

**TOWN OF MILLVILLE
RESULTS
SPECIAL TOWN MEETING**



**WEDNESDAY, NOVEMBER 28, 2018
MILLVILLE ELEMENTARY SCHOOL
7:00 P.M.**

The meeting was called to order at 7:00 PM.
A quorum was present, with 87 registered voters signed in.

In Attendance:

Board of Selectmen: Joseph Rapoza, Chairperson; Jennifer Dean Wing; Thomas Houle;
Erica Blake; Andrew Alward
Finance Committee: Aubrey Buono, Chairperson; Brian Pacheco; Gary Gill; Adrienne Pettit;
Kenneth Tubman
Town Counsel: Brian Riley
Town Moderator: Les Davis
Town Clerk: Diane Lockwood

ARTICLE 1. ESTABLISH SALES TAX ON ADULT USE MARIJUANA RETAIL SALES

To see if the Town will vote to accept Massachusetts General Laws Chapter 64N, Section 3 so as to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent (3%) of the total sales price; or take any other action relative thereto. *Submitted by Town Administrator & Board of Selectmen*

Motion made by: Joseph Rapoza **Seconded:** Erica Blake

Vote: Declared a vote by Town Moderator

ARTICLE 2. SEPTIC BETTERMENT LOAN

To see if the Town will vote to appropriate the sum of **Three Hundred Thousand Dollars (\$300,000.00)** to be expended at the direction of the Board of Selectmen, for the purpose of financing repair, replacement and/or upgrade of residential septic systems, pursuant to agreements between the Board of Health and residential property owners, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 29C and Chapter 111, section 127B1/2 of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and that in connection with any borrowing under Chapter 29C of the Massachusetts General Laws, the Town Treasurer and the Selectmen are hereby authorized to enter into a loan agreement and/or security agreement with the Massachusetts Water Pollution Abatement Trust (the "Trust") and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any such borrowing and for any federal or state aid available for such purposes; and that the Board of Selectmen, Board of Public Works or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, in connection therewith; or take any other action in relation thereto. *Submitted by the Board of Health & Town Administrator*

Motion made by: Thomas Houle **Seconded:** Rich Crivello

Vote: Declared a 2/3rd Vote by Town Moderator

ARTICLE 3. ADOPT TAX EXEMPTION – VETERAN’S SURVIVING SPOUSE

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, §5, clause 22D, for the purpose of increasing the real estate tax exemptions by 100 percent to a surviving spouse of a qualifying veteran provided, however, that the real estate shall be occupied by the surviving spouse as the surviving spouse's domicile; and provided further, that the surviving spouse shall have been domiciled in the Commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause, or the veteran was domiciled in the Commonwealth for at least 6 months before entering service; such exemption to be available until such time as the surviving spouse dies or remarries, or to take any other action in relation thereto. *Submitted by Veterans Agent & Town Administrator*

Motion made by: Erica Blake **Seconded:** Rich Crivello

Vote: Declared a unanimous vote by Town Moderator

ARTICLE 4. AMEND FY19 OPERATING BUDGET

To see if the Town will vote to amend the Fiscal 2019 operating budget as voted on Article 10 of the Warrant of the Annual Town Meeting held on May 14, 2018 by amending the departmental budgets to be presented at town meeting, or take any action relative thereto. *Submitted by Finance Director & Town Administrator*

The total for the departmental budgets, FY 2019, was approved: \$6,146,606.00

Motion made by: Joseph Rapoza **Seconded:** Aubrey Buono

Vote: Declared a vote by Town Moderator

ARTICLE 5. PROPOSED BORROWING BY BLACKSTONE-MILLVILLE REGIONAL SCHOOL DISTRICT

To see if the Town will vote approve the sum of **Fifty Thousand Dollars (\$50,000.00)** in borrowing authorized by the Blackstone-Millville Regional School District, for the purpose of paying costs of a feasibility study (Boilers) for the Millville Elementary School, 122 Berthelette Way, Millville, MA. 01529, including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, or take any take any action relative thereto. *Submitted by Blackstone Millville Regional School District Superintendent*

Motion made by: Jane Reggio **Seconded:** Valerie Haggerty

Vote: Declared a unanimous vote by Town Moderator

ARTICLE 6. ZONING BYLAW – MARIJUANA RETAILERS

To see if the Town will vote to amend the Town Zoning Code, Chapter 100, Article III §303-10 by deleting the following language;

The number of Marijuana Retailers (RMRs) that shall be permitted in the Town of Millville is limited to two establishments, which is greater than 20% of the number of off-premises alcoholic beverage licenses issued by the Town.

Then replacing with the following language:

The number of Marijuana Retailers (RMRs) licenses that shall be permitted in the Town of Millville is limited to two (2) for retail recreational sales and medical marijuana dispensaries; this limit does not apply to other marijuana establishments, as cited in this bylaw, which is greater than 20% of the number of off-premises alcoholic beverage licenses issued by the Town.

Or take any other action related thereto. *Submitted by Town Administrator & Town Planner*

Motion made by: Joseph Rapoza **Seconded:** Jennifer Dean Wing

Vote: Declared a 2/3rd vote by Town Moderator

ARTICLE 7. CENTRAL STREET PROJECT-EASEMENTS

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slope, grading, rounding, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Central Street Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on Central Street and shown more particularly on plans entitled "Transportation Improvement Project, Plan and Profile of Central Street in the Town of Millville Worcester County" dated April 28, 2017 prepared by TEC, Inc. on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan and land adjacent to and within 100 feet of said parcels; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions; and, further (c) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any other action in relation thereto. *Submitted by Town Administrator & Highway Surveyor*

Motion made by: Jennifer Dean Wing **Seconded:** Brian Mullaly

Vote: Declared a vote by Town Moderator

ARTICLE 8. ZONING BYLAW – SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Town Zoning Code, Chapter 100, §302. Schedule of Use Regulations., (B) (2) by changing the following use from “use permitted” to “use prohibited”, to read as follows

	District			
	OR	VR	VC	CB
Conversion of a single-family dwelling existing prior to the adoption of this bylaw to accommodate not more than two families	N	N	N	N

Or take any other action related thereto. *Submitted by Building Commissioner & Town Planner*

Motion made by: Lincoln Barber **Seconded:** Brian Mullaly

Vote: Declared a 2/3rd vote by Town Moderator

ARTICLE 9. ZONING BYLAW – SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Town Zoning Code, Chapter 100, §302. Schedule of Use Regulations., (B) (2) as follows—

To amend Chapter 100, §302. Schedule of Use Regulations., (C) (15) by adding text as follows:

	District			
	OR	VR	VC	CB
Trucks, Parking or Business operations	N	N	N	SP

Or take any other action related thereto. *Submitted by Building Commissioner & Town Planner*

Motion made to strike Article 9: Lincoln Barber **Seconded:** Ann Lesperance

Motion to strike Article 9 passed

ARTICLE 10. ZONING BYLAW – DEFINITIONS

To see if the Town will vote to amend the Town Zoning Code, Chapter 100, §104. Definitions. by adding the following:

TRUCK

A commercial vehicle having a gross vehicle weight greater than 35,000 pounds designed to carry heavy loads of goods or materials consisting either of a single self-propelled unit or a trailer vehicle hauled by a tractor unit. Examples include but are not limited to semi tractors, dump, box, flatbed, garbage, tank or tow truck; cranes or semitrailers of any length, whether registered and insured or not; and all commercial vehicles with three or more axles. Motion to strike this definition: Brian Mullaly **Seconded:** Valerie Haggerty
Motion to strike definition of TRUCK passed.

YARD SALE

The sale of personal property conducted on a residential lot of land or in a building thereon. Term shall include garage sales, rummage sales or other similar sales, which are advertised by a sign or other means, for the public to attend, in all zoning districts. Such sale shall NOT be more than two consecutive days, per permit, per Chapter 60-3. There must be a five day period between successive yard sales at any one lot or building. All evidence of the yard sale must be removed after each yard sale.

Or take any other action related thereto. *Submitted by Town Planner*

Motion made by: Erica Blake **Seconded:** Thomas Houle

Vote: Declared a unanimous vote by Town Moderator

ARTICLE 11. ZONING BYLAW – ZONING DISTRICT CHANGE

~~To see if the Town will vote to amend the Town Zoning Code, Chapter 100, Article II Establishment of Districts §100-201 by extending the Commercial Business District along Lincoln Street to the town line of Blackstone on both sides of the street and moving the Commercial District zone line up Thayer Street to the north side of Map 122 Lot 56, along the north side of Map 122 Lot 1, Map 122 Lot 2, Map 122 Lot 3, Map 122 Lot 4, Map 121 Lot 47 and across Map 122 Lot 6 to Depraire Street and then along Depraire Street to the Blackstone Town line, as located and bounded as shown on a map entitled ‘ZONING MAP OF MILLVILLE, MASSACHUSETTS’, dated July 1, 2018 and on file in the office of the Town Clerk.~~

then deleting §100-202 Zoning Map in its entirety and adding;

§100-202 Zoning Map

The districts listed in §100-201 above are located and bounded as shown on a map entitled “ZONING MAP OF MILLVILLE, MASSACHUSETTS”, dated July, 1, 2018, and on file in the office of the Town Clerk.

Or take any other action related thereto. *Submitted by Town Planner & Building Commissioner*

Motion made by Lincoln Barber **and Seconded by** Marcia Davis to amend the wording of Article 11 as follows:

To see if the Town will vote to amend the Town of Millville Zoning Code, Chapter 100, Article II Establishment of Districts **§100-202 Zoning Map** by **expanding** the Commercial Business District along a **section** Lincoln Street **from Thayer Street** to the town line of Blackstone on **the north side only**. **Then relocating** the Commercial District zone line up Thayer Street to the north side of lot **121-56**, along the north side of Map 122 Lot 1, Map 122 Lot 2, Map 122 Lot 3, Map 122 Lot 4, **along the west side of** Map 121 Lot 47 to Depraire Street and then along Depraire Street to the Blackstone Town line, as located and bounded as shown on a map entitled ‘ZONING MAP OF MILLVILLE, MASSACHUSETTS’, dated July 1, 2018 and on file in the office of the Town Clerk.

then deleting §100-202 Zoning Map in its entirety and adding;

§100-202 Zoning Map

The districts listed in §100-201 above are located and bounded as shown on a map entitled “ZONING MAP OF MILLVILLE, MASSACHUSETTS”, dated July, 1, 2018, and on file in the office of the Town Clerk.

Or take any other action related thereto.

Vote: Amendment approved and declared a vote by Town Moderator

Motion made by Jennifer Dean Wing and seconded by Lincoln Barber to accept Article 11 as amended. A 2/3rd vote was declared by Town Moderator

ARTICLE 12. ZONING BYLAW – BUFFER REQUIREMENTS/FENCES

~~To see if the Town will vote to amend the Town Zoning Code, by deleting in its entirety and replacing Chapter 100, Article V, §100-505 Buffer Requirements, E. as follows:~~

~~Fences and Walls. Any fence exceeding six feet requires a building permit issued from the Building Department. Fences located at intersections or where the line of sight distance is impaired for the average height vehicle cannot exceed four feet in height.~~

~~Or take any other action related thereto. Submitted by Building Commissioner & Town Planner~~

Motion made by Lincoln Barber and Seconded by Raymond Berthelette to amend the wording of Article 12 as follows:

To see if the Town will vote to amend the Town Zoning Code, by deleting in its entirety and replacing Chapter 100, Article V, §100-505 Buffer Requirements, E. as follows:

Fences and Walls. Any fence exceeding **seven (7)** feet requires a building permit issued from the Building Department. Fences located at intersections or where the line of sight distance is impaired for the average height vehicle cannot exceed four feet in height.

Or take any other action related thereto.

Vote: Amendment approved and declared by Town Moderator

Motion made by Marcia Davis and seconded by Raymond Berthelette to accept Article 12 as amended. A unanimous vote was declared by Town Moderator

ARTICLE 13. STATUTE FOR APPOINTMENT OF BUILDING COMMISSIONER

To see if the Town will vote to accept Massachusetts General Laws Chapter 143, Section 3Y, providing for the appointment of the Building Commissioner for terms of not less than three years and that any removal requires just cause and a hearing before the Board of Selectmen; or take any other action in relation thereto. *Submitted by Building Commissioner & Town Administrator*

Motion made by: Raymond Berthelette **Seconded:** Lincoln Barber

Vote: Failed by a floor vote of - No: 45 Yes: 32

Declared a No vote by Town Moderator

A motion was made by Jennifer Dean Wing and seconded by Erica Blake to dissolve the Warrant at 10:05 PM. Declared a vote by Town Moderator.

Respectfully submitted,

Diane C. Lockwood, CMC

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Town Clerk

Notary Public, Justice of the Peace

