23: To see if the Town will vote to amend the Town of Phillipston Town By-laws to add a new Section 7, Payment of Fees Collected by Town Officers, as follows, or act in relation thereto:

Section 7, Payment of Fees Collected by Town Officers. In accordance with G.L. c.40, §21(13), all Town officers shall pay all fees received by them by virtue of their office into the Town treasury.

Motion made to pass over the article, 2nd – So Voted

Motion made to reconsider article 10, 2nd – Moderator determines by voice that reconsideration does not pass.

**Motion made to dissolve the Annual Town Meeting of June 29, 2020 at 9:30 PM, 2ND
Voted Unanimously**

A TRUE COPY ATTEST:

Kari L. Foley

Town Clerk

