



Town of Hinsdale

Town Administrator
39 South Street
Hinsdale, MA 01235
(413) 655-2300, x355
town.administrator@hinsdalema.gov

Special Town Meeting – Order of Business

September 15, 2021

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 Hinsdale Town Hall Meeting Room, 39 South Street, Hinsdale, MA, on Wednesday, September 15, 2021, at 7:00 P.M., 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.

2. To see if the Town will vote to AMEND Bylaw 15, as indicated in Items A, B, and C below, or take any other action thereon (this action requires a 2/3 majority to pass). Changes appear in **bold** and *italic* type.

A. The amended Bylaw 15 will read as follows:

- §15 Marijuana Establishments and Medical Marijuana Treatment Centers.**
- (a) **Purpose.** The purpose of this section is to provide for the placement of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in suitable locations in the Town of Hinsdale in recognition of and in accordance with “The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed,” M.G.L. c. 94G and “Medical Use of Marijuana”, M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 *et seq.* and 935 CMR 501.000 *et seq.*

(b) **Definitions.**

Where not expressly defined herein, the terms used in this bylaw shall be interpreted as defined in Chapter 94I, Chapter 94G and the regulations promulgated by the Cannabis Control Commission (the Commission) from time to time thereunder, including without limitation, 935 CMR 500.000, 935 CMR 501.000, and otherwise by their plain language.

CRAFT MARIJUANA COOPERATIVE – a Marijuana Cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver 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 mutual recognition arrangement or that is otherwise approved by the commission; (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 a ME has met all applicable requirements pursuant to St. 2012, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000. A ME may be eligible for a provisional or final license.

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

MARIJUANA CULTIVATOR – an entity licensed to cultivate, process, and package marijuana, and to transfer marijuana to other MEs, but not consumers.

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 – *marijuana and its products, unless otherwise Indicated. Marijuana Products includes 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 Products include Marijuana-infused Products (MIPs) as defined in 935 CMR 500.002.*

MARIJUANA RETAILER – an entity licensed to purchase, *repackage, white label, and transport* marijuana and Marijuana Products from MEs and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to other MEs and to consumers.

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

MEDICAL MARIJUANA TREATMENT CENTER – *an entity licensed under 935 CMR 501.101: Application Requirements* that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transports, sells, distributes, *delivers*, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to *registered* qualifying patients or their personal caregivers *for medical use*.

MICROBUSINESS – *an entity that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license, if in receipt of a*

Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other MEs for the purpose of Marijuana Product manufacturing by the Licensee.

RESEARCH FACILITY —an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed ME or Medical Marijuana Treatment Center, that is licensed to conduct research.

(c) Designated Locations for MEs and Medical Marijuana Treatment Centers.

(1) Marijuana Cultivation Establishment and Product Manufacturing Establishments shall be located only:

- a. Within the Adult Entertainment Overlay District on parcels of at least 10 acres***
Or
- b. Within the R-5 District on parcels of at least 15 acres; provided, however, that in no event shall this include any land within the R-1, R-1B, R-2 and R-3 Districts.***

(2) Marijuana Establishments as noted in c.1 above shall be set back at least:

- a1. Marijuana Cultivation Establishments shall be 150 feet from front, side and rear property lines of any directly abutting parcel in the Adult Entertainment Overlay District.***

And:

- a2. Marijuana Product Manufacturing Establishments shall be 250 feet from front, side and rear property lines of any directly abutting parcel in the Adult Entertainment Overlay District.***

- b. Marijuana Cultivation Establishments and Marijuana Product Manufacturing Establishments shall be 750 feet from front, side and rear property lines of any directly abutting parcel in a designated R-5 District.***

(3) Medical Marijuana Treatment Centers and retail ME's may be sited in the R-4 Business zone or the Adult Entertainment Overlay District.

(4) All retail ME's or Medical Marijuana Treatment Centers 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 from the geometric center of the Marijuana Establishment entrance to the geometric center of the above pre-existing uses, unless there is an Impassable Barrier, as defined by 935 CMR 500.002.

(5) Each ME or Medical Marijuana Treatment Center and any part of their operation, including but not limited to, cultivation, processing, packaging, and sales, shall be operated from a fixed location. No marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for Marijuana Transporters, as defined in 935 CMR 500.002.

(d) Limit on Number of Marijuana Establishments and Medical Marijuana Treatment Centers.

(1) The total number of MEs operated for retail sales shall not be greater than one (1), except 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, as set forth in G.L. c. 94G Section 3(a)(ii). Fractions of establishments 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 Medical Marijuana Treatment Centers shall not exceed one (1).

- (4) In the event that the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be consumed on the premises decreases, any ME, if then exceeding the limits as noted in d.1, may remain in operation.
- (e) **Special Permit Required.** No ME or Medical Marijuana Treatment Center shall be operated or expanded without first obtaining a Special Permit from the Town of Hinsdale Special Permit Granting Authority.
- (1) The Special Permit Granting Authority for ME's and Medical Marijuana Treatment Centers shall be the Select Board.
- (2) The Select Board shall within ten (10) days after receipt of an application for Special Permit, transmit a copy thereof for review to the Planning Board, as per §6-E(2), who shall provide a recommendation to the Select Board.
- (3) 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 a ME or Medical Marijuana Treatment Center or change in the location of the business.
- (4) In the event that the Commonwealth's licensing authority suspends the license or registration of an ME, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.
- (f) **Site Plan Review.** Site plans accompanying a Special Permit application to operate or expand a ME or Medical Marijuana Treatment Center shall be reviewed by the Planning Board. The Planning Board shall, within thirty-five (35) days of receipt, provide a recommendation to the Select Board to approve, approve with conditions or deny the Special Permit. The version of the site plan reviewed by the Select Board shall be joined to the final approval for the Special Permit, in the event of approval.
- (g) **General Requirements for MEs and Medical Marijuana Treatment Centers.**
- (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 so as to be visible from outside of the licensed premises.
- (4) Hours of operation. A marijuana retailer may not open earlier than 8:00 A.M. and shall close no later than 8:00 P.M. the same day, Monday through Saturday, and no earlier than 12:00 P.M. and no later than 6:00 P.M. on Sunday. There shall be no hourly restrictions on any other type of ME or Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority as part of *Special Permit* approval.
- (5) On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except for Research Facilities.
- (6) Sale of alcohol. ME's or Medical Marijuana Treatment Centers are prohibited from selling alcoholic beverages

(7) *Parking/traffic/pedestrian safety-traffic impact study may be required to establish peak demand times and ensure access to public ways is not unreasonably obstructed.*

(h) **Filing Requirements for MEs or Medical Marijuana Treatment Centers.** Special Permit applications must be submitted to the **Select Board** 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, 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 a ME from the Massachusetts Cannabis Control Commission or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the requirements of a ME in accordance with the regulations adopted by the Commission, as amended. Proof of license may also be accepted from the State Department of Health under certain circumstances for Medical Marijuana Treatment Centers.

(i) **Discontinuance of Use.** Any marijuana use under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the Cannabis Control Commission within thirty (30) days after the expiration or voiding of its license.

(j) **No Town liability; indemnification.**

(1) The Applicant and all licensees waive and release the Town, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or

prosecution of the ME or Medical Marijuana Treatment Center owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

- (2) The Applicant, in receiving approvals issued pursuant to this chapter, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of any ME or Medical Marijuana Treatment Center that is subject of the approval/license.

(k) 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) To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail of marijuana or Marijuana Products, the additional or stricter regulation shall control the ME or Medical Marijuana Treatment Center in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.
- (3) Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. If, upon review by the Special Permit Granting Authority, the ME or Medical Marijuana Treatment Center is found to not be fully in compliance with the HCA, the Special Permit and/or the local license may be suspended or rescinded.

B. AMEND: The Table of Contents by adding the italicized text as follows:

SECTION 15 – Medical Marijuana Treatment Centers *and Marijuana Establishments*
(MEs)

C. AMEND: Section 4 – Permitted Uses by adding the Bold Italicized Text as follows:

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

R-1B3: Any lawful agricultural use ***except commercial marijuana related cultivation operations.***

R-2 1a: Any use permitted in an R-1 residential district ***except for commercial marijuana related cultivation operations.***

R-3 2a: Any use determined by the Zoning Board of Appeals to be similar to one or more of the uses specifically authorized in the R-1 district ***except for commercial marijuana related cultivation operations.***

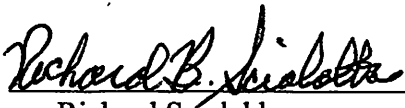
R-4 2e: Buildings used for the operation of medical or non-medical marijuana sales establishments within the confines of Hinsdale Zoning Bylaw 4B.

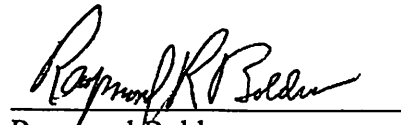
R-5 2h: Marijuana Establishments

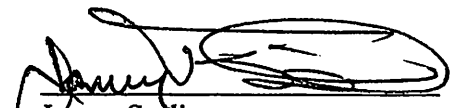
AND YOU ARE HEREBY directed to serve the Warrant by posting up three (3) attested copies thereof, as required by the By-Laws of said Town of Hinsdale, at least fourteen (14) days before holding said meetings. Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meetings.

Given under our hands this 25th Day of August, 2021.

Respectfully Submitted,


Richard Scialabba
Select Board Chair


Raymond Bolduc
Select Board


James Sullivan
Select Board

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 Hall, and such other places as the Select Board deems appropriate, but not less than three (3) in the Town.

, Hinsdale Police Officer



Town of Hinsdale
39 South Street
Hinsdale, MA 01235

Town Administrator
Hinsdale, MA 01235
413-655-2300, x355
Town.administrator@hinsdalema.gov

The Town Administrator's Notes on the FY21 ATM Warrant

June 1, 2021

Hi Everyone:

Below are my notes on this year's Annual Town Meeting Warrant Articles. These notes have been compiled after numerous meetings this winter and spring, and unless otherwise stated, they are my opinions.

Article 1: Choose a Moderator if the elected one is unavailable.

Article 2: This article allows the Town to accept Chapter 90 funds for road improvements. The Town receives approximately **\$155,000** annually in Chapter 90 funds from the State. The final figure is still pending, but by approving this article, we can receive and use the funds.

Article 3a: This article documents the pay for elected officials, which are included in the departmental totals below. There are two changes to note. First, the Assessor's stipends have been reduced because these elected officials no longer perform the assessments themselves, and the number of meetings required for the year has been reduced. Second, the select board member's stipends have each increased \$1000.00 at the behest of the outgoing member, based on the commitment of personal time required to stay on top of the volume of work expected of Select Board members.

Elected Officials	FY21	FY22 Requested
Assessors (3)*	\$5,615	\$1500
Moderator	\$100	\$100
Select Board Chair	\$2,000	\$3,000
Select Board (2)	\$1,800	\$2,800
Town Clerk	\$6,896	\$7,034
Tree Warden	\$1,500	\$1,500

Article 3b: This Article shows each department's FY22 budget request, the percentage change over FY21, and the reason for the difference.

Department/Account	FY 2021	FY 2022	Change %	Administrator's Notes
Legal Counsel	\$20,000	\$20,000	0.00%	
Moderator	\$100	\$100	0.00%	
Select Board & Admin	\$131,777	\$143,357	8.08%	Increase is due to Bob's contract renewal and cloud-based software costs
Board of Assessors	\$72,105	\$72,750	0.89%	

Treasurer/Collector	\$37,700	\$53,759	29.87%	This line pays for Treasurer's operations of the Treasurer/Collector's Office. The increase is due to our need to replenish the \$15,000 allotted to Tax/Title legal research for property acquisition and resale. We replenish as needed.
Assistant Treasurer/Collector	\$26,210	\$27,856	5.91%	This line pays the Collector's general expenses. The increase is for the Collectors Tax/Title work.
Town Clerk & Elections	\$18,000	\$14,842	-17.55%	This is down because of the state and federal election cycle.
Accounting & Auditing	\$65,741	\$70,233	6.40%	This increase is due to the rise in annual computer software maintenance fees.
Finance Committee	\$300	\$300	0.00%	
Planning Board	\$500	\$500	0.00%	
Conservation Commission	\$13,063	\$16,400	20.35%	The Conservation Agent salary is being consolidated under Conservation, reducing the amount allotted for Lake Management (below).
Town Insurances & Bonds	\$84,380	\$88,000	4.11%	This increase is due to a couple of minor accidents and recent vandalism to the Plunkett Dam.
Health & Dental Insurance	\$152,525	\$169,000	9.75%	Health Insurance rates drive this increase.
County Retirement	\$156,819	\$158,647	1.15%	
Medicare	\$17,500	\$18,000	2.78%	
Reserve Fund	\$20,000	\$20,000	0.00%	
Gas/Diesel (Vehicles)	\$35,000	\$35,000	0.00%	
Unemployment	\$5,000	\$3,000	-40.00%	Our unemployment expenses remain low, so we have lowered this account accordingly.
Town Buildings	\$91,185	\$92,240	1.14%	
General Government Subtotal	\$947,905	\$1,003,984	5.59%	
Highway Department-General	\$384,211	\$394,812	2.69%	
Private/Unaccepted Roads	\$15,000	\$15,000	0.00%	
Winter Roads	\$97,500	\$97,500	0.00%	
Cemeteries	\$2,000	\$2,000	0.00%	<i>Many thanks to Cindy Conry for years of service as she steps off the Cemetery Committee.</i>
Street Lights	\$20,000	\$20,000	0.00%	
Town-wide Mowing	\$21,030	\$21,030	0.00%	
Public Works Subtotal	\$539,741	\$550,342	1.93%	
Police Department	\$302,815	\$339,666	10.85%	
Fire Department	\$81,900	\$85,600	4.32%	
24-hour Ambulance Service	\$2,000	\$2,000	0.00%	
Emergency Management	\$5,450	\$5,450	0.00%	
Building Inspector	\$16,695	\$17,100	2.37%	
Gas Inspector	\$200	\$200	0.00%	
Tree Warden	\$16,500	\$11,500	-30.30%	Below, we request \$38,000 for Tree Work in the coming year (see Articles 10 & 11). Therefore we reduced the Tree Warden's FY21 budget by \$5,000 in the coming year. We believe the work shall include some of the trees under this purview making this reduction reasonable.
Public Safety Subtotal	\$425,560	\$461,516	7.79%	
Board of Health	\$14,400	\$14,400	0.00%	
Veterans Services	\$35,300	\$35,300	0.00%	

Lake Management	\$24,935	\$22,200	-10.96%	As mentioned above, the Lake Management reduction here is due to the consolidation of the Agent's salary into the Conservation line above to simplify tracking this salary.
Animal/ Dog Officer	\$6,533	\$6,710	2.64%	
Transfer Station/Waste Disposal	\$87,023	\$94,843	8.25%	Hauling and dumping costs due to the collapse of the Chinese recycling market forced our rates to rise. Unfortunately, we expect this only to continue.
Landfill Monitoring	\$15,000	\$15,000	0.00%	
Council on Aging	\$3,000	\$3,075	2.44%	
Visiting Nurse Association	\$2,690	\$2,856	5.81%	This is a contracted service our residents utilize.
Health and Human Services Subtotal	\$188,881	\$194,834	3.03%	
Public Library	\$77,350	\$78,165	1.04%	
Beautification Committee	\$1,500	\$1,500	0.00%	
CSX Land Rental	\$1,100	\$1,200	8.33%	CSX rent on the gazebo site increases annually.
Berkshire Regional Planning	\$1,660	\$1,620	-2.41%	
Sports/Recreation	\$500	\$500	0.00%	
Community Center	\$11,000	\$10,000	-9.09%	This reduction is the result of limited use and scrutiny of the cleaning schedule.
Cultural & Recreational Subtotal	\$93,110	\$92,985	-0.13%	
Operating Budget Total	\$2,195,197	\$2,303,211	4.69%	

Article 3c: This Article is the request for education-related expenses. Items i. and ii. are to pay the Town's portion of the Central Berkshire Regional School District (CBRSD) budget. Items iii. and iv. are to pay the tuition and transportation costs of Hinsdale's vocational school students.

Education Summary	FY21	FY22	Change
i. CBRSD - Assessment	\$2,431,474	\$2,466,553	1%
ii. CBRSD - Capital	\$269,239	\$274,845	2%
iii. Voc. Transportation	\$77,925	\$76,194	-2%
iv. Voc. Tuition	\$218,928	\$149,432	-31.7%
Total	\$2,997,566	\$2,967,024	-1%

Article 3d: This Article is to pay for the Town's current loans and interest.

Debt & Interest	FY21	FY22	Change
Town Hall Loan, Principal	\$7,895	\$8,270	+5%
Interest-Long Term Debt	\$10,281	\$9,907	-4%
Interest-Short Term Debt	\$1,500	\$1,500	0
Total	\$19,676	\$19,677	0

Article 4: This amount needed this year to pay the balance of the Town's Winter Road budget is **\$25,540**, a 50% reduction over last year, and roughly that or more as compared to the prior several years. Kudos to the DPW!

Article 5: Article 5 pays for the Town's Sewer system costs.

- a. Sewer I is a DPW-run system. Users pay all costs for service.

Sewer I	FY21	FY22	Change
Salaries	\$11,144	\$12,224	+9%
Expenses	\$65,150	\$65,150	0
Total	\$76,294	\$77,374	+1%

- b. Sewer II is a Dalton-owned system that includes several Hinsdale homes. Hinsdale collects the fees from these residents and pays Dalton for the service (less a small administrative services charge).

Sewer II	FY21	FY22	Change
Expenses	\$14,448	\$14,448	0
Total	\$14,448	\$14,448	0

- c. Sewer III is a system run by the Hinsdale-DPW. Users pay all costs for service.

Sewer III	FY21	FY22	Change
Salaries	\$26,038	\$28,197	+8%
Expenses	\$131,300	\$131,300	0
Total	\$157,338	\$159,497	+1%

- d. This is pay for the FY2022 sewer loan of **\$145,181**, which breaks down as follows: **\$45,709** for Plunkett and **\$99,742** for Ashmere.

Article 6: Article 6 pays for the Town's water system, which is also fully supported by the users.

Water Department	FY21	FY22	Change
Salaries	\$66,908	\$69,067	3%
Expenses	\$40,550	\$40,550	0
Bond Payments	\$148,584	\$109,459	-26.33%
Total	\$256,042	\$219,076	-14.44%

Article 7: This article is to pay our consulting engineer **\$29,500** for a comprehensive study of our Water System and produce a long-range maintenance and improvement plan. One of the outcomes of this work shall include a detailed Geographic Information System (GIS) map of the Town's entire system.

Article 8: Approval of this article provides the Town with **\$32,500** from Free Cash to cover Infrastructure and Engineering costs that arise throughout the year.

Article 9: Approval of this Article for **\$12,840** will allow the Town Clerk's Office to complete the preservation of Vital Records up to the current date. The preservation of these records is a significant achievement, as the Town must hold these records in perpetuity.

Article 10: This article will allow the Town to enter into a five-year lease-to-own agreement to purchase a large Mack Truck w/complete snow package. The State allows the Town to enter into this agreement as if it were a loan. If approved, the Town commits to making five annual payments of **\$54,387.56** from Free Cash to repay this "loan."

Approval requires a 2/3s majority vote.

Articles 11: This Article for **\$23,500** is to pay for removing several huge hazardous trees in the Maple Street Cemetery. These trees are a danger to those visiting the cemetery, and we must remove them as soon as possible.

Article 12: This Article for **\$15,000** is also for hazardous tree removal. If you recall, in 2016, the Town hired an Arborist to come and prioritize approximately 40 trees that needed to be removed from the edges of Town-owned roads. This work took three years to complete.

We had the Arborist back this spring, and he produced another list of trees that the Town will need to address over the next few years. The **Tree List 2021** can be found on the Town's web site at <https://www.hinsdalemass.com/policy-documents-publications>.

The list is sorted three way, so be sure you are looking at the "sort" you want. There are thirteen immediate and high-risk trees, and these will be the first to be addressed. We expect this to be a three-year project.

Article 13: This request for **\$11,000** is to pay the expenses for one Part-time Police Officer to attend the newly-mandated training requirement that all part-time officers be trained to the same standards as full-time officers.

Article 14: This Fire Department request is to pay for the new floor coverings for the Fire House Kitchen, Meeting Room, and Utility Room in the amount of **\$11,500**.

Article 15: This request for \$16,980 is for a second, early August herbicide treatment at Plunkett Reservoir. Solitude's year-end report noted an abundance of nuisance and invasive weeds and recommended a second application to target warm water species to prevent them from becoming established. Last summer, an invasive, non-native weed, spiny Brittle Naiad, rapidly grew in dense patches along the shoreline of the main pond and a native Tape Grass has become a great nuisance with its foul smell and complete filling of the water column of the North cove. An August treatment for about 2-3 years will reduce the Brittle Naiad's seed bank. In the smaller North cove, it could take a few additional years to control the Tape Grass which spreads via a root system. A plant, native or non-native, becomes invasive once it dominates or disrupts the biological community. Herbicide application during the early growth stages keep the density of target species down, which means less decomposition and nutrients returning to the sediment and water. Note that the primary cause of algae blooms such as those experienced at Plunkett is excess nutrients in a water body (source: M. Montferret, Lake Management).

Article 16: As you know, the Town acquired the former nursing home via tax lien and offered it for sale through an auction a year ago, but the property was not sold. Our Land Counsel at K.P. Law has suggested, that with the approval of this article, the Town could try to sell the property using the **Request for Proposal (RFP)** process, which allows us to put parameters on the sale. If you approve this article, we will, again, try to sell the property..

Articles 17-19 These three Articles are requests to put funds aside for the Town's future. I urge you to approve these requests and ask that we continue to make saving money for the Town's future an annual priority.

- **17** Please approve the request to deposit **\$50,000** into the Town's Stabilization Account.
 - **18:** Please approve the request to deposit **\$100,000** into the Town's Capital Stabilization Account.
 - **19:** Please approve the request to deposit **\$50,000** into the Town's Road Stabilization Account.
-

Article 20: This request is from the Police Chief to pay an outstanding **\$35.00** bill from FY20. The payment is owned to DuFour, Inc. (for a MA DOT Inspection of Police SUV Plate #MPC636).

Approval Requires a 4/5th vote.

Article 21: This request will allow the Town to pay our Electrical and Plumbing Inspectors up to \$6000 each in earned permit fees. These contractors make a certain amount per permit, and this year we have seen a significant increase in the number requested, which, in the Electrical Inspector's case, exceeded the current \$3000 limit. Therefore, his compensation has been delayed through no fault of his own. These inspectors are vital to our residents and the people they employ. By adjusting these revolving account limits upwards, we can ensure our Inspectors will continue to receive prompt compensation for their work under Chapter 44, Section 53E½ of the Massachusetts General Laws. The other amounts remain the same.

Article 22: This request is from the Planning Board, seeking to modify Zoning Bylaw 15 (**Marijuana Bylaw**). This Bylaw is rather long, as is the revision. So, instead of reprinting all that here, I have provided you with links to the current Bylaw 15 and the suggested version being proposed by this Article.

Please feel free to review them online, here: <https://www.hinsdalemass.com/bylaws-governance>

A Bylaw change requires a 2/3rds majority vote.

Article 23: We hope you will vote in the Town Election, to be held Saturday, June 12, 2021, between the hours of 10:00 A.M. and 6:00 P.M. The positions available are outlined in the Warrant. The Ballot Question being asked during the election. It reads:

Ballot Question:	Do you support continuing to spend Town funds for ongoing maintenance, upkeep, and repair for the former Youth Center?
Explanation:	This non-binding question is intended to allow the Select Board to determine potential options for this building. This non-binding referendum does not give the Select Board permission to sell the building.

The Select Board seeks residents' direction on the former Town Hall/Community Center through this non-binding referendum question. Please read and consider the information below before marking your ballot. Some residents want the Town to sell the property, and others want to keep the property. Briefly, the debate is as follows:

Pro (Yes)

- The building sits vacant 95% of the time. Therefore, the Town should allow a new owner to do something constructive with the installation, provided they are required to maintain the exterior appearance as is.
- The Town would save approximately \$15,000/year on maintenance, upkeep, and heating costs (based on the past seven years' expenses -- see expense data that follows, below).

Con (No)

- As one of just a few historical buildings remaining in Town, we should not sell it.
- The expense of the building to taxpayers is worth continuing to maintain the status quo for at least the next ten years.

Community Center/Old Town Hall Expenses by year (2015-2020)

year_a	accountn_a	Warrant #	Invoice #	ck #	vendorid	sumapp	sumexp
2015	630-7159	WAP15-39	54843791054 061115	109632	1547	500	360.25
2015	630-7103	WAP15-34	830154	109431	1242	15060	9450.76
2015	630-8030	WAP15-34	041315	109440	1307	4514.57	4161
2015	630-8057	WAP15-41	929793	109692	32	1083.36	1034.3
2015							\$ 15,006.31
2016	630-7159	WAP16-36	54843791054 061416	111006	1547	500	362.07
2016	630-7103	WAP16-31	904009	110793	1242	15600	5819.66
2016	630-8057	WAP16-36	2807-5509	111037	1528	1000	732.21
2016	630-1203	WAP16-38	062716	111088	1706	40000	27753
2016							\$ 34,666.94
2017	630-7103	WAP17-33	HIN0617	112656	1882	10000	6446.82
2017	630-8057	WAP17-20	41 12-26-2016	111902	122	1000	725.5
2017	630-7159	WAP17-31	5484 379 1054 061217	112544	1547	500	360.24
2017	630-1203	WAP17-31	43291	112550	1142	22247	4999.9
2017							\$ 12,532.46
2018	630-7103	WAP18-28	920517	114201	1242	10000	9181.99
2018	630-8057	WAP18-29V	STMT 063018	114252	122	1000	930
2018	630-7159	WAP18-27	ATHFLD 061218	114123	1547	500	360.12
2018	630-1203	WAP18-19	44083	113688	1142	17247.1	11272.74
2018	630-8101	WAP18-27	44434	114127	1142	20000	2299.68
2018							\$ 24,044.53
2019	630-7103	WAP19-28	Inv 061819	115726	1156	10000	8447.95
2019	630-8057	WAP19-16	HIN0119	115067	1882	1000	757.54
2019	630-7159	WAP19-26	1054 061219	115599	1547	500	360
2019	630-1203	WAP19-14		114954	1706	15974.36	0
2019	630-8101	Carryover to next year			0	17700.32	0
2019							\$ 9,565.49
2020	630-7103	WAP20-28	061520	117097	1156	10000	8171.63
2020	630-8057	steps repair ?			0	1000	0
2020	630-7159	WAP20-27	1054 061120	117032	1547	500	360
2020	630-1203	WAP20-27	COLUMNS 062020	117046	1706	15974.36	9000
2020	630-8101	Carryover r			0	17700.32	0
2020							\$ 17,531.63

Thank you for your participation in the ATM process.

Best,

Bob Graves



Town of Hinsdale

Town Administrator
39 South Street
Hinsdale, MA 01235
(413) 655-2300, x355
town.administrator@hinsdalema.gov

Annual Town Meeting – Order of Business

June 9, 2021

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, 80 Maple Street, Hinsdale, MA, on Wednesday, June 9, 2021, at 7:00 P.M., 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.

-
2. To see if the Town will accept Hinsdale's allotment of funds appropriated for FY22 by the Commonwealth of Massachusetts under the provisions of Chapter 90 of General Laws. These funds are to pay for costs allowed by applicable legislation in connection with the maintenance, repair, and construction of Town ways and bridges; with any unspent funds to carry over from year to year until spent by the Town; these sums to be reimbursed to the Town by the Commonwealth of Massachusetts in accordance with Chapter 90 of the Massachusetts General Laws; or take any other action thereon.

(This article allows the Town to accept Chapter 90 funds for road improvements. The Town receives approximately \$155,000 annually in Chapter 90 funds from the State.)

Select Board: Y

Finance Committee: Y

3. To see if the Town will vote to:

- a. Set the salaries of all elected officials of the Town for FY22 as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, or take any other action thereon (These salaries total **\$18,734**, and are included in the Article 3b departmental totals, below.)

Elected Officials	FY21	FY22	Select Board	Finance
Assessors (3)*	\$5,615	\$1500	Y	Y
Moderator	\$100	\$100	Y	Y
Select Board Chair	\$2,000	\$3,000	Y	Y
Select Board (2)	\$1,800	\$2,800	Y	Y
Town Clerk	\$6,896	\$7,034	Y	Y
Tree Warden	\$1,500	\$1,500	Y	Y

- b. Raise and appropriate or transfer from available treasury funds, the sum of **\$2,303,211** or the operating expenses of the Town for FY22 as follows, or any other amount, or take any other action thereon.

Department/Account	FY21	FY22	Change	SB	Finance
Legal Counsel	\$20,000	\$20,000	0.00%	Y	Y
Moderator	\$100	\$100	0.00%	Y	Y
Select Board & Admin	\$131,777	\$143,357	8.08%	Y	Y
Board of Assessors	\$72,105	\$72,750	0.89%	Y	Y
Treasurer	\$37,700	\$53,759	29.87%	Y	Y
Tax Collector	\$26,210	\$27,856	5.91%	Y	Y
Town Clerk/Elections	\$18,000	\$14,842	-17.55%	Y	Y
Accounting & Auditing	\$65,741	\$70,233	6.40%	Y	Y
Finance Committee	\$300	\$300	0.00%	Y	Y
Planning Board	\$500	\$500	0.00%	Y	Y
Conservation Committee	\$13,063	\$16,400	20.35%	Y	Y
Insurances & Bonds	\$84,380	\$88,000	4.11%	Y	Y
Health/Dental Insurance	\$152,525	\$169,000	9.75%	Y	Y
County Retirement	\$156,819	\$158,647	1.15%	Y	Y
Medicare	\$17,500	\$18,000	2.78%	Y	Y
Reserve Fund	\$20,000	\$20,000	0.00%	Y	Y
Gas/Diesel (Vehicles)	\$35,000	\$35,000	0.00%	Y	Y
Unemployment	\$5,000	\$3,000	-40.00%	Y	Y
Town Buildings	\$91,185	\$92,240	1.14%	Y	Y
General Government	\$947,905	\$1,003,984	5.59%	Y	Y
Public Works/DPW	\$384,211	\$394,812	2.69%	Y	Y
Unaccepted Roads	\$15,000	\$15,000	0.00%	Y	Y
Winter Roads	\$97,500	\$97,500	0.00%	Y	Y
Cemeteries	\$2,000	\$2,000	0.00%	Y	Y
Street Lights	\$20,000	\$20,000	0.00%	Y	Y
Town-wide Mowing	\$21,030	\$21,030	0.00%	Y	Y
Public Works	\$539,741	\$550,342	1.93%	Y	Y

Police Department	\$302,815	\$339,666	10.85%	Y	Y
Fire Department	\$81,900	\$85,600	4.32%	Y	Y
Ambulance Service	\$2,000	\$2,000	0.00%	Y	Y
Emergency Management	\$5,450	\$5,450	0.00%	Y	Y
Building Inspector	\$16,695	\$17,100	2.37%	Y	Y
Gas Inspector	\$200	\$200	0.00%	Y	Y
Tree Warden	\$16,500	\$11,500	-30.30%	Y	Y
Public Safety	\$425,560	\$461,516	7.79%	Y	Y
Board of Health	\$14,400	\$14,400	0.00%	Y	Y
Veterans Services	\$35,300	\$35,300	0.00%	Y	Y
Lake Management	\$24,935	\$22,200	-10.96%	Y	Y
Animal/Dog Officer	\$6,533	\$6,710	2.64%	Y	Y
Transfer Station/Waste	\$87,023	\$94,843	8.25%	Y	Y
Landfill Monitoring	\$15,000	\$15,000	0.00%	Y	Y
Council on Aging	\$3,000	\$3,075	2.44%	Y	Y
Visiting Nurse (VNA)	\$2,690	\$2,856	5.81%	Y	Y
Health/ Human Services	\$188,881	\$194,384	2.83%	Y	Y
Public Library	\$77,350	\$78,165	1.04%	Y	Y
Beautification Team	\$1,500	\$1,500	0.00%	Y	Y
CSX Land Rental	\$1,100	\$1,200	8.33%	Y	Y
Berkshire Regional Planning	\$1,660	\$1,620	-2.41%	Y	Y
Sports/Rec	\$500	\$500	0.00%	Y	Y
Community Center	\$11,000	\$10,000	-9.09%	Y	Y
Culture and Recreation	\$93,110	\$92,985	-0.13%	Y	Y
Total Operating Budget	\$2,195,197	\$2,303,211	4.69%	Y	Y

- c. To see if the Town will vote to approve FY22 Educational Expenses as follows:
- Central Berkshire Regional School District (CBRSD) Assessment** budget of **\$2,466,553** as part of the total amount for educational expenses, and to raise and appropriate that amount for FY22, or take any other action thereon.
 - Central Berkshire Regional School District's (CBRSD) Capital** budget of **\$274,845** as part of the total amount for educational expenses, and to raise and appropriate that amount for FY22, or take any other action thereon.
 - Vocational School Transportation** costs of **\$76,194** as part of the total amount for educational expenses, and to raise and appropriate that amount for FY22, or take other action thereon.
 - Vocational School Tuition** costs of **\$149,432** (4 Smith + 4 McCann) = 8 @ \$18,679/student = Total Voc. Tuitions) as part of the Town's total for educational expenses, and to raise and appropriate that amount for FY22, or take any other action thereon.

Education Summary Table	FY21	FY22	Change	SB	Finance
i. CBRSD - Assessment	\$2,431,474	\$2,466,553	1%	Y	Y
ii. CBRSD - Capital	\$269,239	\$274,845	2%	Y	Y
iii. Voc. Transportation	\$77,925	\$76,194	-2%	Y	Y
iv. Voc. Tuition	\$218,928	\$149,432	-31.7%	Y	Y
Total	\$2,997,566	\$2,967,024	-1%	Y	Y

- d. To see if the Town will vote to raise and appropriate the sum of **\$19,677** as follows for Debt and Interest, or take any other action thereon.

Debt & Interest Table	FY21	FY22	Change	SB	Finance
Town Hall Loan, Principal	\$7,895	\$8,270	+5%	Y	Y
Interest-Long Term Debt	\$10,281	\$9,907	-3.64%	Y	Y
Interest-Short Term Debt	\$1,500	\$1,500	0	Y	Y
Total	\$19,676	\$19,677	0	Y	Y

4. To see if the Town will vote to transfer **\$25,540** from Free Cash to balance the Fiscal Year 2021 Winter Road Maintenance budget line, or take any other action thereon.

Select Board: Y

Finance Committee: Y

5. To see if the Town will:

- a. Vote to raise and appropriate the sum of **\$77,374** for the Sewer I Operating Expenses, the amount of which will be offset with fees collected from those users, or take any other action thereon.

Sewer I	FY21	FY22	Change	SB	Finance
Salaries	\$11,144	\$12,224	+9%	Y	Y
Expenses	\$65,150	\$65,150	0	Y	Y
Total	\$76,294	\$77,374	+1%	Y	Y

- b. Vote to raise and appropriate the sum of **\$14,448** for the Sewer II Operating Expenses, the amount of which will be offset with fees collected from those users, or take any other action thereon.

Sewer II	FY21	FY22	Change	SB	Finance
Expenses	\$14,448	\$14,448	0	Y	Y
Total	\$14,448	\$14,448	0	Y	Y

- c. Vote to raise and appropriate the sum of **\$159,497** for the Sewer III Operating Expenses, the amount of which will be offset with fees collected from those users, or take any other action thereon.

Sewer III	FY21	FY22	Change	SB	Finance
Salaries	\$26,038	\$28,197	+8%	Y	Y
Expenses	\$131,300	\$131,300	0	Y	Y
Total	\$157,338	\$159,497	+1%	Y	Y

- d. Vote to transfer from available funds in the Sewer Betterment Reserve, the sum of **\$145,181** (\$45,709 for Plunkett and \$99,472 for Ashmere) for Sewer Phase III Loan payments or take any other action thereon.

Select Board: Y

Finance Committee: Y

6. To see if the Town will vote to raise and appropriate the sum of **\$219,076** 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	FY21	FY22	Change	SB	Finance
Salaries	\$66,908	\$69,067	3%	Y	Y
Expenses	\$40,550	\$40,550	0	Y	Y
Bond Payments	\$148,584	\$109,459	-26.33%	Y	Y
Total	\$256,042	\$219,076	-14.44%	Y	Y

7. To see if the Town will vote to transfer **\$29,500** from the Water Surplus account to pay for a comprehensive study of the maintenance needs and improvement plan for the Town's Water Supply system or take any other action thereon.

Select Board: Y

Finance Committee: Y

8. To see if the Town will vote to transfer the sum of **\$32,500** from Free Cash for Infrastructure and Engineering Expenses for FY22 or take any other action thereon.

Select Board: Y

Finance Committee: Y

9. To see if the Town will vote to transfer the sum of **\$12,840** from Free Cash for the Town Clerk's Office to pay for the preservation of a series of the Town's vital records, including all costs of incidental and related thereto, or take any other action thereon.

Select Board: Y

Finance Committee: Y

10. To see if the Town will vote to transfer the sum of **\$54,387.56** from Free Cash to make the first of five annual payments on a lease-to-own *New Mack Truck with MHQ equipment package* for the DPW, including all costs of incidental and related thereto, or take any other action thereon.

Lease-to-own agreements are classified as loans, which require a 2/3 majority vote for approval.

5-Year Lease to Own	Acquisition Cost:	\$ 256,981	Term:	5-years	First Payment:	At Closing
	Document Fee:	\$ 395	Payment Mode:	Yearly, in advance	Amount:	\$54,387.56
	Trade In:	\$ -	Interest Rate:	2.83%		
	Principal Bal:	\$257,376	Rate Factor:	0.211316		

Select Board: Y

Finance Committee: Y

11. To see if the Town will vote to transfer the sum of **\$23,500** from Free Cash to pay for the removal of dead, dying, and hazardous trees in the Maple Street Cemetery, or take any other action thereon.

Select Board: Y

Finance Committee: Y

12. To see if the Town will vote to transfer the sum of **\$15,000** from Free Cash to pay for the removal of dead, dying, and hazardous trees, located across town as identified and ranked by the consulting Arborist (see April 2021-Hazardous Tree List at <https://www.hinsdalemass.com/policy-documents-publications>), or take any other action thereon.

Select Board: Y

Finance Committee: Y

13. To see if the Town will vote to transfer the sum of **\$11,000** from Free Cash to pay all expenses for one Part-time Police Officer to attend the State's recently mandated Police Officer's bridge training program, required of all part-time officers across the Commonwealth, or take any actions thereon.

Select Board: Y

Finance Committee: Y

14. To see if the Town will vote to transfer the sum of **\$11,500** from Free Cash to pay for replacement floor coverings in the Fire House Kitchen, Meeting Room, and Utility Room, or take any other actions thereon.

Select Board: Y

Finance Committee: Y

15. To see if the Town will vote to transfer the sum of **\$16,980** from Free Cash to pay for an additional Plunkett Reservoir herbicide treatment (the first of three, one each year for the next three years) needed specifically to control "Spiny Niald" and "Tape Grass," or take any other actions thereon.

Select Board: Y

Finance Committee: Y

16. To see if the Town will vote to approve an "**as-is**" sale of the former nursing home in the Town's possession via the Request for Proposal process or take any other action thereon?

Select Board: Y

Finance Committee: Y

17. To see if the Town will vote to deposit **\$50,000** from Free Cash into the Town's Stabilization Account, or take any other action thereon.

Select Board: Y

Finance Committee: Y

18. To see if the Town will vote to deposit **\$100,000** from Free Cash into the Town's Capital Stabilization Account, or take any other action thereon.

Select Board: Y

Finance Committee: Y

19. To see if the Town will vote to deposit **\$50,000** from Free Cash into the Town's Road Stabilization Account, or take any other action thereon.

Select Board: Y

Finance Committee: Y

20. To see if the Town will vote to transfer the sum of **\$35.00** from Free Cash to cover an outstanding FY20 Police Department bill from DuFour, Inc. (for a MA DOT Inspection of Police SUV Plate #MPC636), which was received after 7/1/20, or take any other action thereon.

(Requires a 4/5th vote.)

Select Board: Y

Finance Committee: Y

21. To see if the Town will vote to set FY22 spending limits for the following revolving funds established by the Town's General Bylaws, pursuant to Chapter 44, Section 53E½ of the Massachusetts General Laws, as indicated in the table below, or take any other action thereon.

Revolving Fund Limits	FY21	FY22	Select Board	Finance
Grave Openings	\$10,000	\$10,000		
Plumbing Inspector Fees	\$3,000	\$6,000	Y	Y
Electrical Inspector Fees	\$3,000	\$6,000	Y	Y
Animal Control Fees	\$2,000	\$2,000		
Planning Board Fees	\$3,000	\$3,000		
Zoning Board Fees	\$6,000	\$6,000		
Library	\$500	\$500		
Fire Department	\$3,000	\$3,000		
Council on Aging	\$2,000	\$2,000		
Police Details	\$15,000	\$15,000		
Police - Programs	\$5,000	\$5,000		

22. To see if the Town will vote to AMEND Bylaw 15, as indicated in Items A, B, and C below, or take any other action thereon (this action requires a 2/3 majority to pass). Changes appear in **bold** and *italic* type.

A. The revised Bylaw 15 will read as follows:

§15 Marijuana Establishments and Medical Marijuana Treatment Centers.

- (a) **Purpose.** The purpose of this section is to provide for the placement of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in suitable locations in the Town of Hinsdale in recognition of and in accordance with "The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," M.G.L. c. 94G and "Medical Use of Marijuana", M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 *et seq.* and 935 CMR 501.000 *et seq.*
- (b) **Definitions.**

Where not expressly defined herein, the terms used in this bylaw shall be interpreted as defined in Chapter 94I, Chapter 94G and the regulations promulgated by the Cannabis Control Commission (the

Commission) from time to time thereunder, including without limitation, 935 CMR 500.000, 935 CMR 501.000, and otherwise by their plain language.

CRAFT MARIJUANA COOPERATIVE – a Marijuana Cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver 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 mutual recognition arrangement or that is otherwise approved by the commission; (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 a ME has met all applicable requirements pursuant to St. 2012, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000. A ME may be eligible for a provisional or final license.

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

MARIJUANA CULTIVATOR – an entity licensed to cultivate, process, and package marijuana, and to transfer marijuana to other MEs, but not consumers.

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 – ***marijuana and its products, unless otherwise Indicated. Marijuana Products includes 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 Products include Marijuana-infused Products (MIPs) as defined in 935 CMR 500.002.***

MARIJUANA RETAILER – an entity licensed to purchase, ***repackage, white label, and transport*** marijuana and Marijuana Products from MEs and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to other MEs and to consumers.

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

MEDICAL MARIJUANA TREATMENT CENTER – ***an entity licensed under 935 CMR 501.101: Application Requirements*** that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transports, sells, distributes, ***delivers***, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to ***registered*** qualifying patients or their personal caregivers ***for medical use.***

MICROBUSINESS –an entity that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license, ***if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery.*** A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other MEs ***for the purpose of Marijuana Product manufacturing by the Licensee.***

RESEARCH FACILITY —*an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed ME or Medical Marijuana Treatment Center, that is licensed to conduct research.*

(c) Designated Locations for MEs and Medical Marijuana Treatment Centers.

(1) Marijuana Cultivation Establishment and Product Manufacturing Establishments shall be located only:

a. Within the Adult Entertainment Overlay District on parcels of at least 10 acres

Or

b. Within the R-5 District on parcels of at least 15 acres; provided, however, that in no event shall this include any land within the R-1, R-1B, R-2 and R-3 Districts.

(2) Marijuana Establishments as noted in c.1 above shall be set back at least:

a1. Marijuana Cultivation Establishments shall be 150 feet from front, side and rear property lines of any directly abutting parcel in the Adult Entertainment Overlay District.

And:

a2. Marijuana Product Manufacturing Establishments shall be 250 feet from front, side and rear property lines of any directly abutting parcel in the Adult Entertainment Overlay District.

b. Marijuana Cultivation Establishments and Marijuana Product Manufacturing Establishments shall be 750 feet from front, side and rear property lines of any directly abutting parcel in a designated R-5 District.

(3) Medical Marijuana Treatment Centers and retail ME's may be sited in the R-4 Business zone or the Adult Entertainment Overlay District.

(4) All retail ME's or Medical Marijuana Treatment Centers 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 from the geometric center of the Marijuana Establishment entrance to the geometric center of the above pre-existing uses, unless there is an Impassable Barrier, as defined by 935 CMR 500.002.

(5) Each ME or Medical Marijuana Treatment Center and any part of their operation, including but not limited to, cultivation, processing, packaging, and sales, shall be operated from a fixed location. No marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for Marijuana Transporters, as defined in 935 CMR 500.002.

(d) Limit on Number of Marijuana Establishments and Medical Marijuana Treatment Centers.

(1) The total number of MEs operated for retail sales shall not be greater than one (1), except 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, as set forth in G.L. c. 94G Section 3(a)(ii). Fractions of establishments 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 Medical Marijuana Treatment Centers shall not exceed one (1).

(4) In the event that the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be consumed on the premises decreases, any ME, if then exceeding the limits as noted in d.1, may remain in operation.

(e) Special Permit Required. No ME or Medical Marijuana Treatment Center shall be operated or expanded without first obtaining a Special Permit from the Town of Hinsdale Special Permit Granting Authority.

(1) The Special Permit Granting Authority for ME's and Medical Marijuana Treatment Centers shall be the Select Board.

- (2) The Select Board shall within ten (10) days after receipt of an application for Special Permit, transmit a copy thereof for review to the Planning Board, as per §6-E(2), who shall provide a recommendation to the Select Board.
- (3) 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 a ME or Medical Marijuana Treatment Center or change in the location of the business.
- (4) In the event that the Commonwealth's licensing authority suspends the license or registration of an ME, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.
- (f) **Site Plan Review.** Site plans accompanying a Special Permit application to operate or expand a ME or Medical Marijuana Treatment Center shall be reviewed by the Planning Board. The Planning Board shall, within thirty-five (35) days of receipt, provide a recommendation to the Select Board to approve, approve with conditions or deny the Special Permit. The version of the site plan reviewed by the Select Board shall be joined to the final approval for the Special Permit, in the event of approval.
- (g) **General Requirements for MEs and Medical Marijuana Treatment Centers.**
 - (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 so as to be visible from outside of the licensed premises.
 - (4) Hours of operation. A marijuana retailer may not open earlier than 8:00 A.M. and shall close no later than 8:00 P.M. the same day, Monday through Saturday, and no earlier than 12:00 P.M. and no later than 6:00 P.M. on Sunday. There shall be no hourly restrictions on any other type of ME or Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority as part of *Special Permit* approval.
 - (5) On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except for Research Facilities.
 - (6) Sale of alcohol. ME's or Medical Marijuana Treatment Centers are prohibited from selling alcoholic beverages
 - (7) *Parking/traffic/pedestrian safety-traffic impact study may be required to establish peak demand times and ensure access to public ways is not unreasonably obstructed.*
- (h) **Filing Requirements for MEs or Medical Marijuana Treatment Centers.** Special Permit applications must be submitted to the **Select Board** 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, 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 a ME from the Massachusetts Cannabis Control Commission or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the requirements of a ME in accordance with the regulations adopted by the Commission, as amended. Proof of license may also be accepted from the State Department of Health under certain circumstances for Medical Marijuana Treatment Centers.
- (i) **Discontinuance of Use.** Any marijuana use under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the Cannabis Control Commission within thirty (30) days after the expiration or voiding of its license.
- (j) **No Town liability; indemnification.**
- (1) The Applicant and all licensees waive and release the Town, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the ME or Medical Marijuana Treatment Center owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.
 - (2) The Applicant, in receiving approvals issued pursuant to this chapter, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of any ME or Medical Marijuana Treatment Center that is subject of the approval/license.
- (k) **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) To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail of marijuana or Marijuana Products, the additional or stricter regulation shall control the ME or Medical Marijuana Treatment Center in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall

be grounds for revocation or suspension of any license issued hereunder.

- (3) Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. If, upon review by the Special Permit Granting Authority, the ME or Medical Marijuana Treatment Center is found to not be fully in compliance with the HCA, the Special Permit and/or the local license may be suspended or rescinded.

B. AMEND: The **Table of Contents** by adding the italicized text as follows:

SECTION 15 – Medical Marijuana Treatment Centers *and Marijuana Establishments (MEs)*

C. AMEND: **Section 4 – Permitted Uses** by adding the Bold Italicized Text as follows:

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

R-1B3: Any lawful agricultural use ***except commercial marijuana related cultivation operations.***

R-2 1a: Any use permitted in an R-1 residential district ***except for commercial marijuana related cultivation operations.***

R-3 2a: Any use determined by the Zoning Board of Appeals to be similar to one or more of the uses specifically authorized in the R-1 district ***except for commercial marijuana related cultivation operations.***

R-4 2e: ***Buildings used for the operation of medical or non-medical marijuana sales establishments within the confines of Hinsdale Zoning Bylaw 4B.***

R-5 2h: ***Marijuana Establishments***

Articles, continued

- 23.** To notify and warn all residents of the Town qualified by law to vote in Elections, to meet in the Hinsdale Town Hall, 39 South Street on Saturday, June 12, 2021, between the hours of 10:00 A.M. and 6:00 P.M. to choose and elect the Town Officers listed below. Vote is by simple majority rule unless otherwise noted.

Town Election - May 12, 2021	Opening(s)	Term in Years
Moderator	1	3
Select Board	1	3
Finance Committee	3	3
Finance Committee	1	1
Assessor	1	3
Assessor	1	1
Planning Board	1	5
Planning Board	1	4

Also, there is one referendum question on the ballot, in which the Select Board seeks direction on the future of the Community Center/Formal Town Hall.

be grounds for revocation or suspension of any license issued hereunder.

- (3) Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. If, upon review by the Special Permit Granting Authority, the ME or Medical Marijuana Treatment Center is found to not be fully in compliance with the HCA, the Special Permit and/or the local license may be suspended or rescinded.

B. AMEND: The **Table of Contents** by adding the italicized text as follows:

SECTION 15 – Medical Marijuana Treatment Centers *and Marijuana Establishments (MEs)*

C. AMEND: **Section 4 – Permitted Uses** by adding the Bold Italicized Text as follows:

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

R-1B3: Any lawful agricultural use ***except commercial marijuana related cultivation operations.***

R-2 1a: Any use permitted in an R-1 residential district ***except for commercial marijuana related cultivation operations.***

R-3 2a: Any use determined by the Zoning Board of Appeals to be similar to one or more of the uses specifically authorized in the R-1 district ***except for commercial marijuana related cultivation operations.***

R-4 2e: ***Buildings used for the operation of medical or non-medical marijuana sales establishments within the confines of Hinsdale Zoning Bylaw 4B.***

R-5 2h: ***Marijuana Establishments***

Articles, continued

- 23.** To notify and warn all residents of the Town qualified by law to vote in Elections, to meet in the Hinsdale Town Hall, 39 South Street on Saturday, June 12, 2021, between the hours of 10:00 A.M. and 6:00 P.M. to choose and elect the Town Officers listed below. Vote is by simple majority rule unless otherwise noted.

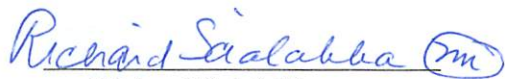
Election - June 12, 2021	Opening(s)	Term
Moderator	1	3
Select Board	1	3
Finance Committee	3	3
Finance Committee	1	1
Assessor	1	3
Assessor	1	1
Planning Board	1	5
Planning Board	1	4

Also, there is one referendum question on the ballot, in which the Select Board seeks direction on the future of the Community Center/Formal Town Hall.

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 this 1st Day of June, 2021.

Respectfully Submitted,



Richard Scialabba
Select Board Chair



Vivian Mason
Select Board



Raymond Bolduc
Select Board

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 Hall, and such other places as the Select Board deems appropriate, but not less than three (3) in the Town.



#513

, Hinsdale Police Officer

6/1/2021

