

**Annual Town Meeting
April 30, 2018**

FRANKLIN SS

To either of the Constables in the Town of Deerfield, in the County of Franklin,

GREETING:

I, Barbara J. Hancock, duly appointed and qualified Clerk of the Town of Deerfield hereby verify that the following votes were taken at the Annual Town Meeting held on Monday, April 30, 2018 in the Frontier Regional School Auditorium on 113 North Main Street in the Village of South Deerfield. Town Meeting convened at 7:12 pm. There were 280 voters in attendance.

Voted to waive the reading of all articles and that prior to the reading of a motion under the article, the Moderator briefly summarize the content of the article to be considered; and, further, that unless objection is raised, the reading of detailed motions be waived where the article as printed can, in the opinion of the Moderator, be incorporated by reference in any motion presented.

Motion carried, so declared the Moderator

Voted that the following people be allowed to address the audience during the Town Meeting:

Lisa Mead, Town Counsel
Brenda Hill, Town Accountant
Wendy Foxmyn, Interim Town Administrator
Sara Woodbury, Tilton Library Director
Dr. Lynn Carey, Superintendent, Frontier Regional/Union 38 Schools
Patricia Cavanaugh, Business Manager, Frontier Regional/Union 38 Schools
Tina Gemme, Principal, Deerfield Elementary School
Darius Modestow, Principal, Frontier Regional School
Richard Martin, Superintendent, Franklin County Technical School
Russ Kaubris, Business Manager, Franklin County Technical School
Patricia Smith, Planner, Franklin Regional Council of Governments

Motion carried, so declared the Moderator

ARTICLE 1:

Voted that the Town hear the reports of the Selectmen, the Deerfield School Committee, and all other Town officers, boards, committees, and commissions.

Motion carried, so declared the Moderator

ARTICLE 2

Voted to establish the salaries and compensation of elected officers of the Town as follows:

OFFICIAL	REQUESTED	RECOMMENDED
Moderator, Annual Town Meeting	\$ 300.00	\$ 300.00
Moderator, Special Town Meeting (each)	\$ 50.00	\$ 50.00
Selectboard, Chair	\$ 6,000.00	\$ 6,000.00
Selectboard, Members (2)	\$ 5,000.00	\$ 5,000.00
Assessors, Chair	\$ 3,500.00	\$ 3,500.00
Assessors, Members (2)	\$ 3,000.00	\$ 3,000.00
School Committee, Chair	\$ 150.00	\$ 150.00
School Committee, Members (5)	\$ 100.00	\$ 100.00

Motion carried, so declared the Moderator

ARTICLE 3

Voted to acknowledge the following monetary gifts made in the last 12 months in appreciation for services rendered:

Deerfield Academy	\$117,500
Eaglebrook School	\$ 26,000
Historic Deerfield	\$ 14,000
Woolman Hill	\$ 3,735
Bement School	\$ 3,000

Motion carried, so declared the Moderator

Voted to acknowledge the following monetary pledges towards the cost of replacement of the Deerfield Elementary School roof, which was completed in the summer of 2016. These pledges are to be paid over a period of 5 to 10 years for the total amount listed:

Deerfield Academy	\$105,000
Eaglebrook School	\$ 75,000
Historic Deerfield	\$ 25,000
Bement School	\$ 20,000

Pledges received during the last 12 months are:

Deerfield Academy	\$ 10,500
Eaglebrook	\$ 7,500
Historic Deerfield	\$ 5,000
Bement School	\$ 2,000

Motion carried, so declared the Moderator

Voted to acknowledge the following monetary donations made during the last 12 months towards the School Resource Officer program:

Deerfield Academy \$ 30,000

Motion carried, so declared the Moderator

ARTICLE 4

Voted to transfer the interest of \$1,130 earned for the preceding year from the Dickinson Library Trust fund as follows:

- \$ 960.00 to the Tilton Library for Library use, and
- \$ 170.00 to Frontier Regional School for Library use.

Motion carried, so declared the Moderator

ARTICLE 5

Voted to fix the maximum amount that may be spent during FY 2019 beginning July 1, 2018 for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 §53E ½ as follows:

FUND	SPENDING LIMIT
Recycling	\$20,000.00
Parks and Recreation	\$75,000.00
Planning	\$25,000.00

Motion carried, so declared the Moderator

ARTICLE 6

Voted to transfer from Free Cash the sum of \$35,278.00 to the Other Post-Employment Benefits Liability Trust Fund.

Motion carried, so declared the Moderator

ARTICLE 7

Voted to adopt the following FY19 Classification-Compensation Plan in accordance with §35-37 of the General Bylaws; the Plan is included in your handout.

Motion carried, so declared the Moderator

FY19 DEERFIELD CLASSIFICATION - COMPENSATION SCHEDULE

Grade	Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Over
1	Landfill Attendants	13.26	13.99	14.73	15.47	16.21	16.94	17.68	18.42	19.16	19.89	Long.
	Library Aides	13.26	13.99	14.73	15.47	16.21	16.94	17.68	18.42	19.16	19.89	Long.
2	WWTP Operator	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
	Heavy Equipment Operator	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
	Library Adult Circ. Head	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
	Assistant Town Clerk	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
	Sr Ctr Program Coordinator	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
	EMT - Basic	15.91	16.80	17.68	18.56	19.45	20.33	21.22	22.10	22.98	23.87	Long.
3	Admin Assistant (SB/BoH)	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Admin Assistant (Insp.)	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Admin Assistant (Police)	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Children's Librarian	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Foreman/HEO	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Parks & Recreation	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
	Advanced EMT	18.56	19.59	20.62	21.65	22.68	23.73	24.76	25.79	26.82	27.85	Long.
4	Senior Center Director	21.22	22.40	23.57	24.76	25.93	27.11	28.28	29.47	30.64	31.82	Long.
	Executive Assistant	21.22	22.40	23.57	24.76	25.93	27.11	28.28	29.47	30.64	31.82	Long.
	Asst't Treas/Collector	21.22	22.40	23.57	24.76	25.93	27.11	28.28	29.47	30.64	31.82	Long.
	Assistant Assessor	21.22	22.40	23.57	24.76	25.93	27.11	28.28	29.47	30.64	31.82	Long.
	Paramedic	21.22	22.40	23.57	24.76	25.93	27.11	28.28	29.47	30.64	31.82	Long.
5	Town Accountant	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
	Library Director	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
	Health Agent	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
	Building Commissioner	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
	Chief WWTP Operator	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
	Assistant EMS Director	23.87	25.19	26.52	27.85	29.17	30.50	31.82	33.15	34.48	35.80	Long.
6	Town Clerk/Treas/Collector	26.52	28.00	29.47	30.94	32.42	33.88	35.36	36.83	38.30	39.78	Long.
	Supt of Streets & Sewer	26.52	28.00	29.47	30.94	32.42	33.88	35.36	36.83	38.30	39.78	Long.
	Police Chief	26.52	28.00	29.47	30.94	32.42	33.88	35.36	36.83	38.30	39.78	Long.
	EMS Director	26.52	28.00	29.47	30.94	32.42	33.88	35.36	36.83	38.30	39.78	Long.

LONGEVITY

10-14 yrs

\$200

15 - 19 yrs.

\$ 300.00

20-24 \$400

25+ \$500

ARTICLE 8

Voted that the Moderator read amounts recommended by the Finance Committee to be appropriated under this article, and unless objection is made, each item recommended in the report of the Finance Committee shall be tentatively accepted as appropriated for the purpose stated. If an objection is made to any recommendation, such appropriation shall be taken separately and the amount thereof and the manner of taking the same shall be determined by vote of the meeting and tentatively accepted. One vote shall be taken appropriating each amount so accepted as a single appropriation not to be exceeded.

Motion carried, so declared the Moderator

Voted to amend the Board of Health expense of the Omnibus Budget (line 512-5400) from \$40,346 to \$38,221.

Motion carried, so declared the Moderator

The FY2019 Omnibus Budget

100 SERIES - GENERAL GOVERNMENT	FY2019 Requested	FY2019 Recommended	ATM Voted
114-5100 - MODERATOR	\$400	\$400	\$400
122-5100 - SELECTBOARD SALARIES	\$16,000	\$16,000	\$16,000
122-5110 - SELECTBOARD STAFF SALARIES	\$189,012	\$189,012	\$189,012
122-5400 - SELECTBOARD/ADMINISTRATOR EXP	\$11,150	\$11,150	\$11,150
131-5400 - FINANCE COMMITTEE	\$500	\$500	\$500
135-5110 - ACCOUNTANT SALARY	\$45,681	\$45,681	\$45,681
135-5400 - ACCOUNTANT EXPENSE	\$16,075	\$16,075	\$16,075
141-5100 - ASSESSORS SALARIES	\$9,500	\$9,500	\$9,500
141-5110 - ASSESSORS ADMIN ASSISTANT	\$57,016	\$57,016	\$57,016
141-5400 - ASSESSORS EXPENSE	\$21,505	\$21,505	\$21,505
142-5400 - ASSESSORS QUINQUENNIAL RECERT	\$20,000	\$20,000	\$20,000
145-5110 - CLERK / TREAS / COLLECTOR SALARIES	\$160,324	\$160,324	\$160,324
145-5410 - TREASURER / COLLECTOR EXPENSE	\$34,575	\$34,575	\$34,575
149-5110 - OLIVER SMITH TRUSTEE	\$0	\$0	\$0
151-5110 - LEGAL EXPENSE	\$36,000	\$36,000	\$36,000
152-5400 - PERSONNEL BOARD	\$1,500	\$1,500	\$1,500
155-5400 - IT HARDWARE	\$5,000	\$5,000	\$5,000
155-5800 - PEG ACCESS CAPITAL EXPENSE	\$11,000	\$11,000	\$11,000
159-5410 - CONTRACTED SERVICES	\$209,851	\$209,851	\$209,851
161-5400 - TOWN CLERK EXPENSE	\$21,750	\$21,750	\$21,750

171-5400 - CONSERVATION COMMISSION	\$800	\$800	\$800
172-5400 - OPEN SPACE COMMITTEE	\$250	\$250	\$250
175-5400 - PLANNING BOARD	\$1,000	\$1,000	\$1,000
176-5400 - ZONING BOARD OF APPEALS	\$1,000	\$1,000	\$1,000
179-5400 - AGRICULTURAL COMMISSION	\$100	\$100	\$100
182-5400 - ENERGY COMMITTEE	\$500	\$500	\$500
192-5400 - TOWN OFFICE BLDG MAINTENANCE	\$89,400	\$89,400	\$89,400
192-5430 - TOWN OFFICE EXPENSE	\$23,000	\$23,000	\$23,000
196-5400 - GENERAL INSURANCE	\$61,000	\$61,000	\$61,000

TOTAL - GENERAL GOVERNMENT	\$1,043,889	\$1,043,889	\$1,043,889
-----------------------------------	--------------------	--------------------	--------------------

200 SERIES - PUBLIC SAFETY	FY2019 Requested	FY2019 Recommended	ATM Voted
210-5110 - POLICE PAYROLL	\$820,072	\$820,072	\$820,072
210-5400 - POLICE DEPT EXPENSE	\$95,600	\$95,600	\$95,600
210-58xx - POLICE DEPT - CAPITAL	\$42,500	\$42,500	\$42,500
241-5110 - INSPECTIONS DEPT PAYROLL	\$125,210	\$125,210	\$125,210
241-5400 - INSPECTIONS DEPT EXPENSE	\$4,600	\$4,600	\$4,600
292-5400 - CANINE CONTROL	\$18,535	\$18,535	\$18,535

TOTAL - PUBLIC SAFETY	\$1,106,517	\$1,106,517	\$1,106,517
------------------------------	--------------------	--------------------	--------------------

300 SERIES - EDUCATION	FY2019 Requested	FY2019 Recommended	ATM Voted
300-5400 - DEERFIELD ELEMENTARY SCHOOL	\$4,720,882	\$4,720,882	\$4,720,882
312-5400 - FRONTIER REGIONAL SCHOOL	\$3,771,696	\$3,771,696	\$3,771,696
315-5800 - FRONTIER REGIONAL TRANSPORTATION	\$70,386	\$70,386	\$70,386
320-5410 - FRANKLIN TECH ASSESSMENT	\$255,451	\$255,451	\$255,451
320-5800 - FRANKLIN TECH - CAPITAL	\$16,512	\$16,512	\$16,512

TOTAL - EDUCATION	\$8,834,927	\$8,834,927	\$8,834,927
--------------------------	--------------------	--------------------	--------------------

400 SERIES - PUBLIC WORKS	FY2019 Requested	FY2019 Recommended	ATM Voted
422-5110 - GEN HIGHWAY PAYROLL	\$462,167	\$462,167	\$462,167
422-5400 - GEN HIGHWAY EXPENSE	\$235,400	\$235,400	\$235,400
423-5400 - WINTER SNOW AND ICE REMOVAL	\$90,000	\$90,000	\$90,000
424-5400 - STREET LIGHTING	\$39,000	\$39,000	\$39,000
433-5400 - TRANSFER STATION EXPENSE	\$174,000	\$174,000	\$174,000
439-5800 - TEST WELL MONITORING / MAINT	\$50,000	\$50,000	\$50,000

TOTAL - PUBLIC WORKS	\$1,050,567	\$1,050,567	\$1,050,567
-----------------------------	--------------------	--------------------	--------------------

500 SERIES - HUMAN SERVICES	FY2019 Requested	FY2019 Recommended	ATM Voted
512-5110 - BOARD OF HEALTH SALARY	\$35,299	\$35,299	\$35,299

512-5400 - BOARD OF HEALTH EXPENSE	\$38,221	\$26,846	\$38,221
541-5400 - COUNCIL ON AGING	\$50	\$50	\$50
541-5420 - SENIOR CENTER EXPENSE	\$26,137	\$26,137	\$26,137
543-5400 - VETERANS DISTRICT ASSESSMENT	\$10,063	\$10,063	\$10,063
543-5410 - VETERANS BENEFITS	\$30,000	\$30,000	\$30,000
549-5400 - ADA COORDINATOR	\$250	\$250	\$250
TOTAL - HUMAN SERVICES	\$140,020	\$128,645	\$140,020

600 SERIES - CULTURE AND RECREATION	FY2019 Requested	FY2019 Recommended	ATM Voted
610-5400 - TILTON LIBRARY	\$181,706	\$181,706	\$181,706
630-5400 - SUMMER SWIM PROGRAM	\$5,810	\$5,810	\$5,810
630-5410 - TRI-TOWN BEACH EXPENSE	\$16,432	\$16,432	\$16,432
634-5110 - RECREATION DEPT DIRECTOR SALARY	\$48,541	\$48,541	\$48,541
691-5400 - HISTORICAL COMMISSION	\$1,175	\$1,175	\$1,175
692-5800 - VETERANS DAY / MEMORIAL DAY EXP	\$2,000	\$2,000	\$2,000
TOTAL - CULTURE AND RECREATION	\$255,664	\$255,664	\$255,664

700 SERIES - DEBT SERVICE	FY2019 Requested	FY2019 Recommended	ATM Voted
710-5900 - MATURING DEBT	\$440,000	\$440,000	\$440,000
751-5900 - INTEREST ON MATURING DEBT	\$178,006	\$178,006	\$178,006
752-5900 - INTEREST ON TEMPORARY LOANS	\$5,000	\$5,000	\$5,000
TOTAL - DEBT SERVICE	\$623,006	\$623,006	\$623,006

800 & 900 SERIES - BENEFITS	FY2019 Requested	FY2019 Recommended	ATM Voted
830-5400 - FRCOG CORE ASSESSMENT	\$44,195	\$44,195	\$44,195
910-5800 - UNFUNDED SICK LEAVE AND VACATION	\$10,000	\$10,000	\$10,000
911-5400 - FRANKLIN CTY REGIONAL RETIREMENT	\$437,501	\$437,501	\$437,501
912-5400 - WORKERS COMPENSATION	\$55,981	\$55,981	\$55,981
913-5400 - UNEMPLOYMENT INSURANCE	\$15,000	\$15,000	\$15,000
914-5400 - GROUP INSURANCE - TOWN	\$273,399	\$273,399	\$273,399
914-5410 - GROUP INSURANCE - SCHOOL	\$666,244	\$666,244	\$666,244
916-5400 - MEDICARE INSURANCE	\$99,166	\$99,166	\$99,166
918-5400 - MEDICAL SECURITY ACT	\$0	\$0	\$0
TOTAL - BENEFITS	\$1,601,486	\$1,601,486	\$1,601,486

TOTAL - OMNIBUS BUDGET	\$14,656,076	\$14,644,701	\$14,656,076
-------------------------------	---------------------	---------------------	---------------------

Voted to appropriate \$ 14,656,076 to fund the accepted amounts voted, and to meet this appropriation, transfer:

- \$100,000 from Overlay Surplus
 - \$70,000 from South County Emergency Medical Service Enterprise Fund
 - \$3,266 from South County Senior Center Operation Fund
 - \$28,196 from Sewer Enterprise Fund
 - \$7,779 from Receipts Reserved for Debt payment
 - \$105,305 from Free Cash
- And raise and appropriate a balance of \$14,341,530.

Motion carried as amended, so declared the Moderator

ARTICLE 9

Voted to accept the provisions of MGL c.44, § 53F ½ establishing the Sewer Enterprise Fund, effective July 1, 2018, and transfer the balance of funds in the Sewer Special Revenue Fund as of June 30, 2018 into this account.

Motion carried, so declared the Moderator

ARTICLE 10

Voted to appropriate \$ 809,612 to fund the Sewer Enterprise Fund for Fiscal Year 2019 as follows:

Revenues

User Fees	\$ 806,000
Investment Income	\$ 3,612
Total Revenues	\$ 809,612

Expenses

Salaries/Wages	\$ 265,210
Operating Expenses	\$ 516,206
Indirect Costs	\$ 28,196

Total Enterprise Fund Expenses	\$ 809,612
---------------------------------------	-------------------

Motion carried, so declared the Moderator

ARTICLE 11

Voted to appropriate \$1,009,190.00 and to transfer from Free Cash the sum of \$327,065 to fund the South County Emergency Medical Services Enterprise Fund for Fiscal Year 2019, and to

ARTICLE 12

Voted to transfer from Free Cash the sum of \$349,895.00, and from the Roadside Mower Special Revenue Fund the sum of \$26,000.00 for the purpose of funding the following Capital Projects:

DETAIL OF CAPITAL REQUESTS			
FREE CASH	Requested	CIPC	FinComm
Elementary School: Replace Door Hardware	\$ 12,500	12,500	12,500
Elementary School: Replace Flooring	\$ 17,000	17,000	17,000
Town Offices: Generator	\$ 53,000	53,000	53,000
Senior Center: Carpet/Tile project	\$ 8,300	8,300	8,300
Church-Senior/Community Center feasibility	\$ 25,000	25,000	25,000
Hwy: Transfer Station fence	\$ 12,000	12,000	12,000
Hwy: Compactor	\$ 17,000	17,000	17,000
Hwy: Freightliner	\$ 205,095	205,095	205,095
Subtotal:	\$ 349,895	\$ 349,895	\$ 349,895
ROADSIDE MOWER SPECIAL REV FUND			
Lease pmt #2 of 5 for Roadside Mower	\$ 26,000	\$ 26,000	\$ 26,000
TOTAL - CAPITAL REQUESTS	\$ 375,895	\$ 375,895	\$ 375,895

Motion carried, so declared the Moderator

ARTICLE 13

Voted to transfer from Free Cash the sum of \$17,024 for the Frontier Regional School District to purchase a replacement tractor similar in size and features of a John Deere 1025R Sub-Compact Utility Tractor.

Motion carried, so declared the Moderator

ARTICLE 14

Voted to transfer, \$500,000 from Free Cash as follows: the amount of \$250,000.00 to the Capital Expenditure Stabilization Fund and the amount of \$250,000.00 to the Stabilization Fund.

Motion carried, so declared the Moderator

ARTICLE 15

Voted to transfer from Free Cash the amount of \$68,916 to the Snow and Ice Removal Expense account to fund the shortfall for FY 2018.

Motion carried, so declared the Moderator

ARTICLE 16

Voted to act on the recommendations of the Community Preservation Committee on the FY2019 Community Preservation Fund budget with each item to be considered as a separate appropriation.

Motion carried, so declared the Moderator

Voted to appropriate \$350.00 from the Community Preservation Fund 2019 Estimated Revenues for the Tilton Monument Restoration project at the Brookside Cemetery in a manner consistent with the proposal submitted by Friends of Tilton Library Incorporated and approved by the Community Preservation Committee, said funds to be expended within three years under the direction of the Selectboard and any unused funds to be returned to the Community Preservation Fund as required by statute.

Motion carried, so declared the Moderator

Voted to appropriate \$5,000.00 from the Community Preservation Fund 2019 Estimated Revenues for the Replacement of Louvers in the steeple of First Church of Deerfield project in a manner consistent with the proposal submitted by First Church of Deerfield and approved by the Community Preservation Committee, said funds to be expended within three years under the direction of the Selectboard and any unused funds to be returned to the Community Preservation Fund as required by statute.

Motion carried, so declared the Moderator

Voted to transfer \$24,650.00 of the Community Preservation Fund 2019 Estimated Revenues to the Reserve for Historic Preservation as required by General Law Chapter 44B.

Motion carried, so declared the Moderator

Voted to transfer \$30,000.00 (10%) of the Community Preservation Fund 2019 Estimated Revenues to the Reserve for Open Space as required by General Law Chapter 44B.

Motion carried, so declared the Moderator

Voted to transfer \$30,000.00 (10%) of the Community Preservation Fund 2019 Estimated Revenues to the Reserve for Community Housing as required by General Law Chapter 44B.

Motion carried, so declared the Moderator

Voted to appropriate \$15,000.00 (5%) from the Community Preservation Fund 2019 Estimated Revenues for Community Preservation Committee administrative expenses.

Motion carried, so declared the Moderator

Voted to transfer \$195,000.00, the balance of the Community Preservation Fund 2019 Estimated Revenues, to the Community Preservation Budgeted Reserve.

Motion carried, so declared the Moderator

ARTICLE 17

Voted to transfer from Free Cash \$1.00 for funding the tuition and transportation expenses of students attending the Smith Vocational and Agricultural High School for the 2018-19 school year.

Motion carried, so declared the Moderator

ARTICLE 18

Voted to transfer \$100,000 from Free Cash to the Reserve Fund to provide for extraordinary or unforeseen expenditures under G.L. c. 40, §6 for the Fiscal Year beginning July 1, 2018.

Motion carried, so declared the Moderator

ARTICLE 19

Voted to authorize, pursuant to G.L. c. 30B § 12(b), to enter into and negotiate contracts as the Selectboard deems necessary or beneficial to the Town, for terms of not more than 5 years.

Motion carried, so declared the Moderator

ARTICLE 20

No Action Taken

So declared the Moderator

ARTICLE 21

Voted to accept the provisions of G. L. c. 200A §9A allowing for a simplified process of managing abandoned funds.

Motion carried, so declared the Moderator

ARTICLE 22

Voted to accept the provisions of G. L. c. 40 §§ 6J and 6L allowing for an appropriation for town employee work clothes and attire.

Motion carried, so declared the Moderator

ARTICLE 23

Voted to join the Pioneer Valley Mosquito Control District for an initial one-year term.

Motion carried, so declared the Moderator

ARTICLE 24

Voted to authorize the Selectboard to petition the General Court to submit legislation to seek additional off-premise liquor licenses in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectboard approves amendments to the bill before enactment by the General Court. The Selectboard is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition including the number of licenses hereunder so long as the number does not exceed that as noted herein.

AN ACT AUTHORIZING THE TOWN OF DEERFIELD TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and the House of Representatives in the General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, or any other general or special law or any rule or regulation to the contrary, the licensing authority of the town of Deerfield is hereby authorized to issue three (3) additional wine and malt beverage licenses not to be drunk on the premises and three (3) additional licenses for the sale of alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said licenses shall be subject to all of the provisions of said chapter one hundred and thirty-eight except said section seventeen, subject to the conditions set forth in this section.

The licensing board shall grant these licenses for the purpose of assisting local businesses and encouraging new businesses and overall economic development throughout the Town.

SECTION 2. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

SECTION 3. This act shall take effect upon its passage.

or take any action relative thereto.

Motion carried, so declared the Moderator

Attorney Lisa Mead, Town Counsel, used a PowerPoint slideshow to explain the Massachusetts Marijuana regulations and the content, purpose and impact of Articles 25, 26, 27 and 28.

ARTICLE 25

Voted to accept the provisions of G.L. 64N, § 3 to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Deerfield.

Motion carried, so declared the Moderator

ARTICLE 26

Voted to defer Article 26 until after votes on Article 27 and Article 28.

Motion carried, so declared the Moderator

ARTICLE 27

Voted to amend its Zoning By-Law a.k.a. Chapter 179 of the Town Code by adopting the following modifications.

Item 1

Delete from Section 2100, entitled “Districts,” Subsection 2110, entitled “Establishment,” the phrase “Medical Marijuana Overlay District” and substitute therefor the phrase “Marijuana Overlay District.”

Item 2

Add the following, new entries and accompanying Footnotes to Section 2200, entitled “Use Regulations,” Subsection 2230, entitled the “Use Regulation Schedule,” at the end of Subsections B, C and D as follows:

Principal Use	R A	CRV D	C- I	C- II	I	PI	EP D
...							
B. EXTENSIVE USES AND COMMUNITY FACILITIES							
...							
Marijuana Cultivator ¹⁰	SP 9	N	N	N	SP 9	SP 9	N
...							
C. COMMERCIAL							

...							
Marijuana Retailer ¹⁰	N	N	N	N	N	N	N
...							
D. INDUSTRIAL							
...							
Independent Testing Laboratory ¹⁰	N	N	N	N	N	N	SP ⁹
Marijuana Product Manufacturer ¹⁰	N	N	N	N	N	N	SP ⁹

⁹ The Planning Board shall act as the Special Permit Granting Authority for all Marijuana Establishments per Section 4663; but not for Medical Marijuana Treatment Centers, which shall be permitted in accordance with Section 4654.

¹⁰ Marijuana Establishments are also authorized by special permit in the Marijuana Overlay District in accordance with Section 4664.

Item 3

Delete in its entirety Footnote 8 in Section 2300, entitled “Dimensional Requirements,” Subsection 2320, entitled the “Table of Dimensional Requirements,” and substitute therefor the following, new Footnote 8:

⁸ No Medical Marijuana Treatment Center or Marijuana Establishment shall be sited within a radius of five hundred feet of a public or private school, daycare center or any facility in which children commonly congregate, said distance to be measured in a straight line from the nearest point of the property line of said facility to the nearest point of the property line of the Medical Marijuana Treatment Center or Marijuana Establishment.

Item 4

Amend Section 4650, entitled “Medical Marijuana Overlay District,” as follows:

- (i) by deleting the aforesaid title thereof in its entirety and substituting therefor the title “Medical Marijuana Treatment Centers”;
- (ii) by deleting from Subsection 4651, entitled “Purpose and Intent,” the phrase “Medical Marijuana Overlay District”;
- (iii) by adding to the end of the second sentence in Subsection 4653, entitled “Use Regulations,” the phrase “or elsewhere in this By-Law”;
- (iv) by deleting from Subsection 4654, entitled “Applicability,” the phrase “Medical Marijuana Treatment Centers shall be allowed only within the Medical Marijuana Overlay District” and substituting therefor the phrase “Cultivation-only Medical Marijuana Treatment Centers shall be allowed within the Residential-Agricultural, Industrial and Planned Industrial zoning districts, Medical Marijuana Treatment Centers for product manufacturing and processing shall be allowed within

the Expedited Permitting District and all Medical Marijuana Treatment Centers shall be allowed within the Marijuana Overlay District”;

(v) by adding to the first sentence in Subsection 4655, entitled “Special Permit Requirements,” Item (a), following “the Massachusetts Department of Public Health pursuant to 105 CMR 725.100,” the phrase “or the Massachusetts Cannabis Control Commission, as successor thereto, pursuant to applicable regulation(s)”;

and by adding to the second sentence of said Subsection and Item, following “the Department of Public Health,” the phrase “or Cannabis Control Commission”;

(vi) by adding the following, new Subsection 4656, entitled “Transferability”:

4656. Transferability. No special permit issued under this Section 4650 shall be transferrable by the recipient; and, further, shall immediately terminate should: (a) the recipient cease operation of the Medical Marijuana Treatment Center; (b) the recipient’s license from the Commonwealth of Massachusetts expire or be terminated; or (c) the recipient assign, convey or otherwise transfer said permit contrary to the aforesaid requirement;

and by thereafter renumbering the existing Subsection 4656 to Subsection 4657; and

(vi) except as provided above, by deleting all references within said Section 4650 to the “Medical Marijuana Overlay District” and substituting therefor references to the “Marijuana Overlay District.”

Item 5

Add the following, new Section 4660, entitled “Marijuana Establishments”:

4660. MARIJUANA ESTABLISHMENTS.

4661. Purpose. It is the purpose hereof to impose reasonable safeguards on the operation of Marijuana Establishments in accordance with applicable Massachusetts law relative to the use and distribution of Marijuana not medically prescribed, including restrictions on the time, place and manner of Marijuana Establishment operations and of any business dealing in Marijuana accessories, limitations on the number of Marijuana Establishments, signage controls and abatement of public nuisances.

4662. Definitions. The words and phrases below shall be defined as follows, with all references to statutes and regulations deemed a reference to the same as of the effective date of this Section 4660, as may be amended:

Independent Testing Laboratory shall mean laboratory that is licensed by the Commonwealth of Massachusetts and qualified to test Marijuana in

accordance and compliance with G.L. c. 94C, § 34 and 935 CMR 500.00, *et seq.*

Marijuana shall mean all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in G.L. c. 94C, § 1; subject to those exemptions stated in G.L. c. 94G, § 1; and expressly including marijuana products except where the context clearly indicates otherwise.

Marijuana Cultivator shall mean an entity licensed by the Commonwealth of Massachusetts to cultivate, process and package Marijuana, to deliver Marijuana to Marijuana Establishments and to transfer Marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Establishment shall mean a Marijuana Cultivator, Independent Testing Laboratory, Marijuana Product Manufacturer, Marijuana Retailer or any other type of Marijuana-related business licensed by the Commonwealth of Massachusetts.

Marijuana Product Manufacturer shall mean an entity licensed by the Commonwealth of Massachusetts to obtain, manufacture, process and package Marijuana and Marijuana products, to deliver Marijuana and Marijuana products to Marijuana Establishments and to transfer Marijuana and Marijuana products to other Marijuana Establishments, but not to consumers.

Marijuana Retailer shall mean an entity licensed by the Commonwealth of Massachusetts to purchase and deliver Marijuana and Marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer Marijuana and Marijuana products to Marijuana Establishments and to consumers.

Marijuana Social Consumption Operation shall mean an entity that purchases or otherwise acquires Marijuana from licensed Marijuana Establishments and sells single servings of Marijuana to consumers for consumption or use on the premises.

4663. Applicability. Where permitted by the Use Regulation Schedule, Section 2230, the types of Marijuana Establishments specified therein may be allowed in designated zoning districts by special permit issued by the Planning Board pursuant to G.L. c. 40A, § 9, and Section 5300 of this By-Law. All Marijuana Establishments authorized by special permit shall also require site plan review pursuant to Section 5400; which review shall be undertaken concurrently with the special permit process per Section 5422. The provisions of this Section 4660 shall not apply to Medical

Marijuana Treatment Centers, which shall be subject to and governed exclusively by Section 4650.

4664. Overlay District. In addition to and not as a substitute for allowance of certain Marijuana Establishments in the underlying zoning districts in accordance with this Section 4660 and the Use Regulation Schedule, Section 2230, the following additional uses shall be allowed within the Marijuana Overlay District established pursuant to Section 4652 of this By-Law, subject to and upon the issuance of a special permit in accordance with Section 4663:

1. Marijuana Cultivator;
2. Marijuana Product Manufacturer;
3. Marijuana Retailer, excluding Marijuana Social Consumption Operations, and only until the number of Marijuana Retailers equals or exceeds 20% of the number of licenses issued within the Town of Deerfield for the retail sale of alcoholic beverages not to be drunk on the premises per G.L. c. 138, whereupon Marijuana Retailer use shall no longer be allowed hereunder; and
4. Independent Testing Laboratory.

4665. Dimensional and Performance Standards. Any Marijuana Establishment permitted hereunder shall comply with the special permit and site plan review requirements, procedures and criteria referenced in and shall be subject to such conditions as authorized by Sections 5300 and 5400 of this By-Law; but shall also satisfy the following, additional standards:

1. No use of any special permit or site plan approval issued hereunder shall commence nor shall construction of a Marijuana Establishment authorized hereunder begin unless and until all requisite license(s) and approval(s) under G.L. c. 94G and 935 CMR 500.000, *et seq.*, have first been obtained.
2. All Marijuana Establishments shall comply with the dimensional requirements of Section 2300 for the applicable or underlying zoning district; except that the minimum lot size for any Marijuana Establishment in the Residential-Agricultural (RA) zoning district shall be five (5) acres; and except that the minimum side- and rear-yard setbacks for any Marijuana Establishment allowed in said RA zoning district shall be 25 feet; provided that, where a perimeter security fence is required by 935 CMR 500.000, *et seq.*, applicable setbacks shall be measured from said fence, notwithstanding provision(s) of this By-Law to the contrary.

3. No land, building(s) or structure(s) shall be used for Marijuana-related business or activity except in accordance with a license issued by the Commonwealth of Massachusetts and in good standing.
4. The requirements of this Section 4660 shall apply to all Marijuana Establishments regardless of the class or type of license issued by the Commonwealth of Massachusetts. All requisite operational, siting and security requirements of the applicable licensing scheme shall be satisfied, and proof thereof submitted to the Planning Board.
5. Marijuana plants, products and paraphernalia shall not be visible from the outside of any building in which a Marijuana Establishment is located; nor shall any outdoor storage be permitted. The foregoing shall not be deemed to prohibit outdoor cultivation by a Marijuana Cultivator if duly-licensed by the Commonwealth of Massachusetts.
6. No Marijuana Establishment shall be operated so as to cause a nuisance to the community by noise, odor, dust, glare, fumes, vibration, heat, glare or other conditions. Marijuana Establishments shall address noise control, shall incorporate odor reduction measures and shall otherwise undertake appropriate action(s) to avoid any nuisance or impairment of the public comfort and convenience from facility operation(s).
7. Marijuana Establishments shall provide appropriate security measures, shall establish a protocol therefor and shall provide to the Planning Board and, subsequently, to the Deerfield Police Department a copy of its emergency management plan and contact information for a facility representative available 24 hours a day.
8. A minimum separation of 2,000 feet is required between Marijuana Retailers, said distance to be measured in a straight line from the nearest point of each facility to the other.
9. No Marijuana-related public events shall be permitted except in accordance with G.L. c. 94G and 935 CMR 500.000, *et seq.*, and only if and as may be authorized by the Planning Board from time to time.
10. The Planning Board may impose such restrictions on the time, place and manner of Marijuana Establishment operations and of any business dealing in Marijuana accessories as may be necessary to protect the public interest and/or to satisfy the purpose and intent of this By-Law. The Planning Board may consider factors including,

but not limited to, project and building design, setbacks, visibility, traffic and pedestrian circulation, outdoor lighting, odor control, security, hours of operation and consistency with nearby and abutting land uses; and may reasonably condition any special permit or site plan approval accordingly.

11. Pursuant to G.L. c. 40A, § 3, agriculture, aquaculture, floriculture and horticulture shall not include the growing, cultivation, distribution or dispensation of Marijuana; and, consequently, these activities are not exempt from zoning thereunder.

4666. Signage. All signage for a Marijuana Establishment shall comply with the requirements of Section 3200 of this By-Law, insofar as applicable, including but not limited to the restrictions in Section 3230 thereof, as well as all marketing and advertising requirements in 935 CMR 500.000, *et seq.*

4667. Transferability. Neither any special permit issued under this Section 4660 nor any accompanying site plan approval shall be transferrable by the recipient; and, further, shall immediately terminate should:

1. The recipient cease operation of the Marijuana Establishment;
2. The recipient's license from the Commonwealth of Massachusetts expire or be terminated; or
3. The recipient assign, convey or otherwise transfer said permit or approval contrary to the aforesaid requirement.

4668. Lapse. Notwithstanding the provisions of Section 5360 of this By-Law, any special permit issued for a Marijuana Establishment, and any site plan approval received therefor, shall lapse within one (1) year from the grant thereof (plus such time as may be required to pursue or await the determination of an appeal therefrom) if substantial use has not sooner commenced, except for good cause.

4669. Prohibition. All Marijuana Social Consumption Operations are expressly prohibited anywhere within the Town of Deerfield; provided, however, that said prohibition shall apply only insofar as the same does not conflict with Massachusetts law, or has not been preempted thereby.

Item 6

Add to Section 5400, entitled "Site Plan Review," Subsection 5410, entitled "Applicability," the following, new Subsection 5418:

5418. Marijuana Establishments as authorized in Section 4660;

and renumber the existing Subsection 5418 to Subsection 5419.

or take any action relative thereto.

Motion carried in excess of 2/3rds, so declared the Moderator

ARTICLE 28

Following a report from the Planning Board, Voted to *amend its Town of Deerfield General By-Laws by adding a new Chapter 121:*

Chapter 121 Marijuana Establishments

§ 121-1 Prohibition.

Per G.L. c. 94G, § 3(a)(2), all types of marijuana establishments, as defined by G.L. c. 94G, § 1, are prohibited within the Town of Deerfield, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, marijuana social consumption operations and all other types of licensed marijuana-related businesses.

This section 121-1 shall be effective upon passage by the voters at a Town Election.

§ 121-2 Enforcement.

Enforcement of the prohibition on marijuana establishments may be by any lawful means, including but not limited to criminal indictment or complaint, pursuant to G.L. c. 40, § 21, as amended, or by noncriminal disposition, pursuant to G.L. c. 40, § 21D, as amended, and in accordance with Chapter 123. Enforcement shall be by the Board of Selectmen or its duly-authorized agent(s), or by any police officer. The penalty for noncompliance shall be \$300.00 per offense; with each day on which a violation exists deemed a separate offense.

§ 121-3 Medical marijuana.

Nothing herein shall be deemed to prohibit Medical Marijuana Treatment Centers as defined in Chapter 179.

§ 121-4 Effective date.

The aforesaid prohibition on marijuana establishments shall be effective only upon passage by the voters at a regular or special Town election.

or take any action relative thereto.

Motion failed, so declared the Moderator

ARTICLE 26

Voted to amend its Zoning By-Law, a.k.a. Chapter 179 of the Town Code, by adding the following, new entry and accompanying Footnote to Section 2200, entitled “Use Regulations,” Subsection 2230, entitled the “Use Regulation Schedule,” at the end of Subsection C as follows:

Principal Use	R A	CRV D	C- I	C- II	I	PI	EP D
...							
C. COMMERCIAL							
...							
Marijuana establishment ⁹	N	N	N	N	N	N	N

⁹ Per G.L. c. 94G, § 3(a)(2), all types of marijuana establishments, as defined by G.L. c. 94G, § 1, are prohibited within the Town of Deerfield, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, marijuana social consumption operations and all other types of licensed marijuana-related businesses, but expressly excluding Medical Marijuana Treatment Centers. Said prohibition shall be effective only upon passage by the voters at a regular or special Town election.
or take any action relative thereto.

Motion failed, so declared the Moderator

ARTICLE 29

Voted to authorize the Selectboard and the Board of Assessors to negotiate and to enter into and execute a Tax Agreement for payment of personal property taxes attributable to a solar photovoltaic energy facility with Mass RE 12 LLC for a period of up to twenty (20) years to be located on a portion of 100 Railroad Yard Road, Assessor’s Map 7 Lot 5.

Motion carried, so declared the Moderator

ARTICLE 30 (*petitioned Article*)

Voted that the Selectboard put forward at the next Special Town Meeting a warrant article requesting that the present Community Preservation Act surcharge of three (3) percent be reduced to a surcharge of one (1) percent or act on anything relative thereto.

Motion failed, so declared the Moderator

ARTICLE 31

Voted to hear any instruction to its officers, boards, committees, and commissioners.

Motion carried, so declared the Moderator

Voted a motion on the floor, to instruct the Selectboard or others to research switching street lights to LED bulbs and examine the cost savings.

Motion carried, so declared the Moderator

Voted a motion from the floor, to consider a study on how Deerfield's town government could run better.

Motion carried, so declared the Moderator

Voted a motion from the floor, to report the fund balance in the CPA account.

Motion carried, so declared the Moderator

Voted a motion from the floor, to report what is done with discarded vehicles.

Motion carried, so declared the Moderator

Voted a motion from the floor, that the Selectboard shall report back on the recommendations made through these instructions to officers and other studies or surveys.

Motion carried, so declared the Moderator

Voted a motion from the floor, to consider preferential voting for town elections.

Motion carried, so declared the Moderator

Voted a motion from the floor, instructing the Selectboard to study the need for professional staff to support Town departments.

Motion carried, so declared the Moderator

Voted to adjourn at 11:22p.m., to meet in the polls at the meeting room at the Town Offices, 8 Conway Street, in the Village of South Deerfield, on Monday, May 7, 2018 at 10:00 a.m., for the purpose of elections, and at the closure of the polls, dissolve.

A true copy

Attest:

Barbara J. Hancock, Town Clerk