

The Commonwealth of Massachusetts

TOWN WARRANT

Worcester, SS.

TO EITHER OF THE CONSTABLES OF THE TOWN OF SUTTON IN THE COUNTY OF WORCESTER,

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of the Town of Sutton, qualified to vote in Town elections and in Town affairs, to assemble in **The Middle/High School Auditorium, Boston Road**, in said **SUTTON** on

**MONDAY, THE SIXTEENTH DAY OF
OCTOBER, 2017**

At **7:00 o'clock in the evening**. Then and there to act on the following article(s) to wit:

ARTICLE 1

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the vote taken on Article 6 of the May 8, 2017 Annual Town Meeting by adjusting the line items below as follows:

Decrease raise and appropriate revenue from state aid	\$ (1,392)
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Increase raise and appropriate from taxation	<u>\$ 15,612</u>
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For a total of	\$ 14,220
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Increase School appropriation	\$ 14,220
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For a total of	\$ 14,220
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, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article, as it is a customary Article reflecting unbudgeted state aid adjustments and new growth revenues and the appropriations thereof.

ARTICLE 2

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to transfer from Overlay Surplus the amount of \$50,000 and to appropriate said sum to the FY2018 OPEB expense account, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article to transfer \$50,000 from Overlay Surplus funds to the FY 2018 OPEB (Other Post-Employment Benefits) expense account. This transfer is consistent with the Town's OBEB liability funding policy.

ARTICLE 3

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to amend the vote taken on Article 7 of the May 8, 2017 Annual Town Meeting to reduce the amount appropriated from free cash by \$280,000.00 from \$696,000.00 to \$416,000.00 and to raise and appropriate the sum of \$280,000.00, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article which provides for the transfer of \$280,000 of new growth to the capital plan. This will reduce the amount of free cash used to fund the capital plan.

ARTICLE 4

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purposes of paying prior year invoices, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article which provides for the payment of invoices from the prior fiscal year.

ARTICLE 5

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to accept the provisions of G.L. c.40, §8J to establish a Commission on Disability, and to establish the size of the Commission at a number no less than five and no more than nine, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article allowing the Town to establish a commission on disability. The commission would work on a transition plan to become fully compliant with ADA.

ARTICLE 6

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to accept the provisions of G.L. c.39, §23D for all Town bodies serving in a quasi-adjudicatory capacity, which provides, in summary, that a member of a Town board, committee or commission when holding an adjudicatory hearing may cast a vote, despite that member's absence from a single session of the hearing at which testimony or other evidence is received, provided the member certifies in writing that he or she has examined all evidence received at the missed session, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article. The Article would allow a board or committee member to vote on issues wherein they have missed a single meeting but have filed an affidavit indicating that they have examined all relevant documents/evidence from the meeting.

ARTICLE 7

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote pursuant to Section 3-2(b) of the Home Rule Charter for the Town of Sutton to expressly authorize the Board of Selectmen to appoint one (1) member of the Board of Selectmen to the Library Building Committee, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to allow a member of the Board of Selectmen to sit on the Library Building Committee. It is customary to allow a member of the Board of Selectman to sit on a building committee.

ARTICLE 8

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to convey all or a portion or portions of the vacant parcel of Town-owned land located at 25R Putnam Hill Road, containing 5 acres, more or less, and described in a deed recorded with the Worcester South District Registry of Deeds in Book 5101, Page 575, and the right-of-way appurtenant thereto, on such terms and conditions, and for such consideration, as the Selectmen deem appropriate, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article. This Article would allow the Board of Selectmen to convey Town-owned land at 25R Putnam Hill Road which is currently not being utilized by the town. Abutters have expressed interest in the land and the conveyance of the land would generate tax revenue for the Town.

ARTICLE 9

AUTHORITY: Elected Board

SPONSOR: Board of Selectmen

To see if the Town will vote to: transfer the care, custody and control of the vacant parcel of Town-owned land located at 126 Mendon Road, containing 0.5 acres, more or less, and described in a deed recorded with the Worcester South District Registry of Deeds in Book 1709, Page 387, from the School Committee for school purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and to authorize the Board of Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Selectmen deem appropriate, and, further, to authorize the Board of Selectmen to submit a *cy pres* petition, if applicable, authorizing the foregoing conveyance, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article to transfer a vacant parcel of Town-owned land located at 126 Mendon Rd. from the School Committee for school purposes to the Board of Selectman for general municipal purposes, and authorize them to convey the land, and to submit a cy pres petition if applicable. The land was donated many years ago exclusively for school purposes but is vacant and not practicable for school purposes. A cy pres petition is a presentation to the court of a petition when the purpose of a charitable gift has become impossible or impracticable to fulfill.

ARTICLE 10

AUTHORITY: Multi Member Board

SPONSOR: Sewer Commissioners

To see if the Town will vote to waive the connection fee of \$5,000 for the American Legion Dudley Gendron Post 414, 156 Boston Road, Sutton construction project, said fee assessed through the Town of Sutton General Bylaws, Bylaw 10. Public Sewer, Sections 10.9.1 through 10.9.3 inclusive, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 8-0 to recommend the passage of this Article. The committee concurs with the recommendation of the Sewer Commissioners to waive the \$5,000 connection fee for the American Legion Dudley Gendron Post 414, a non-profit organization.

ARTICLE 11

AUTHORITY: Multi Member Body

SPONSOR: Planning Board

To see if the Town will vote to amend the Zoning Bylaw by adding Section IV.E. - Recreational Marijuana Establishments, that would provide as follows, or act to do anything in relation thereto.

Recreational Marijuana Establishments

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed recreational marijuana-related businesses shall be prohibited within the Town of Sutton.

The Finance and Warrant Advisory Committee voted 4-4, with 4 in favor and 4 against recommending the passage of this Article which would amend the Zoning Bylaws to prohibit recreational marijuana businesses in the Town of Sutton. Members of the committee voting to recommend passage of the Article generally felt that there is not currently enough oversight or regulations to allow these businesses to operate within the Town at this time. Members of the committee who voted against the passage of the Article in general thought that with adequate restrictions, the Town would benefit from the potential revenue that could be generated from these businesses.

The Planning Board voted to recommend that Town Meeting vote to approve this article 3-2-0. Commentary: Three members of the Board felt that because the spring 2017 ballot question showed the majority of those who voted supported prohibition, that the Board should stay this course and recommend a consistent action to prohibit all forms of recreational marijuana establishments in Sutton. The two dissenting members felt a full prohibition including recreational marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, and marijuana retailers may be short sighted as there is at least one well regarded cultivator seriously interested in locating in Sutton, and as these uses can be significant revenue generators, something less than full prohibition should be considered.

ARTICLE 12

**AUTHORITY: Multi Member Body
SPONSOR: Planning Board**

To see if the Town will vote to amend the General Bylaw by adding Bylaw 32. - Recreational Marijuana Establishments, that would provide as follows, or act to do anything in relation thereto.

Recreational Marijuana Establishments

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed recreational marijuana-related businesses shall be prohibited within the Town of Sutton.

The Finance and Warrant Advisory Committee voted 4-4, with 4 in favor and 4 against recommending the passage of this Article which would amend the General Bylaws to prohibit recreational marijuana establishments in the Town of Sutton. The Committee considered Article 11 and Article 12 together, with the distinction being that Article 11 is specific to Zoning Bylaws and Article 12 addresses the General Bylaws.

Commentary: The Planning Board is not in charge of the General Bylaws and therefore the law does not require their recommendation on changes to these regulations.

ARTICLE 13

**AUTHORITY: Multi Member Body
SPONSOR: Planning Board**

To see if the Town will vote to amend the Zoning Bylaw – Signs Section IV.A.4.a., by amending the second sign type to add the language in bold underline as follows, or act to do anything in relation thereto.

Type of Sign	S.F. Max	R1	R2	B2	V	I	OLI
Professional or Name Signs	2.0	Y	Y	Y	Y	Y	Y
Identification Signs for Estates, Residential Developments, Schools, Farms, <u>Municipal Facilities</u>	20.0	Y	Y	Y	Y	Y	Y
Freestanding Business-exterior illumination	75.0	N	N	Y	Y	Y	Y

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article. The Article is a housekeeping article and the Committee and agrees with the recommendation of the Planning Board.

The Planning Board voted to recommend that Town Meeting vote to approve this article 5-0-0. Commentary: The bylaws technically don't currently allow signs for municipal facilities other than schools, so considering we have a sign at the Town Hall and will need one at the Police station, this provision needs to be added.

ARTICLE 14

**AUTHORITY: Multi Member Body
SPONSOR: Planning Board**

To see if the Town will vote to amend the Zoning Bylaw – Nonconforming Uses, Structures, and Lots Section I.C.3.c. by adding the underlined text to the section; or act to do anything in relation thereto.

- c. An otherwise conforming structure on a nonconforming lot may be altered and/or extended by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit grant by the Zoning Board of Appeals in accordance with Section VII.A. A nonconforming structure on a nonconforming lot may be altered in accordance with section 2.d

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this Article. The Article is a housekeeping article and the Committee and agrees with the recommendation of the Planning Board.

The Planning Board voted to recommend that Town Meeting vote to approve this article with the addition of “An otherwise” as recommended by Town Counsel as shown below 5-0-0.

- c. An otherwise conforming structure on a nonconforming lot may be altered and/or extended by right as long as no new nonconformities are created. New nonconformities shall only be allowed pursuant to a Special Permit grant by the Zoning Board of Appeals in accordance with Section VII.A. A nonconforming structure on a nonconforming lot may be altered in accordance with section 2.d

Commentary: Housekeeping article. Even though this process is already technically covered in our Bylaws, the Building Department requested that the process for alterations to a nonconforming structure on a nonconforming lot be made more obvious.

ARTICLE 15

AUTHORITY: Elected Board

SPONSOR: Library Trustees

To see if the Town will vote to appropriate \$11,190,985, or any other sum, to fund the construction, renovation and expansion of the Sutton Public Library, to fund demolition, landscaping, paving, utility and other site improvements incidental or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund temporary library operational space, moving expenses, to fund furnishings and equipment and to fund the payment of costs incidental or related thereto; authorize the Board of Selectmen to apply for, accept and expend any grants or other funds available for the project, including but not limited to, a Massachusetts Board of Library Commissioners grant provided that the amount of the authorized borrowing shall be reduced by the amount of such grants or other funds received prior to the issuance of bonds or notes under this vote; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$11,190,985, or any other sum, under General Laws Chapter 44, Section 7 (1) as amended, or any other enabling authority, said sum to be expended under the direction of the Library Building Committee which is authorized to take any action necessary or convenient to carry out this vote, provided, however, that this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed under General Laws, Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote, or act to do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 4-4, with 4 in favor and 4 against recommending the passage of this Article. All members of the committee commended the Library Trustees for their time and effort on this project and in securing the state grant. The four members of the committee in favor of passing the Article feel the Town would benefit significantly from the construction of a new Sutton Public Library and feel that the Town should not miss out on the grant funding opportunity. The four committee members opposed to the passage of this Article have significant concerns with respect to the tax burden that the new library will put on the residents of the Town given the current new Police Station project and the existing debt related to the new school construction. In addition, the dissenting members were concerned with the effect that the increased operating costs of a new library would have on the Town's annual operating budget.

And you are directed to serve this Warrant, by posting copies attested by you in the following places:

- * at the store in Sutton Center**
- * at the Town Hall (Municipal Center)**
- * at each of the Post offices**
- * at the Senior Center, Hough Road**
- * at the Whittier's Farm Milk Store, Douglas Road**
- * at the store in Manchaug at the Four Corners**
- * at the elderly housing community center**
- * at the store in Heritage mall in Wilkinsonville**
- * on the town's website and local access cable channel, provided, however, that in the event technological or practical impediments to such posting occur, failure to so post shall not affect the validity of the Town Meeting, any town meeting vote on the warrant, or any actions taken in connection therewith.**

In said SUTTON, at least SEVEN days before the holding of said meeting.

HEREOF FAIL NOT, and make due return of this Warrant with your doings thereon, to the Town Clerk of said Sutton on or before time holding the meeting.

Given under our hands this 3rd day of October in the year Two Thousand and Seventeen.

SUTTON BOARD OF SELECTMEN

Jesse Limanek, Chair

John Hebert, Vice Chair

David Hall, Clerk

Michael Kenney

Raymond Plante

POSTED:

DATE

CONSTABLE