



*Town Administrator*  
39 South Street  
Hinsdale, MA 01235  
[Town.Administrator@hinsdalema.gov](mailto:Town.Administrator@hinsdalema.gov)  
413-655-2300, x345

TOWN OF HINSDALE – SPECIAL TOWN MEETING  
ORDER OF BUSINESS

Berkshire, SS: To one of the members of the Police Department of the Town of Hinsdale:

Greetings: In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of said Town of Hinsdale qualified by law to vote, to meet in the Community Room of the Town Hall, 39 South Street, Hinsdale, Massachusetts on Wednesday, November 28, 2018 at 7:00 pm, and then and there to act on the following articles:

**Article 1:** To choose a moderator to preside over the meeting if the elected moderator is not present.

**Article 2:** To see if the Town will vote to transfer the sum of \$35,532.00 from Free Cash to pay additional Vocational Education expenses incurred with the addition of two new student-residents; or take any other action thereon.

Select Board: Recommends    Finance Committee: Recommends

Vocational Tuition per Student FY19 =	<u>\$17,266.00</u>
X 2 Students =	\$35,553.00

**Article 3:** To see if the Town will vote to transfer the sum of \$8,352.00 from Free Cash to cover the costs to pay Berkshire Regional Planning Commission the balance owed for the Town's revised and State mandated Hazard Mitigation Report, or take any other action thereon.

Select Board: Recommends    Finance Committee: Recommends

The Former Town Administrator had planned to hire a consultant to revise the Town's Hazard Mitigation Report for a fee of \$8,864.00. He also applied for a FEMA grant to help pay this amount. The Town received the FEMA grant based on this original estimate, and the Select Board hired Berkshire Regional Planning Commission (BCRP) to revise the report for a \$15,000.00 fee. The FEMA grant was for 75% of the \$8864.00, which is \$6648.00. The Town owes BCRP \$8352.00 of the \$15,000.00, and no funds were appropriated. This all came to the Town Administrator's attention in June, after the budget season. We ask for \$8532.00 to meet the Town's obligation.

**Article 4:** To see if the town will vote to transfer the sum of \$15,400.00 from Free Cash to pay for the additional costs incurred to secure a Conservation Commission/DEP Notice of Intent permit to address the culvert located at approximately 235 Old Dalton Road, or take any other action thereon.

Select Board: Recommends Finance Committee: Recommends

**Article 5:** To see if the town will vote to transfer the sum of \$7,000.00 from Free Cash to pay for the additional costs incurred as a result of prevailing wage rates to complete the installation of the Town Hall generator, which was funded in May 2018, or take any other action thereon.

Select Board: Recommends Finance Committee: Recommends

A slight increase in the materials since the project was estimated, but the bulk of the increase is due to the State's prevailing wage requirements.

**Article 6:** To see if the town will vote to transfer the sum of \$10,000.00 from Free Cash to the Tree Warden's 294-7103 to pay for the additional costs incurred as a result of tree removal or take any other action thereon.

Select Board: Recommends Finance Committee: Rejects

**Article 7:** To see if the town will vote to amend the Zoning Bylaws, by approving the following items as written, labelled, and numbered:

**This Article requires a 2/3s vote.**

**7a.** Create a New Section 15 within the Zoning Bylaws entitled, "**Marijuana Establishments and Medical Marijuana Treatment Centers**," as follows:

**§15 Marijuana Establishments.** (The new section begins here with this title)

- (a) **Purpose.** The purpose of this section is to provide for the placement of Marijuana Establishments ("MEs") and Medical Marijuana Treatment Centers ("MMTCs") in suitable locations in the Town of Hinsdale (the "Town") in recognition of and in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 (the "Act"), and all regulations which have or may be issued by the Cannabis Control Commission (the "CCC"), including, but not limited to 935 CMR 500.00 and 935 CMR 501.00, in order to support the public's right to access marijuana and marijuana products while mitigating community impacts and protecting public health, safety and welfare. .

**(b) Definitions.**

**CRAFT MARIJUANA COOPERATIVE** – a Marijuana Cultivator comprised of residents of the commonwealth organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the commonwealth that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to transport marijuana to MEs but not to consumers.

**INDEPENDENT TESTING LABORATORY** - a laboratory that is licensed by the CCC and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation the commission otherwise approves mutual recognition arrangement or that; (ii) independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c.94C, § 34.

**LICENSE** – The certificate issued by the CCC that confirms that an ME has met all applicable requirements pursuant to St. 2012, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000. An ME may be eligible for a provisional or final license.

**MARIJUANA ESTABLISHMENT (ME)** – a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a MMTC.

**MARIJUANA CULTIVATOR** – an entity licensed to cultivate, process, and package marijuana, and to deliver marijuana to other MEs but not consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**MARIJUANA CULTIVATION FACILITIES** – facilities that a Marijuana Cultivator may be licensed to operate.

**MARIJUANA PRODUCT MANUFACTURER** – an entity licensed to obtain, manufacture, process, and package marijuana and Marijuana Products and to transfer marijuana and Marijuana Products to other MEs, but not consumers.

**MARIJUANA PRODUCTS** – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

**MARIJUANA RETAILER** – an entity licensed to purchase and transport marijuana and Marijuana Products from MEs and to sell, or otherwise transfer marijuana and

Marijuana Products to other MEs and consumers. Retailers are prohibited from delivering marijuana or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a ME.

**MARIJUANA TRANSPORTER** – an entity, not otherwise licensed by the CCC, that is licensed to purchase, obtain, and possess marijuana and Marijuana Products solely for the purpose of transporting, temporary storage, sale, and distribution to MEs, but not to consumers.

**MEDICAL MARIJUANA TREATMENT CENTER (MMTC)**, also known as a **REGISTERED MARIJUANA DISPENSARY** – an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

**MICROBUSINESS** – a collocated ME that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other MEs.

**RESEARCH FACILITY** – an entity licensed to engage in research projects by the CCC.

**(c) Designated Locations for MEs and MMTCs.**

- (1) Marijuana Cultivation Facilities may only be sited within the R-5 Agricultural and Residential District on parcels at least 5 acres in size.
- (2) Marijuana Cultivation Facilities shall be set back at least two hundred feet (200') from front property lines, one hundred feet (100') from side property lines and one hundred fifty feet (150') from rear property lines.
- (3) MMTCs and all types of ME's, except for Cultivation Facilities, may be sited in the R-4 Business and Resident District and the Adult Entertainment Overlay District.
- (4) All ME's and MMTCs must be set back at least one hundred fifty feet (150') from any public or private school or licensed daycare center. Distances shall be measured by a straight line between the nearest structures of said schools or daycares and the nearest building used for marijuana purposes.
- (5) Each ME or MMTC and any part of their operation, including but not limited to, cultivation, processing, packaging, and sales, shall be operated from a fixed



location. No ME or MMTC shall be permitted to operate from a moveable, mobile, or transitory location, except for Marijuana Transporters.

**(d) Designated Number of Marijuana Establishments and Medical Marijuana Treatment Centers.**

1. The total number of Marijuana Retail Establishments permitted under this Bylaw in the Town of Hinsdale shall not be greater than one (1), provided however that in no instance shall the number be fewer than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be consumed on the premises where sold under G.L. c. 138 Section 15. For the purposes of determining this limit and in the event that 20% of said licenses is not a whole number, any fraction shall be rounded up to the nearest whole number.
2. The total number of non-retail MEs shall not exceed five (5).
3. The total number of MMTCs shall not exceed one (1).

**(e) Special Permit Required.** No ME or MMTC shall be operated or expanded without first obtaining a Special Permit and Site Plan Review from the Town of Hinsdale Special Permit Granting Authority as set forth in Section 6-E of this Bylaw.

- (1) The Special Permit Granting Authority for ME's and MMTCs shall be the Select Board.
- (2) A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the license of an ME or MMTC or change in the location of the business.
- (3) In the event that the Commonwealth's licensing authority suspends the license or registration of an ME or MMTC, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

**(f) General Requirements for MEs and MMTCs.**

- (1) Outside storage. No outside storage of marijuana, marijuana products, related supplies, or educational materials is permitted, except at open-air, outdoor Cultivation Facilities.

- (2) Visibility of activities. All activities shall be conducted indoors, except for open-air, outdoor Cultivation Facilities or Marijuana Transporters.
- (3) Paraphernalia. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may be lawfully sold at a marijuana retailer. No retail marijuana, marijuana products, or paraphernalia shall be displayed or kept in a retail marijuana store to be visible from the outside of the licensed premises.
- (4) Hours of operation. A Marijuana Retailer may not open earlier than 8:00 AM and shall close no later than 8:00 PM the same day, Monday through Saturday, and no earlier than 12:00 PM and no later than 6:00 PM on Sunday. There shall be no hourly restrictions on any other type of ME or MMTC unless imposed by the Special Permit Granting Authority as part of site plan approval.
- (5) On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except for Research Facilities. No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a ME or MMTC unless expressly permitted under this law and permitted by state law or regulation. The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.
- (6) Sale of alcohol. ME's and MMTCs are prohibited from selling alcoholic beverages.
- (g) **Filing Requirements for MEs and MMTCs.** In addition to the requirements of Section 6-E of this Bylaw Special Permit applications must be submitted to the Town Clerk and shall include the following:
  - (1) A Site Plan. A site plan, that will allow the Planning Board and the Special Permit Authority to evaluate all dimensions, abutters, clearances and pertinent data directly related to the parcel to be utilized, including but not limited to, building design features, outside surface finishes, landscaping and any other data providing full disclosure of the project. In addition to the to the site plan components listed in §6-E (3) and §2-A, the definition of "site plan," the following information shall also be included:
    - i. The names, mailing addresses, phone numbers, email addresses, and signatures for the applicant, owner, and operator.

- ii. Physical address (if one exists) and the map, lot and block number of the proposed site.
- iii. Property lines of the proposed site and all those within six hundred feet (600') of the property.
- iv. Elevation contour lines at two-foot vertical intervals.
- v. Outlines of all existing and proposed buildings and structures on the proposed site and those within six hundred feet (600') of the proposed site.
- vi. Delineation of all wetland resources and associated buffer areas, in accordance with the Massachusetts Environmental Policy Act (MEPA) guidelines and regulations.
- vii. Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
- viii. Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Storm water Policy.

(2) **A Security Plan.** A security plan shall be submitted to ensure the safety of employees, patrons, and the public to protect the premises from theft or other criminal activity. The security plan shall be reviewed and approved by the local Police Chief, or their designee. The Security Plan shall include the following:

- i. An interior floorplan (including secured areas, windows, doors, etc.)
- ii. Exterior lighting
- iii. Fencing (if any)
- iv. Gates (if any)
- v. Alarms
- vi. Any other security measures as requested by the Police Chief.

(3) **State License.** A copy of the license or registration as an ME or MMTC from the applicable state licensing authority or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a license or registration in accordance with the applicable state regulations, as amended.

(h) **Discontinuance of Use.** Any marijuana operator under this Section shall be required to remove all material, plants, equipment, and other paraphernalia within thirty (30) days after the expiration or voiding of its license.

(i) **Other laws remain applicable.**

- (1) Business License Required. At all times while a permit is in effect, the licensee shall possess a valid Town of Hinsdale business license.
- (2) Prior to the issuance of a Special Permit, the ME or MMTC must have entered into a Host Community Agreement (HCA) with the Town. If upon review by the Special Permit Granting Authority, the ME or MMTC is found to not be fully in compliance with the HCA, the Special Permit and the local license may be suspended or rescinded.

**Article 7.b. Amend the Table of Contents by adding:**

SECTION 4A-Permitted Uses

SECTION 15 – Marijuana Establishments and Medical Marijuana Treatment Centers

4.A Permitted Uses

**Article 7.c. Amend Section 4 by adding the italicized text below.**

**R-1 RESIDENTIAL**

**1 c** The use of land or structures for the primary purpose of agriculture, horticulture or Floriculture except *for marijuana-related agriculture operations.*

**R-1B RESIDENTIAL AND AGRICULTURAL**

**3 Any** lawful agricultural use *except marijuana-related agriculture operations.*

**R-4 BUSINESS AND RESIDENTIAL**

**2 e.** *Buildings used for the operation of medical or non-medical marijuana sales establishments.*

**R-5 AGRICULTURAL AND RESIDENTIAL**

**2 h.** *Marijuana Establishments.*

**Article 7.d. Amend Section 3-8A – Adult Entertainment Overlay District, to Read as Follows:**

**Definition of District:** All properties adjacent to Bullards Crossing Road between State Route 8 (Washington Road) and the CSX railroad right of way as illustrated on the Town of Hinsdale Zoning Map dated October 2018.

**Article 7.e. Rescind Existing Section 8.a.**

Lift the Temporary Moratorium on Medical Marijuana Treatment Centers and Recreational Marijuana Retail Establishments, and adjust item 8's labeling to reflect the revision

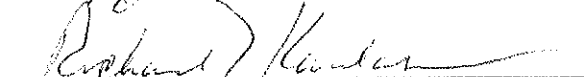
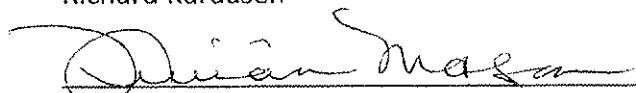
Or take any other action thereon.

**Article 8:** To transact any other business that may legally come before said meeting.

Given under our hands on the 13th of November 2018.

**Respectfully Submitted,**

**HINSDALE SELECT BOARD**

  
Harvey Drosehn, Chair  
Richard Kardasen  
Vivian Mason

RETURN OF SERVICE

TOWN OF HINSDALE

BERKSHIRE COUNTY, SS:

On the 13th Day of November 2018 at \_\_\_\_\_: \_\_\_\_\_(time), I have served this warrant posting attested copies thereof at the Town Hall, and such other places as the Selectmen deem appropriate, but not less than three (3) in the Town.

651405/HINDS/0001

\_\_\_\_\_, Hinsdale Police Officer

**COMMONWEALTH OF MASSACHUSETTS**

**WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**SS.**

To the Constables of the City/Town of HINSDALE

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election to vote at

HINSDALE TOWN HALL  
39 SOUTH STREET  
HINSDALE, MASSACHUSETTS  
PRECINCT #1

on **TUESDAY, THE SIXTH DAY OF NOVEMBER, 2018**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS. ....	FOR THIS COMMONWEALTH
GOVERNOR and LIEUTENANT GOVERNOR. ....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL. ....	FOR THIS COMMONWEALTH
SECRETARY OF STATE. ....	FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL. ....	FOR THIS COMMONWEALTH
AUDITOR. ....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. ....	FIRST DISTRICT
COUNCILLOR. ....	EIGHTH DISTRICT
SENATOR IN GENERAL COURT. ....	Berkshire, Hampshire, Franklin, & Hampden DISTRICT
REPRESENTATIVE IN GENERAL COURT. ....	Second Berkshire DISTRICT
DISTRICT ATTORNEY. ....	Berkshire DISTRICT
CLERK OF COURTS. ....	Berkshire COUNTY
REGISTER OF DEEDS. ....	Berkshire Middle DISTRICT
REGIONAL SCHOOL COMMITTEE . . . . .	Central Berkshire Regional School DISTRICT (BECKET, CUMMINGTON, DALTON, HINSDALE)

## QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

### SUMMARY

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care, as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;
- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post-anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients: (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined to be stable: 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical, telemetry, or observational/outpatient treatment patients, or any other unit: 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional, and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of each patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

The proposed law would not override any contract in effect on January 1, 2019 that set higher patient limits. The proposed law's limits would take effect after any such contract expired.

The state Health Policy Commission would be required to promulgate regulations to implement the proposed law. The Commission could conduct inspections to ensure compliance with the law. Any facility receiving written notice from the Commission of a complaint or a violation would be required to submit a written compliance plan to the Commission. The Commission could report violations to the state Attorney General, who could file suit to obtain a civil penalty of up to \$25,000 per violation as well as up to \$25,000 for each day a violation continued after the Commission notified the covered facility of the violation. The Health Policy Commission would be required to establish a toll-free telephone number for complaints and a website where complaints, compliance plans, and violations would appear.



The proposed law would prohibit discipline or retaliation against any employee for complying with the patient assignment limits of the law. The proposed law would require every covered facility to post within each unit, patient room, and waiting area a notice explaining the patient limits and how to report violations. Each day of a facility's non-compliance with the posting requirement would be punishable by a civil penalty between \$250 and \$2,500.

The proposed law's requirements would be suspended during a state or nationally declared public health emergency.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

**A YES VOTE** would limit the number of patients that could be assigned to one registered nurse in hospitals and certain other health care facilities.

**A NO VOTE** would make no change in current laws relative to patient-to-nurse limits.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

### **SUMMARY**

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

**A YES VOTE** would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

**A NO VOTE** would not create this commission.

### **QUESTION 3: REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

#### **SUMMARY**

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A “place of public accommodation, resort or amusement” is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. “Gender identity” is defined as a person’s sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person’s physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person’s admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a person’s gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

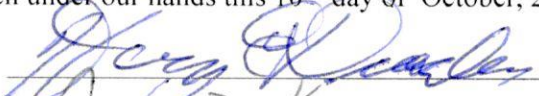
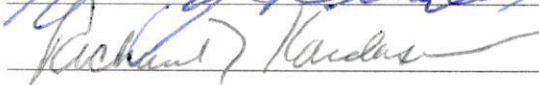
The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

**A YES VOTE** would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

**A NO VOTE** would repeal this provision of the public accommodation law.


Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 10<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_

Selectmen of HINSDALE

Posted in three public places per Hinsdale By-laws

  
Constable \_\_\_\_\_ OCTOBER 10<sup>th</sup>, 2018.  
(month and day)

Warrant must be posted by **October 30, 2018**, (at least *seven days prior* to the **November 6, 2018** State Election).



TOWN OF HINSDALE  
SPECIAL ELECTION WARRANT

Berkshire, ss.

TO: Any Constable of the Town of Hinsdale

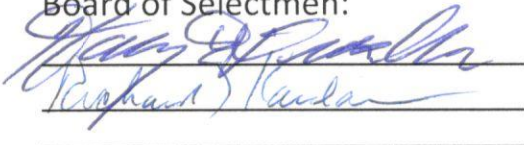
In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of Hinsdale, qualified to vote in elections and Town affairs, to meet at the Hinsdale Town Hall, 39 South Street in said Hinsdale on Saturday, October 20, 2018 from 10:00 A.M. to 6:00 P.M., to act on the following article:

To vote for a Selectman to fill a vacancy

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of said meeting as aforesaid.

Given under our hands this 26<sup>th</sup> day of September, 2018

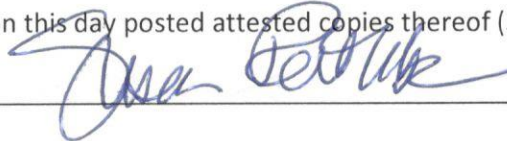
Board of Selectmen:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

09/26/2018  
(date)

A True Copy, Attest:

I have on this day posted attested copies thereof (3 public places per Hinsdale By-laws)

  
\_\_\_\_\_

CONSTABLE

9/26/18  
(DATE)

Warrant must be posted by October 12<sup>th</sup>, 2018



# Town of Hinsdale

39 South Street  
Hinsdale, MA 01235

[Town.administrator@hinsdalema.gov](mailto:Town.administrator@hinsdalema.gov)  
(413) 645-2300, x355

## Annual Town Meeting May 16, 2018 Town Administrators Notes

May 9, 2018

Hi Everyone:

Below are my notes on the Warrant Articles. These notes have been compiled after numerous meetings this winter and spring, and unless otherwise stated, they are my opinions. Here they are:

**Article 2:** Proforma – the Town accepts our allotment of the State’s Chapter 90 funding for maintenance, repair, and construction of roads and bridges.

**Article 3a:** Proforma – the Town sets the pay rates for these positions annually.

**Article 3b:** This table outlines expenses department by department. Below are my explanations and the percentage change over last year.

Department/Account	FY2018	Proposed FY 2019	% Change	Administrator's Notes
Legal Counsel	20,000.00	30,000.00	50.0%	Legal fees are up due to contract, and public records request reviews. During FY18 we added 10,000.00, bringing the Total to 30,000.00.
Moderator	50.00	50.00	0.0%	
Select Board & Administration	114,845.00	120,831.00	5.2%	The Administration budget is up because Bob asked for additional education funding and performance increases.

Board of Assessors	62,483.00	62,383.00	-0.2%	
Treasurer	54,175.00	49,427.00	-8.8%	The Treasurer's budget is down because we reduced the legal fee funds available for tax/lien work, but this is likely to increase again in the future.
Tax Collector	32,970.00	24,286.00	-26.3%	The Tax Collector budget is down because of Polly Wheeler's retirement and the reorganization back to a Treasurer/Collector model.
Town Clerk & Elections	13,838.00	21,580.00	55.9%	The Town Clerk budget is up because we have two elections this coming year. However, some of those costs will be reimbursed by the State to the Town Clerk's Office once the elections are over.
Accounting & Auditing	61,993.00	62,917.00	1.5%	
Finance Committee	300.00	300.00	0.0%	
Planning Board	500.00	500.00	0.0%	
Conservation Commission	11,034.00	12,334.00	11.8%	The Conservation budget is up because we have added hours to the position to cover the work required.
Town Insurances & Bonds	85,000.00	85,000.00	0.0%	
Health & Dental Insurance	143,700.00	148,000.00	3.0%	This increase was surprising low due to all the work done with MIIA to keep our rates low.
County Retirement	90,149.00	129,172.00	43.3%	County retirement is way up due to an oversight in the County Retirement department that all Towns now have to make up due to miscalculations.
Medicare	12,756.00	13,000.00	1.9%	
Reserve Fund	20,000.00	20,000.00	0.0%	
Gas/Diesel (Town Vehicles)	25,000.00	36,000.00	44.0%	Fuel is back up to the amount budgeted in 2016, due to a long winter, additional staff doing additional rounds, and the cost of fuel rapidly rising.
Unemployment	24,000.00	15,000.00	-37.5%	The Treasurer may need to explain this change.
Town Buildings-	85,000.00	86,500.00	1.8%	
<b>General Gov. Subtotal</b>	<b>857,742.00</b>	<b>917,280.00</b>	<b>6.9%</b>	Explained above, line by line.
Highway Department-General	355,500.00	358,273.00	0.8%	
Highway Department-Private and Unaccepted Roads	15,000.00	15,000.00	0.0%	
Highway Department-Winter Roads	97,500.00	97,500.00	0.0%	

Cemeteries	2,500.00	1,500.00	-40.0%	The Cemetery expense line was cut because expense trends have been lower the past three years.
Street Lights	20,000.00	20,000.00	0.0%	
Town-wide Mowing	15,000.00	14,995.00	0.0%	
<b>Public Works Subtotal</b>	<b>505,500.00</b>	<b>507,268.00</b>	<b>0.3%</b>	
Police Department	272,142.00	277,284.00	1.9%	
Fire Department	84,200.00	74,200.00	-11.9%	The Fire Department account shows a reduction because we did not need to replace any of the Scott bottles this year.
24-hour Ambulance Service	1,500.00	2,000.00	33.3%	The Ambulance costs have gone up significantly.
Emergency Management	5,183.00	5,350.00	3.2%	
Building Inspector	15,983.00	15,800.00	-1.1%	
Gas Inspector	200.00	200.00	0.0%	
Tree Warden	16,500.00	16,500.00	0.0%	
<b>Public Safety Subtotal</b>	<b>395,707.00</b>	<b>391,334.00</b>	<b>-1.1%</b>	
Board of Health	18,000.00	17,200.00	-4.4%	The BoH supply line was reduced based on expense trends the past three years.
Veterans Services	34,950.00	35,550.00	1.7%	
Lake Management	26,850.00	28,800.00	7.3%	Lake testing and treatments have been increasing, and the costs are passed on to the Town.
Animal Inspector / Dog Officer	6,250.00	5,675.00	-9.2%	Expenses have gone down considerably for the coming years.
Transfer Station / Waste Disposal	105,858.00	84,840.00	-19.9%	The Transfer Station expenses have been significantly reduced due to the bag tag and car sticker programs.
Landfill Monitoring	15,000.00	20,000.00	33.3%	The DEP requires us to cut several trees growing on the old landfill site, and test an abutter's well water regularly resulting in this increase.
Council on Aging	4,500.00	3,500.00	-22.2%	The CoA is using grant money to offset their expenses.
Visiting Nurse Association	2,388.00	2,388.00	0.0%	
<b>Health, Sanitation, and Human Services Subtotal</b>	<b>213,796.00</b>	<b>197,953.00</b>	<b>-7.4%</b>	
Public Library	68,500.00	69,870.00	2.0%	
Beautification Committee	1,000.00	1,500.00	50.0%	The price of plants and planters has risen, and the Beautification Committee hasn't had an increase in years, so we increased their budget.
CSX Land Rental	800.00	825.00	3.1%	

Berkshire County Reg. Planning	1,541.02	1,580.00	2.5%	
Sports/Recreation Committee	500.00	500.00	0.0%	
Community Center	11,000.00	11,000.00	0.0%	
Historical Commission	500.00	0.00	- 100.0%	The Historical Commission is still a viable committee, but they do not need any funding this coming year.
<b>Cultural &amp; Recreational Subtotal</b>	<b>83,842.00</b>	<b>85,275.00</b>	<b>1.7%</b>	
<b>TOTAL</b>	<b>2,056,586.00</b>	<b>2,099,110.00</b>	<b>2.1%</b>	

**Article 4, a-d:** Proforma – the Town’s education costs have decreased 3% over last year. We have nine students attending McCann and Smith.

Article	School Account	FY 2018	Proposed FY2019
<b>4, a.</b>	CBRSD-Assessment	2,459,360.00	2,396,374.00
<b>4, b.</b>	CBRSD-Capital	40,608.00	32,628.00
<b>Subtotal</b>	<b>CBRSD subtotal</b>	<b>2,499,968.00</b>	<b>2,429,002.00</b>
<b>4, c.</b>	Voc-Tuition	155,394.00	155,394.00
<b>4,d.</b>	Voc-Transportation	66,780.00	66,780.00
<b>Subtotal</b>	<b>Voc - subtotal</b>	<b>222,154.00</b>	<b>222,174.00</b>
	<b>All School Total</b>	<b>2,736,968.00</b>	<b>2,651,176.00</b>

**Article 5:** Proforma – debt and interest.

**Article 6:** Proforma – winter road wages were over \$1872.00, and maintenance was over by \$63,612.00.

**Article 7:** Proforma – this is the final payment of a lease agreement for the DPW truck.

**Article 8:** Proforma – this is the final payment of a lease-to-own agreement for a Police car.

**Article 9:** This **\$29,500.00** from Free Cash is to complete the Town Hall accessibility renovations (to comply with the Americans with Disabilities Act ~ \$55,000.00) and the renovations to the central entrance to the Police Department (~\$6,000). With funds carried over from this year, plus the \$29,000.00, we will complete these projects this summer.



- Article 10:** This **\$20,000.00** from Free Cash is for the Town Hall, and more importantly for the Police Department and IT Server to have instant power in the event of an outage to help maintain public safety, communications, and records.
- Article 11:** Proforma – this is the final payment of three-year agreement with Berkshire Regional Planning Commission and a few other small Towns for help with Economic Development opportunities.
- Article 12:** This **\$15,000.00** from Free Cash will be used to purchase an industrial washing machine for the Fire Department, allowing them to care for and get a longer life out of their protective clothing.
- Article 13:** This **\$30,000.00** from Free Cash will be used to complete the tree list generated over a year ago, that helped us identify. Trimming and removing hazardous trees on town property. We expect to complete the list this coming year, which was the plan all along
- Article 14:** The Town needs to set aside some amount of money to pay for any necessary infrastructure and engineering costs that arise throughout the year. What the exact amount needed for this is harder to pin down. Last year, we requested \$30,000.00, and spent \$20,000.00. This coming year, we split the difference, in hopes that \$10k left over plus \$10k allotted for FY19 will suffice.
- Article 15:** This **\$10,000.00** from Free Cash is to replace another column on the Community Center.
- Article 16:** This **\$6,000.00** from Free Cash is to pay for the biennial Belmont Dam Inspection, and this year we are trying to see if we can have it reclassified, which would make our inspection schedule less frequent.
- Article 17:** The Town started and must continue to fund our Capital Stabilization Account, and the minimum annual amount agreed upon was **\$50,000.00** annually. We would take this from Free Cash. This account is for long-term planning to pay for capital expenses that you anticipate coming due, i.e. vehicles, a roof, etc.
- Article 18:** The Select Board recommends this article only to quickly capture potential lost revenue, as calculated on a sampling provided by the Assessors. In no way does the Select Board condone the action or lack thereof that led to the current lag in completed annual assessments.
- Article 19:** After celebrating the news that Hinsdale was awarded up to \$300,000.00 to pay for the Plunkett Gate Valve work, the Select Board and Finance Committee turned their attention to funding road work. After much discussion, they agreed to ask residents if they would appropriate a \$200,000.00 transfer of funds from the Stabilization Fund into the Road Stabilization fund. Such action should help the Town do something significant sooner than we might have if we did not take such action. The remainder of funds reimbursed to Hinsdale from the State from the Gate Valve Project will be deposited back into the Stabilization account.
- Article 20:** Proforma – this is to pay **\$147,619.99** for Sewer Phase III Loan payments, which is covered by user fees.

- Article 21a:** Proforma – this is to raise and appropriate the sum of **\$77,290.00** from the Hinsdale Sewer I Operating Expenses, which is covered by user fees.
- Article 21b:** Proforma – this is to raise and appropriate the sum of **\$12,152.00** from Sewer II (Beachwood) Operating Expenses, which is covered by user fees.
- Article 21c:** Proforma – this is to raise and appropriate the sum of **\$133,180.00** as follows for the Hinsdale Sewer III Operating Expenses, which is covered by user fees.
- Article 22:** This **\$49,000.00** to come from Sewer I and Sewer III surplus accounts (equally) in to complete the State mandated Infiltration and Inflow analysis to locate leaks. The users will pay for this testing, and once we have the information, we should be able to identify areas where groundwater is seeping into the system. We have already completed the preliminary work and are ready to finish this last part once approved.
- Article 23:** This **\$268,464.00** covers the Water Department's Operating Expenses, which is covered by user fees.
- Article 24:** This is a request to combine the Treasurer and Collector's positions, the model that most small Towns are returning to maximize efficiency ties and provide better coverage in both areas with part-time staff. With a Treasurer/Collector and an Assistant Treasurer/Collector, trained in both areas, able to take payments, and respond to most questions involving both areas.
- If approved by the Town, we will request that one of our State legislators present a Special Act before the General Court, seeking approval from the State legislature (State Senators and State Representatives). Our counsel advises this method, so there is no question that this change is lawful, and the appointment becomes active once the act is passed.
- Article 25:** This voluntary option will allow land owners another route to develop their property. The option still involves Planning Board approval, but allows for greater flexibility in the way land can be used. For more information, please see proposed bylaw on the Town website at <https://www.hinsdalemass.com/planning-board-zba>.
- Article 26:** Last year the Select Board asked that the Board of Health begin to address blight in town. To that end, this bylaw will allow the Town to address unregistered vehicles, boats, and trailers from being stored or discarded improperly.
- Article 27:** This bylaw allows the Town the possibility of collecting the maximum excise tax allowed on any future retail sales of marijuana once we establish our own *Marijuana* bylaw for the Town.
- Article 28:** This PILOT (payment in lieu of taxes) allows the Select Board to negotiate a long-term agreement with Eversource for a set amount of money each year instead of Taxes.

**Article 29:** These spending limits of our revolving fund accounts need to be approved annually.

**Article 30:** This is to authorize the Select Board to lease the rooftops of the Fire Station and DPW to **Solect Energy Development, LLC** (or its assigns, successors or affiliates) for 20 years. In return, the Town will have a set electric rate that will save thousands of dollars in electric bills during the lease period – at no cost to the Town.

I look forward to seeing you next Wednesday evening.

Respectfully,

Bob Graves  
Town Administrator



# Town of Hinsdale

39 South Street  
Hinsdale, MA 01235

[Town.administrator@hinsdalema.gov](mailto:Town.administrator@hinsdalema.gov)  
(413) 645-2300, x355

## 2018 Annual Town Meeting – Order of Business

Berkshire, SS

To One of the Members of the Police Department of the Town of Hinsdale:

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of said Town of Hinsdale qualified by law to vote, to meet in Kittredge School, at 80 Maple Street, on Wednesday, May 16, 2018, at 7:00 PM, then and there to act on the following articles:

**Article 1:** To choose a moderator to preside over the meeting if the elected Moderator is not present

**Article 2:** To see if the Town will accept the sum of **\$155,974.00**, and any other funding that may become available, from the Commonwealth of Massachusetts under the provisions of Chapter 90 of General Laws, and appropriate funds as needed, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges; or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 3a:** To see if the Town will vote to set the salaries of all elected officials of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, or take any other action thereon.

Elected Official's Salary	FY2018	Proposed FY2019	Approval	
			Select Board	Finance Committee
Assessor Chairman	2,285.00	2,285.00	Yes	Yes
Assessor Member	1,665.00	1,665.00	Yes	Yes
Moderator	50.00	50.00	Yes	Yes
Select Board Chair	2,000.00	2,000.00	Yes	Yes
Select Board Member	1,800.00	1,800.00	Yes	Yes
Town Clerk	6,500.00	6,695.00	Yes	Yes
Tree Warden	1,500.00	1,500.00	Yes	Yes

*(Please Note: These salary amounts are included in the budget calculations in Article 7)*

*Select Board: Recommends*

*Finance Committee: Recommends*



**Article 3b:** To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, the sum of **\$2,101,558.31** for the operating expenses of the Town for Fiscal Year 2019 as follows, or any other sum, or take any other action thereon.

<b>Department/Account</b>	<b>FY2018</b>	<b>Proposed FY 2019</b>
Legal Counsel	20,000.00	30,000.00
Moderator	50.00	50.00
Select Board & Administration	114,845.00	120,831.00
Board of Assessors	62,483.00	62,383.00
Treasurer	54,175.00	49,427.00
Tax Collector	32,970.00	24,286.00
Town Clerk & Elections	13,838.00	21,580.00
Accounting & Auditing	61,993.00	62,917.00
Finance Committee	300.00	300.00
Planning Board	500.00	500.00
Conservation Commission	11,034.00	12,334.00
Town Insurances & Bonds	85,000.00	85,000.00
Health & Dental Insurance	143,700.00	148,000.00
County Retirement	90,149.00	129,172.00
Medicare	12,756.00	13,000.00
Reserve Fund	20,000.00	20,000.00
Gas/Diesel (Town Vehicles)	25,000.00	36,000.00
Unemployment	24,000.00	15,000.00
Town Buildings-	85,000.00	86,500.00
<b><i>General Gov. Subtotal</i></b>	<b><i>857,742.00</i></b>	<b><i>917,280.00</i></b>
Highway Department-General	355,500.00	358,273.00
Highway Department-Private and Unaccepted Roads	15,000.00	15,000.00
Highway Department-Winter Roads	97,500.00	97,500.00
Cemeteries	2,500.00	1,500.00
Street Lights	20,000.00	20,000.00
Town-wide Mowing	15,000.00	14,995.00
<b><i>Public Works Subtotal</i></b>	<b><i>505,500.00</i></b>	<b><i>507,268.00</i></b>
Police Department	272,142.00	277,284.00
Fire Department	84,200.00	74,200.00
24-hour Ambulance Service	1,500.00	2,000.00
Emergency Management	5,183.00	5,350.00
Building Inspector	15,983.00	15,800.00
Gas Inspector	200.00	200.00
Tree Warden	16,500.00	16,500.00
<b><i>Public Safety Subtotal</i></b>	<b><i>395,707.00</i></b>	<b><i>391,334.00</i></b>



Board of Health	18,000.00	17,200.00
Veterans Services	34,950.00	35,550.00
Lake Management	26,850.00	28,800.00
Animal Inspector / Dog Officer	6,250.00	5,675.00
Transfer Station / Waste Disposal	105,858.00	84,840.00
Landfill Monitoring	15,000.00	20,000.00
Council on Aging	4,500.00	3,500.00
Visiting Nurse Association	2,388.00	2,388.00
<b><i>Health, Sanitation, and Human Services Subtotal</i></b>	<b><i>213,796.00</i></b>	<b><i>197,953.00</i></b>
Public Library	68,500.00	69,870.00
Beautification Committee	1,000.00	1,500.00
CSX Land Rental	800.00	825.00
Berkshire County Reg. Planning	1,541.02	1,580.00
Sports/Recreation Committee	500.00	500.00
Community Center	11,000.00	11,000.00
Historical Commission	500.00	0.00
<b><i>Cultural &amp; Recreational Subtotal</i></b>	<b><i>83,842.00</i></b>	<b><i>85,275.00</i></b>
<b>TOTAL</b>	<b>2,056,586.00</b>	<b>2,099,110.00</b>

Select Board: *Recommends*Finance Committee: *Recommends*

**Article 4, a-d:** To see if the Town will vote to approve the Central Berkshire Regional School District Budget that includes Hinsdale's (4, a.) CBRSD-Assessment; (4,b.) CBRSD-Capital budget; (4,c.) Vocational Tuition; and (4,d.)Transportation budget; and raise and appropriate a total amount for educational expenses of **\$2,651,176.00** for FY2019, or take any other action thereon.

Article	School Account	FY 2018	Proposed FY2019
<b>4, a.</b>	CBRSD-Assessment	2,459,360.00	2,396,374.00
<b>4, b.</b>	CBRSD-Capital	40,608.00	32,628.00
<b><i>Subtotal</i></b>	<b><i>CBRSD subtotal</i></b>	<b><i>2,499,968.00</i></b>	<b><i>2,429,002.00</i></b>
<b>4, c.</b>	Voc-Tuition	155,394.00	155,394.00
<b>4,d.</b>	Voc-Transportation	66,780.00	66,780.00
<b><i>Subtotal</i></b>	<b><i>Voc - subtotal</i></b>	<b><i>222,154.00</i></b>	<b><i>222,174.00</i></b>
	<b>All School Total</b>	<b>2,736,968.00</b>	<b>2,651,176.00</b>

Select Board: *Recommends*Finance Committee: *Recommends*

- Article 5:** To see if the Town will vote to raise and appropriate the sum of **\$20,176.00** as follows for Debt and Interest, or take any other action thereon.

<b>Debt &amp; Interest</b>	<b>FY2018</b>	<b>Proposed FY2019</b>
Town Hall Loan, Principal	6,868.83	7,195.10
Interest-Long Term Debt	11,307.17	10,980.90
Interest-Short Term Debt	2,000.00	2,000.00
<b>Total Debt &amp; Interest</b>	<b>20,176.00</b>	<b>20,176.00</b>

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 6:** To see if the Town will vote to transfer the sum of **\$65,612.00** from Free Cash to balance the Fiscal Year 2018 Winter Road Wages (\$1,872.00) and Winter Road Maintenance (\$63,740.00) budget lines, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 7:** To see if the Town will vote to transfer the sum of **\$55,329.49** from Free Cash for the Town to make the final lease payment on a Mack Truck for the Highway Department, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 8:** To see if the Town will vote to transfer the sum of **\$7,585.12** from Free Cash for the final lease payment on a Police Department Cruiser, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 9:** To see if the Town will vote to transfer the sum of **\$29,500.00** from Free Cash to complete the ADA Compliant entryways at the main entrances on each floor of the Town Hall and fix both ramps on the upper floors for the two side exits, as well as to finish the safety renovations to the Police Station, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 10:** To see if the Town will vote to transfer the sum of **\$20,000.00** from Free Cash to purchase and install an automatic-on generator for the Town Hall, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

- Article 11:** To see if the Town will vote to transfer the sum of **\$8,000.00** from Free Cash to cover the costs of the Town's Economic Development and Planning agreement with BRPC, a prior commitment, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*



**Article 12:** To see if the Town will vote to transfer the sum of **\$15,000.00** from Free Cash for an industrial washing machine for the Fire Department, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 13:** To see if the Town will vote to transfer the sum of **\$30,000.00** from Free Cash for trimming and/or removing hazardous trees on town property or a town right-of-way, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 14:** To see if the Town will vote to transfer the sum of **\$10,000.00** from Free Cash to pay for FY19 Infrastructure and Engineering costs, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 15:** To see if the Town will vote to transfer the sum of **\$10,000.00** from Free Cash to pay for repairs at the Community Center, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 16:** To see if the Town will vote to transfer the sum of **\$6,000.00** from Free Cash to pay for the Belmont Dam Inspection costs, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 17:** To see if the Town will vote to transfer the sum of **\$50,000.00** from Free Cash to Capital Stabilization, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 18:** To see if the Town will vote to transfer the sum of **\$10,000.00** from the Assessors Overlay Fund into the Assessors FY 19 Expense Account to pay for the costs of the Cyclical Inspection and certification of CAMA to Vision for the Town's FY19 Revaluation, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Rejects*

**Article 19:** To see if the Town will vote to accept up to **\$200,000.00** of the State's reimbursement of funds that residents approved to pay for the Plunkett Reservoir Gate Valve Replacement from the Town's Stabilization Fund (see STM Warrant, February 28, 2018), and then appropriate and transfer said funds into the **Town's Road Stabilization Fund** and further, to accept all additional reimbursement of said funds into the Stabilization Account, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*



**Article 20:** To see if the Town will vote to transfer from available funds in the Sewer Betterment Reserve, the sum of **\$147,619.99** for Sewer Phase III Loan payments; or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 21a:** To see if the Town will vote to raise and appropriate the sum of **\$77,290.00** as follows for the Hinsdale Sewer I Operating Expenses, the amount of which will be offset with fees collected from Sewer I users, or take any other action thereon.

Sewer I Operating Expenses	FY2018	Proposed FY2019	Select Board	Finance
Sewer I Salaries	12,350.00	12,140.00	<i>Recommends</i>	<i>Recommends</i>
Sewer I Expenses	68,960.00	65,150.00	<i>Recommends</i>	<i>Recommends</i>
<b>Total</b>	<b>81,310.00</b>	<b>77,290.00</b>		

**Article 21b:** To see if the Town will vote to raise and appropriate the sum of **\$12,152.00** as follows for the Sewer II (Beachwood) Operating Expenses, the amount of which will be offset with fees collected from Sewer II users, or take any other action thereon.

Sewer II (Beachwood) Operating Expenses	FY2018	Proposed FY2019	Select Board	Finance
Sewer II Expenses	12,152.00	12,152.00	<i>Recommends</i>	<i>Recommends</i>
<b>TOTAL</b>	<b>12,152.00</b>	<b>12,152.00</b>		

**Article 21c:** To see if the Town will vote to raise and appropriate the sum of **\$133,180.00** as follows for the Hinsdale Sewer III Operating Expenses, the amount of which will be offset with fees collected from Sewer III users, or take any other action thereon.

Hinsdale Sewer III Operating Expenses	FY2018	Proposed FY2019	Select Board	Finance
Sewer III Salaries	26,770.00	27,030.00	<i>Recommends</i>	<i>Recommends</i>
Sewer III Expenses	105,025.00	106,150.00	<i>Recommends</i>	<i>Recommends</i>
<b>Total</b>	<b>131,795.00</b>	<b>133,180.00</b>		

**Article 22:** To see if the Town will vote to transfer the sum of \$49,000.00 from Sewer I and Sewer III surplus accounts (equally) to complete Phase 2 of the Infiltration and Inflow analysis to locate leaks, which is mandated by the State, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 23:** To see if the Town will vote to raise and appropriate the sum of **\$268,464.00** as follows for the Hinsdale Water Department Operating Expenses, the amount of which will be offset with fees collected from Water users, or take any other action thereon.

Water Department Operating Expenses	FY2018	Proposed FY2019	Select Board Board	Finance
Water Department Salaries	69,180.00	71,080.00	<i>Recommends</i>	<i>Recommends</i>

Water Department Expenses	56,041.70	40,550.00	<i>Recommends</i>	<i>Recommends</i>
Water Bond Payments	161,141.61	156,834.00	<i>Recommends</i>	<i>Recommends</i>
<b>TOTAL</b>	<b>286,363.31</b>	<b>268,464.00</b>		

**Article 24:** To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to change the positions of treasurer and collector from two appointed positions to a combined treasurer-collector position to be appointed by the Select Board in the form set forth below; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action thereon or in relation thereto:

**An Act Relative to the Position of Appointed Treasurer-Collector in the  
Town of Hinsdale**

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

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the office of treasurer-collector for the Town of Hinsdale is hereby established. The treasurer-collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town treasurers and town collectors of taxes. Said treasurer-collector shall be appointed and may be removed, by the select board of said town. The select board may establish an employment contract with the treasurer-collector for salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

**SECTION 2.** Upon the effective date of this act, the appointed offices of treasurer and collector shall be abolished and the term of the incumbent(s) of such offices terminated.

**SECTION 3.** No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the appointed offices of treasurer and collector or the creation of the appointed combined office, and the appointed treasurer-collector shall, in all respects, be the lawful successor of the offices so abolished. All records, property, and equipment of the offices of the appointed treasurer and collector shall be assigned to the office of the appointed treasurer-collector.

**SECTION 4.** This act shall take effect upon its passage.

*Select Board: Recommends*

*Finance Committee: NA*

**Article 25:** To see if the Town will vote to amend its Zoning Bylaws by adding a new **section 5-C** entitled “**Open Space Residential Development (OSRD)**” to provide for flexibility and creativity in the design of residential development while encouraging development that consumes less open land, allows for permanent preservation of agricultural land, wildlife habitat, and historical or archeological resources, a copy of which is posted on the Town website at <https://www.hinsdalemass.com/planning-board-zba> and on file with the Town Clerk, and further to amend the Table of Contents to add section 5-C, “Open space Residential Development”, or take any other action thereon. (FYI: A 2/3rds vote is



required for amendments to the zoning bylaws, and zoning bylaws become effective on the date of adoption.)

*Select Board: Recommends*

*Planning Board: Recommends*

**Article 26:** To see if the Town will vote to replace General Bylaw, section # 31, with the text below, or take any other action thereon.

*Hinsdale Bylaw*

**31. VEHICLES, BOATS & RECREATIONAL TRAILERS:**

No Person, except those duly licensed, shall store, maintain or keep or permit the storage, maintenance or keeping of more than one (1) unregistered, junked, dilapidated or inoperable motor vehicle, boat, or recreational trailer or parts thereof on premises owned or controlled by such person in Hinsdale. Any such vehicle, boat or recreational trailer, stored, maintained or kept on such premises shall be screened to the extent possible from public view by storage within a building or by suitable fencing or natural screening.

The Board of Health shall make determinations as to whether a vehicle, boat or recreational trailer or part thereof is unregistered, junked, dilapidated or inoperable and the extent of screening possible in the circumstances, which determinations shall be conclusive.

Whoever shall violate any provision of the By-law, shall be notified by the Board of Health with a written warning. After ten (10) calendar days of notification, violators shall be fined \$10.00 per day for each offense. Each vehicle, boat or recreational trailer or parts so stored, maintained or kept more than the allotted one (1) shall constitute a separate offense and each day such a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Town from taking such other and lawful action as it deems necessary to prevent or remedy any violation of this By-law.

This By-law shall be enforced by the Police Department.

*Select Board: Recommends*

*Planning Board: NA*

**Article 27:** To see if the Town of Hinsdale will vote to accept M.G.L. c.64N, s. 3, to impose an excise on the retail sales of marijuana for adult use at a rate of 3 percent, or take any other action thereon.

*Select Board: Recommends*

*Finance Committee: NA*

**Article 28:** To see if the Town will vote to authorize the Hinsdale Select Board to negotiate and enter into a payment in lieu of tax agreement ("PILOT"), pursuant to the provisions of M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and **Eversource**, or its successors or assigns, for real and/or personal property attributable to solar photovoltaic facilities to be installed and operated in the Town of Hinsdale on an approximately 29.03 acre portion of a parcel of land located at **1110 New Windsor Road**, Hinsdale, Massachusetts, and recorded with the Berkshire Middle District Registry of Deeds in Book 1782, Page 182 for a term of years as the Select Board deems appropriate or up to 25 years and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and further to authorize Select

Board to take such action as may be necessary to carry out the vote taken hereunder, or take any other action relative thereto.

*Select Board: Recommends*

*Finance Committee: NA*

**Article 29:** To see if the Town will vote, pursuant to Chapter 44, Section 53E½ of the Massachusetts General Laws, to amend the Town's General Bylaws by inserting a new bylaw (Chapter/Section 57) establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows, or take any other action thereon:

**Hinsdale Bylaw 57** –There are hereby established in the Town of Hinsdale, pursuant to the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws, the following **Revolving Funds**:

Program or Purpose	Representative or Board Authorized to Spend	Revenue Source and Use of Funds
Grave Openings revolving account	Cemetery Commission, Town Administrator or Select Board	This account to be credited with fees from funeral homes for grave digging services and stone settings and to expend payments to gravediggers as approved by the Cemetery Commission.
Plumbing Inspector's Fees revolving account	Town Treasurer	This account to be credited with fees from plumbing permit applicants, and to expend payments to the Plumbing Inspector to pay for inspection services as approved by the Town Accountant.
Electrical Inspector's Fees revolving account	Town Treasurer	This account to be credited with fees from electrical permit applicants, and to expend payments to the Electrical Inspector to pay for inspection services as approved by the Town Accountant.
Animal Control Officer's Fees	Animal Control Officer, Police Department, Town Administrator or Select Board	This account is to be credited with fees from dog owners; and to expend payments to meet the needs of the Animal Control Department and/or reimburse the Animal Control Officer for related out-of-pocket expenses, as approved by the Town Accountant.
Planning Board Fees revolving account	Planning Board	This account to be credited with fees from permit applicants; and to expend payments to the Planning Board for legal ads and other expenses, as approved by the Town Accountant.
Zoning Board of Appeals Fees revolving account	Zoning Board of Appeals	This account to be credited with fees from permit applicants; and to expend payments to the Zoning Board of Appeals for legal ads and other expenses, as approved by the Town Accountant.
Library revolving account	Hinsdale Public Library	This account to be credited with fees from overdue books to be used for book replacement; and to expend payments to the Hinsdale Public Library for legal ads and other expenses, as approved by the Town Accountant.
Fire Department revolving account	Fire Department	This account to be credited with fees from Fire Department permit applicants; and to expend payments to the Fire Chief for inspection services, as approved by the Town Accountant.
Council on Aging revolving account	Council on Aging	This account to be credited with fees from individuals participating in Council on Aging administered/sponsored program; and to expend payments to the Council on Aging, as approved by the Town Accountant.



Police Department	Police Chief	This account is to enable the Town to reimburse it's employees who work on private detail projects.
Police Department	Police Chief	This account to be credited with fees from classes, events, and programs offered by the department; and to expend payments for expenses approved by the Town Accountant.

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized by Chapter 44, Section 53E½ of the Massachusetts General Laws.

And, further, to set FY2019 spending limits for such revolving funds as follows:

Revolving Fund	FY 2019 Spending Limit
Grave Openings	\$10,000.00
Plumbing Inspector Fees	\$3,000.00
Electrical Inspector Fees	\$3,000.00
Animal Control Officer Fees	\$2,000.00
Planning Board Fees	\$3,000.00
Zoning Board Fees	\$6,000.00
Library	\$500.00
Fire Department	\$3,000.00
Council on Aging	\$2,000.00
Police Department – Detail Work	\$15,000.00
Police Department - Programs	\$5000.00

or take any other action relative thereto.

*Select Board: Recommends*

*Finance Committee: Recommends*

**Article 30:** To see if the Town will vote to authorize the Hinsdale Select Board to negotiate and enter into one or more agreements for a term of up to thirty (30) years with **Solect Energy Development, LLC** (or its assigns, successors or affiliates) for the purchase of energy and corresponding net metering credits generated by one or more privately-owned solar photovoltaic facilities to be installed on the rooftops of the Fire Department and DPW buildings, such agreements to be on such terms and conditions, and for such consideration, as the Select Board deems in the best interest of the Town, and to authorize the Select Board to do all such other things as may be required or convenient to implement and administer such agreements, or take any action thereon.

*Select Board: Recommends*

*Finance Committee: NA*

**Article 31:** To notify and warn all residents of the Town qualified by law in the Elections, to meet in the Hinsdale Town Hall, 39 South Street on Saturday, May 20, 2018, between the hours of 10:00 A.M. and 6:00 P.M. to choose and elect the following Town Officers:

- |                              |                   |
|------------------------------|-------------------|
| (1) Town Moderator           | for a 3-year term |
| (1) Select Board member      | for a 3-year term |
| (3) Finance Committee member | for a 3-year term |
| (1) Assessor                 | for a 3-year term |
| (1) Planning Board member    | for a 5-year term |

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NOTE: All votes are by a simple majority rule unless otherwise noted.

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AND YOU ARE HEREBY directed to serve the Warrant by posting up three (3) attested copies thereof, as required by the By-Laws of said Town of Hinsdale, at least seven (7) days before holding said meetings. Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meetings.

Given under our hands on this 8<sup>th</sup> Day of May, 2018.

Respectfully Submitted,  
Select Board Members,

  
Laurel Sefalabba - Chair

  
Richard Kardasen

  
Harvey Drosehn

RETURN OF SERVICE  
TOWN OF HINSDALE  
BERKSHIRE COUNTY, SS:

On the date above written, I have served this warrant posting attested copies thereof at the Town Hal, and such other places as the Select Board deem appropriate, but not less than three (3) in the Town.

\_\_\_\_\_, Hinsdale Police Officer

TOWN OF HINSDALE – SPECIAL TOWN MEETING  
ORDER OF BUSINESS

**Berkshire, SS:** To one of the members of the police department of the town of Hinsdale:

**Greetings:** In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of said Town of Hinsdale qualified by law to vote, to meet in the Community Room of the Town Hall, 39 South Street, Hinsdale, Massachusetts on February 28, 2018 at 7:00 pm, and then and there to act on the following articles:

**ARTICLE 1:** To choose a moderator to preside over the meeting if the elected moderator is not present.

**ARTICLE 2:** To see if the town will vote to transfer \$265,000.00 from the Town Stabilization Fund to pay for the replacement of PLUNKETT RESERVOIR GATE VALVE, or take any other action thereon. (2/3rds vote required)

Select Board: Endorse

Finance Committee: Endorse

**ARTICLE 3:** To see if the town will vote to transfer the sum of \$24,908.00 from SEWER SURPLUS (\$12,454.00 from both Sewer 1 and III) to pay to complete Phase I-B of the INFILTRATION AND INFLOW analysis mandated by the state, or take any other action thereon.

Select Board: Endorse

Finance Committee: TBD

**ARTICLE 4:** To see if the town will vote to transfer the sum of \$8000.00 from Free Cash to pay to search for, hire and train a new Collector who will replace the Town's long-serving Collector or take any other action thereon.

Select Board: Endorse

Finance Committee: TBD

**ARTICLE 5:** To transact any other business that may legally come before said meeting.

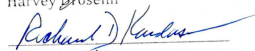
Given under our hands on the 14<sup>TH</sup> day of February 2018.

Respectfully Submitted,

HINSDALE SELECT BOARD

Laurel Scialabba

  
Harvey Drosehn

  
Richard Kardasen

RECEIVED  
FEB 14 2018  
Mary Lou Halliker  
6:57 PM