

**TOWN OF WORTHINGTON  
ANNUAL TOWN MEETING**

**May 6, 2023**

**9:30 AM**

**RH Conwell School**

**OUTSIDE**

Hampshire ss:

To either of the Constables of the Town of Worthington in the County of Hampshire.

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in election and in Town affairs to meet outside at the RH Conwell Elementary School in said Worthington on Saturday the Sixth of May, 2023 at 9:30 AM, then and there to act on the following articles:

**ARTICLE ONE:** To Choose all other Town officers as are not required by law to be elected by ballot.

Almoners of the Whiting Street Fund

Bruce Barshefsky, Catherine Whitcomb, Diane Meehan

Field Drivers and Fence Viewers

Bart Niswonger, Kevin Porter, Darlene Millman

Surveyors of Wood and Timber

Keith Manley, Sam Powell, Clarence Witter

**ARTICLE TWO:** To Act upon the reports of the Town Clerk, Town Treasurer, Selectboard, Almoners of the Whiting Street Fund and other elected or appointed officers or committees of the Town.

**ARTICLE THREE:** To see if the Town will vote to Raise and appropriate the sum of **\$1,371,663.65** the total Worthington School District Budget for the period of July 1, 2023, through June 30, 2024, or take any other action in relation thereto:

Worthington School District Appropriation	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Elementary	\$985,133.47	<b>\$1,095,834.65</b>	Recommended	Recommended
Secondary	286,875.00	<b>275,829.00</b>	Recommended	Recommended
Total	\$1,272,008.47	<b>\$1,371,663.65</b>		

**ARTICLE FOUR:** To see if the Town will vote pursuant to the provisions of Section 53E ½ of Chapter 44 M.G.L. to re-authorize the amount of **\$1,680.00** as the annual spending limit for the Conwell School Laptop Protection Plan revolving fund, such limit to be applicable for Fiscal Year 2024, or take any other action in relation thereto.

*Selectboard Action: Recommended*

*Finance Comm. Action: Recommended*

**ARTICLE FIVE:** To see if the Town will vote to Raise and Appropriate the sum of **\$286,323.00** for Vocational Education, or take any other action in relation thereto:

Vocational Education	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
	\$248,751.00	<b>\$286,323.00</b>	Recommended	Recommended

**ARTICLE SIX:** To see if the Town will vote to Raise and Appropriate the sum of **\$76,494.00** to be paid to Gateway Regional School District for Capital and MSBA payback costs, or take any other action in relation thereto:

Gateway School District Payback	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Bonded Projects	\$55,884.00	<b>\$55,206.00</b>	Recommended	Recommended
MSBA Payback	21,288.00	<b>21,288.00</b>	Recommended	Recommended
Total	\$77,172.00	<b>\$76,494.00</b>		

**ARTICLE SEVEN:** To see if the Town will vote to fix the salaries or compensation of all elected officers of the Town, as provided by MGL Chapter 41, Section 108 as amended, and to Raise and Appropriate the sum of **\$73,283.00** for these salaries and compensation to be as of July 1, 2023 as follows, or take any other action in relation thereto:

	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Selectboard, Chair	\$2,477.00	<b>\$3,500.00</b>	Recommended	Recommended
Selectboard, Clerk	2,177.00	<b>3,000.00</b>	Recommended	Recommended
Selectboard, Member	2,177.00	<b>3,000.00</b>	Recommended	Recommended
Bd. of Health, Chair	2,009.00	<b>2,132.00</b>	Recommended	Recommended
Bd. of Health, Clerk	2,009.00	<b>2,132.00</b>	Recommended	Recommended
Bd. of Health, Mem.	2,009.00	<b>2,132.00</b>	Recommended	Recommended
Moderator	100.00	<b>100.00</b>	Recommended	Recommended
Town Clerk	11,388.00	<b>18,000.00</b>	Recommended	Recommended
Assessors, Chair	6,812.00	<b>7,228.00</b>	Recommended	Recommended
Assessors, Clerk	14,614.00	<b>23,098.00</b>	Recommended	Recommended
Assessors, Member	6,184.00	<b>6,561.00</b>	Recommended	Recommended
Tree Warden	2,226.00	<b>2,400.00</b>	Recommended	Recommended
Total	\$54,182.00	<b>\$73,283.00</b>		

**ARTICLE EIGHT:** To see if the Town will vote to Raise and Appropriate the sum of **\$519,730.00** for the following Town charges, or take any other action in relation thereto:

**GENERAL GOVERNMENT:**

	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Selectboard Expenses	\$3,500.00	<b>\$3,500.00</b>	Recommended	Recommended
Assessors' Expenses	1,750.00	<b>1,750.00</b>	Recommended	Recommended
Classified Advertising	2,500.00	<b>2,500.00</b>	Recommended	Recommended
Tax Map Maintenance	1,800.00	<b>1,800.00</b>	Recommended	Recommended
Assessors' Software Support	8,800.00	<b>6,800.00</b>	Recommended	Recommended
Assessors' Revaluation	4,300.00	<b>4,700.00</b>	Recommended	Recommended
Online Tax Maps	2,400.00	<b>3,000.00</b>	Recommended	Recommended
Town Clerk's Expenses	1,600.00	<b>1,650.00</b>	Recommended	Recommended
Election Expenses	3,144.00	<b>2,175.00</b>	Recommended	Recommended
Registrars' Expense	50.00	<b>50.00</b>	Recommended	Recommended
Tree Warden's Expenses	20,000.00	<b>20,000.00</b>	Recommended	Recommended
Tax Collector	20,043.00	<b>21,690.00</b>	Recommended	Recommended
Asst Tax Cltr/Asst Treasurer	9,127.00	<b>9,880.00</b>	Recommended	Recommended
Tax Collector's Expenses	4,100.00	<b>4,100.00</b>	Recommended	Recommended
Tax Collector's Software	5,349.00	<b>8,300.00</b>	Recommended	Recommended
Accounting Services	31,200.00	<b>31,800.00</b>	Recommended	Recommended
Accounting Software	4,254.00	<b>4,467.00</b>	Recommended	Recommended
Treasurer	20,043.00	<b>21,690.00</b>	Recommended	Recommended
Treasurer's Expenses	4,500.00	<b>4,500.00</b>	Recommended	Recommended
Treasurer's Software	1,518.00	<b>1,593.00</b>	Recommended	Recommended
Town Payroll Service	4,000.00	<b>4,000.00</b>	Recommended	Recommended
Executive Assistant	61,048.00	<b>66,082.00</b>	Recommended	Recommended
Assistant Secretary	4,204.00	<b>4,528.00</b>	Recommended	Recommended
Recording Secretary	8,000.00	<b>8,000.00</b>	Recommended	Recommended
Bd. of Appeals Expense	600.00	<b>600.00</b>	Recommended	Recommended
Conservation Comm. Exp.	600.00	<b>900.00</b>	Recommended	Recommended
Historic Commission Exp	250.00	<b>250.00</b>	Recommended	Recommended
Town Off. Maint. & Sup.	3,500.00	<b>3,750.00</b>	Recommended	Recommended
Town Hall Maintenance	4,500.00	<b>4,500.00</b>	Recommended	Recommended
Town Hall Custodian	3,420.00	<b>3,420.00</b>	Recommended	Recommended
Town Telephone Exp.	20,000.00	<b>22,000.00</b>	Recommended	Recommended
Town Building Heating	26,000.00	<b>24,000.00</b>	Recommended	Recommended
War Memorial & Town Bldgs	300.00	<b>300.00</b>	Recommended	Recommended
Conwell Bldg. Expenses	134,596.00	<b>144,677.00</b>	Recommended	Recommended
IT/Comptr. Replenishmt plan	4,000.00	<b>4,000.00</b>	Recommended	Recommended
Comptr. Maint. & Supplies	2,000.00	<b>2,000.00</b>	Recommended	Recommended
Computer Maint. Labor	3,200.00	<b>3,200.00</b>	Recommended	Recommended
Town Web Site	1,000.00	<b>1,000.00</b>	Recommended	Recommended
Webmaster	*New*	<b>2,000.00</b>	Recommended	Recommended
Planning Board Expenses	300.00	<b>500.00</b>	Recommended	Recommended
P.V.P.C.	213.00	<b>218.00</b>	Recommended	Recommended
Parks & Rec Comm. Exp.	3,800.00	<b>3,800.00</b>	Recommended	Recommended
Founder's Day	0.00	<b>4,000.00</b>	Recommended	Recommended
Finance Comm. Expense	140.00	<b>140.00</b>	Recommended	Recommended
Town Reports	1,250.00	<b>1,250.00</b>	Recommended	Recommended

Law Account Expense	15,000.00	<b>15,000.00</b>	Recommended	Recommended
Tax Taking-Collector	1,200.00	<b>1,200.00</b>	Recommended	Recommended
Tax Title Foreclosure Treas.	2,500.00	<b>2,185.00</b>	Recommended	Recommended
Tax Title Foreclosure Maint.	2,000.00	<b>2,000.00</b>	Recommended	Recommended
Audit Expenses	12,500.00	<b>12,500.00</b>	Recommended	Recommended
Council on Aging	12,000.00	<b>12,000.00</b>	Recommended	Recommended
COA Building Lease	9,500.00	<b>9,785.00</b>	Recommended	Recommended
<b>Total</b>	<b>\$491,599.00</b>	<b>\$519,730.00</b>		

**ARTICLE NINE:** To see if the Town will vote to Raise and Appropriate the sum of **\$24,045.00** for the Worthington Library, or take any other action in relation thereto:

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
Worthington Library	<b>\$22,900.00</b>	<b>\$24,045.00</b>	Recommended	Recommended

**ARTICLE TEN:** To see if the Town will vote to Raise and Appropriate the sum of **\$22,400.00** for the following Town charges, or take any other action in relation thereto:

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
Maintenance of Cemeteries	\$16,395.00	<b>\$18,500.00</b>	Recommended	Recommended
Cem. Commission Expense	500.00	<b>500.00</b>	Recommended	Recommended
Grave Openings	3,400.00	<b>3,400.00</b>	Recommended	Recommended
<b>Total:</b>	<b>\$20,295.00</b>	<b>\$22,400.00</b>		

**ARTICLE ELEVEN:** To see if the Town will vote to Raise and Appropriate the sum of **\$704,273.00** for the following Town charges, or take any other action in relation thereto:

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
Hampshire Cty Retirement	\$240,140.00	<b>\$302,287.00</b>	Recommended	Recommended
Unemployment Comp.	3,500.00	<b>3,500.00</b>	Recommended	Recommended
Workers Compensation	11,000.00	<b>12,000.00</b>	Recommended	Recommended
Group Insurance	296,015.00	<b>305,486.00</b>	Recommended	Recommended
Insurance and Bonds	52,450.00	<b>57,000.00</b>	Recommended	Recommended
Medicare	24,000.00	<b>24,000.00</b>	Recommended	Recommended
<b>Total:</b>	<b>\$627,105.00</b>	<b>\$704,273.00</b>		

**ARTICLE TWELVE:** To see if Town will vote to Raise and Appropriate the sum of **\$190,439.87** for the following Town charges, or take any other action in relation thereto:

**PUBLIC HEALTH AND SAFETY:**

	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Emergency Mgmt. Salary	<b>\$1,071.00</b>	<b>\$1,136.00</b>	Recommended	Recommended
Emergency Mgmt. Expenses	<b>600.00</b>	<b>600.00</b>	Recommended	Recommended
Code Red	<b>1,213.00</b>	<b>1,368.00</b>	Recommended	Recommended
Animal Control Officer Salary	<b>1,758.00</b>	<b>1,865.00</b>	Recommended	Recommended
Animal Control Officer. Exp.	<b>300.00</b>	<b>300.00</b>	Recommended	Recommended
Hilltown Comm. Ambulance	<b>31,169.84</b>	<b>44,434.87</b>	Recommended	Recommended
Town Constable	<b>100.00</b>	<b>100.00</b>	Recommended	Recommended
Animal Inspector	<b>734.00</b>	<b>779.00</b>	Recommended	Recommended
Building Commissioner	<b>20,748.00</b>	<b>22,452.00</b>	Recommended	Recommended
Building Inspector Alternate	<b>0.00</b>	<b>0.00</b>	Recommended	Recommended
Building Inspector's Expenses	<b>2,000.00</b>	<b>2,500.00</b>	Recommended	Recommended
Plumbing Inspector	<b>1,593.00</b>	<b>1,690.00</b>	Recommended	Recommended
Plumbing Inspector's Expense	<b>400.00</b>	<b>400.00</b>	Recommended	Recommended
Wiring Inspector	<b>3,600.00</b>	<b>3,820.00</b>	Recommended	Recommended
Wiring Inspector's Expense	<b>120.00</b>	<b>120.00</b>	Recommended	Recommended
Assist. Wiring Insp. Expense	<b>300.00</b>	<b>300.00</b>	Recommended	Recommended
Gas Inspector	<b>1,252.00</b>	<b>1,328.00</b>	Recommended	Recommended
Board of Health Expenses	<b>200.00</b>	<b>200.00</b>	Recommended	Recommended
Board of Health Agent	<b>3,900.00</b>	<b>5,500.00</b>	Recommended	Recommended
Ctrl. Hamp. Veterans' Service	<b>5,904.00</b>	<b>6,134.00</b>	Recommended	Recommended
Veteran's Aid	<b>15,000.00</b>	<b>12,000.00</b>	Recommended	Recommended
Disposal Works	<b>65,000.00</b>	<b>62,000.00</b>	Recommended	Recommended
Disposal Attendant	<b>12,577.00</b>	<b>13,344.00</b>	Recommended	Recommended
Hilltown Resource Mgt. Coop.	<b>7,093.00</b>	<b>6,869.00</b>	Recommended	Recommended
Streetlights	<b>1,200.00</b>	<b>1,200.00</b>	Recommended	Recommended
<b>Total:</b>	<b>\$177,832.84</b>	<b>\$190,439.87</b>		

**ARTICLE THIRTEEN:** To see if the Town will vote to Appropriate and Transfer the sum of **\$23,444.00** from the General Stabilization Fund to purchase a Solid Waste Compactor for the Transfer Station, or take any action relative thereto.

*Selectboard Action: Recommended                      Finance Comm. Action: Recommended*

**ARTICLE FOURTEEN:** To see if Town will vote to Raise and Appropriate **\$60,288.00** for the following Town charges, or take any other action in relation thereto:

**FIRE DEPARTMENT**

	FY2023 Adopted	FY2024 Proposed	Selectboard Action	Finance Comm. Action
Fire Dept. Operating Exps.	\$25,000.00	<b>\$27,000.00</b>	Recommended	Recommended
Fire Department Fuel	2,500.00	<b>2,500.00</b>	Recommended	Recommended
Clerical	5,638.00	<b>6,103.00</b>	Recommended	Recommended
Fire Chief Salary	6,265.00	<b>6,779.00</b>	Recommended	Recommended

Fire Dept. Grant Writer	1,325.00	<b>1,406.00</b>	Recommended	Recommended
Code Inspection Comp.	1,500.00	<b>1,500.00</b>	Recommended	Recommended
Fire Dept. Call Comp.	15,000.00	<b>15,000.00</b>	Recommended	Recommended
Total	\$51,691.00	<b>\$60,288.00</b>		

**ARTICLE FIFTEEN:** To see if the Town will vote to Raise and Appropriate the sum of **\$31,994.50** for Principal and Interest on the Fire Truck Debt, or take any other action in relation thereto:

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
Fire Pumper Truck	\$32,742.00	<b>\$31,994.50</b>	Recommended	Recommended

**Article By Petition:**

**ARTICLE SIXTEEN:** To see if the Town will vote to raise and appropriate **\$24,464.00** for a part-time officer, with no dollars for a second full-time officer, thereby eliminating the position, or take any other action in relation thereto.

**ARTICLE SEVENTEEN:** To see if the Town will vote to Raise and Appropriate **\$182,388.00** for the following Town charges, or take any other action in relation thereto:

**POLICE DEPARTMENT:**

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
Police Dept. Expenses	<b>\$19,815.00</b>	<b>\$21,025.00</b>	Recommended	Recommended
Police Chief Salary	<b>78,655.00</b>	<b>85,120.00</b>	Recommended	Recommended
<i>Police Dept. Wages</i>	<b>59,359.00</b>	<b>62,400.00</b>	Recommended	Recommended
Police Clerical Wages	<b>11,276.00</b>	<b>12,205.00</b>	Recommended	Recommended
IMC Software Maint.	<b>858.00</b>	<b>888.00</b>	Recommended	Recommended
CJIS Yearly Maintenance	<b>750.00</b>	<b>750.00</b>	Recommended	Recommended
Total	<b>\$170,713.00</b>	<b>\$182,388.00</b>		

**ARTICLE EIGHTEEN:** To see if the Town will vote to Raise and Appropriate the sum of **\$617,817.00** and Transfer from the General Stabilization Fund the sum of **\$11,000.00** \*\* for a total of **\$628,817.00** for the following Town charges, or take any other action in relation thereto:

	FY2023 Adopted	<b>FY2024 Proposed</b>	Selectboard Action	Finance Comm. Action
General Highway Maint.	\$50,000.00	<b>\$50,000.00</b>	Recommended	Recommended
Road Sweeping	6,500.00	<b>6,500.00</b>	Recommended	Recommended
Town Mowing	12,000.00	<b>12,000.00</b>	Recommended	Recommended
Winter Highway Maint.	110,000.00	<b>110,000.00</b>	Recommended	Recommended
Wtr. HWY Overtime Wages	11,850.00	<b>11,850.00</b>	Recommended	Recommended
Highway Dept. Wages	165,370.00	<b>178,942.00</b>	Recommended	Recommended
Highway Wages Clerical	5,638.00	<b>6,103.00</b>	Recommended	Recommended
Highway Superintendent	81,037.00	<b>87,672.00</b>	Recommended	Recommended
Hwy.Supt. Add'l Wtr. Comp.	2,500.00	<b>2,500.00</b>	Recommended	Recommended

Garage Maintenance	14,000.00	<b>14,000.00</b>	Recommended	Recommended
Extraordinary Garage Maint. **	*NEW*	<b>6,000.00</b>	Recommended	Recommended
Machinery Maintenance	40,000.00	<b>40,000.00</b>	Recommended	Recommended
Extraordinary Machinery Maint. **	*NEW*	<b>5,000.00</b>	Recommended	Recommended
Highway/Police Fuel	30,000.00	<b>33,500.00</b>	Recommended	Recommended
Superintendent's Expense	1,500.00	<b>1,500.00</b>	Recommended	Recommended
FRCOG Group Purchasing	2,750.00	<b>3,250.00</b>	Recommended	Recommended
Secondary Rd. Improvemts.	60,000.00	<b>60,000.00</b>	Recommended	Recommended
Total:	\$593,145.00	<b>\$628,817.00</b>		

**ARTICLE NINETEEN:** To see if the Town will vote to Appropriate and Transfer the sum of **\$378,000.00** from the General Stabilization Fund to purchase a New 10 Wheel Plow and Wing, Dump Truck to replace the 2009 International Dump Truck, or take any action relative thereto.

*Selectboard Action: Recommended                      Finance Comm. Action: Defer to ATM*

**ARTICLE TWENTY:** To see if the Town will vote to Raise and Appropriate the sum of **\$10,000.00** to establish a Reserve Fund to provide for extraordinary or unforeseen expenditures, as provided by M.G.L. Chapter 40, Section 6, as amended, or take any other action in relation thereto.

*Selectboard Action: Recommended                      Finance Comm. Action: Recommended*

**ARTICLE TWENTY-ONE:** To see if the Town will vote to Appropriate as available funds the total sum of **\$232,578.81** from Chapter 90 funds or any other amounts from the Commonwealth of Massachusetts for highway construction and/or maintenance, or take any other action in relation thereto.

*Selectboard Action: Recommended                      Finance Comm. Action: Recommended*

**ARTICLE TWENTY-TWO:** To see if the Town will vote to Appropriate and Transfer the sum of **\$355,252.00** from Free Cash to the General Stabilization Fund, or to take any other action in relation thereto.

*Selectboard Action: Recommended                      Finance Comm. Action: Recommended*

**ARTICLE TWENTY-THREE:** To see if the Town will vote to Appropriate and Transfer the sum of **\$100,000.00** from the Septic Repair Assessment Account to the Town Septic Repair and Replacement Fund to be used for the Town Highway Garage, Fire Station and Town Hall septic systems, or take any action in relation thereto.

**ARTICLE TWENTY-FOUR:** To see if the Town will vote to Authorize the Selectboard to enter into contracts with the Massachusetts Highway Department for construction and/or maintenance of public highways for the Fiscal Year 2024, and further to authorize the Selectboard on behalf of the Town to accept any money from the Commonwealth of Massachusetts for highway construction and/or maintenance, or to take any other action in relation thereto.

**ARTICLE TWENTY-FIVE** To see if the Town will vote to Authorize the Selectboard to apply for Massachusetts State or Federal grant programs and to further Authorize the Selectboard to expend monies received through such programs following a public hearing, or take any other action in relation thereto.

## FY 2023 ARTICLES

**ARTICLE TWENTY-SIX:** To see if the Town will vote to Appropriate and Transfer the sum of **\$18,822.93** from the Fiscal Year 2023 Vocational Education Account to the Conwell Stabilization Fund, or take any other action in relation thereto.

*Selectboard Action: Recommended*

*Finance Comm. Action: Recommended*

**ARTICLE TWENTY-SEVEN:** To see if the Town will vote to Appropriate and Transfer the sum of **\$80,997.35** from the General Stabilization Fund to fund deficit spending in the following appropriations:

Winter Highway Supplies: **\$69,150.02**

Winter Highway Overtime Wages: **\$7,187.50**

Highway Super Additional Winter Compensation: **\$4,659.83**

or take any other action in relation thereto.

*Selectboard Action: Recommended*

*Finance Comm. Action: Recommended*

### ***Zoning Bylaw Revisions:***

**ARTICLE TWENTY-EIGHT:** To see if the Town will vote to amend the Zoning By-Law by making the following editorial changes:

Amend Section 8.7(B)(3) by replacing "Adopted" with "proposed"

Amend Section 8.6.7(B) by replacing "Board of Selectmen" with "Selectboard"

Amend Section 2.6.7(D) by replacing "Section D(4)" with "Section 2.6.6"

Amend Section 2.6.8(A)(1) by replacing "section F" with "Section 2.6.9"

Amend Section 2.6.8(A)(2) by replacing "Section F" with "Section 2.6.9"

Amend Section 2.6.14 by replacing "Section VIII B 5" with "Section 2.2.1(B)"

Amend section 4.5(B)(2) by replacing "Section XII" with "Section 2.6"

Amend section 4.6(C) by replacing "Section XII" with "Section 2.6"

Amend section 4.7(C) by replacing "Section XII" with "Section 2.6"

Amend section 8.4.3(7) by replacing "Section G" with "Section 8.4.6"

Amend section 8.5.3(A)(4) by replacing "Section XII" with "Section 2.6"

Amend section 8.5.6(E)(3)(b)(1) by replacing "Section XIV.14.a" with "Section 8.5.6(E)(3)(a)(1)"

Amend section 8.6.6(B) by replacing "Sections 8.7.3, 8.7.4, and 8.7.5" with "Sections 8.6.3, 8.6.4, and 8.6.5"

Amend section 8.6.6(B)(5) by replacing "§5(g)(i) of this section" with "Section 2.6.9(A)(1)"

Amend section 8.6.8(F) by replacing "§8.7.8(D)" with "§8.6.8(D)"

Amend section 8.6.8(I) by replacing "Section 5 (i)(viii)" with "Section 8.6.8(H)"

Amend Definition of a Small Business by replacing "Section IV, paragraph A(5b) of the Worthington By-Laws" with "Section 4.3(B)(1)(b) of this bylaw"

Amend Definition of a Common Driveway by replacing "Section XIII H" with "Section 8.4.6(C)"

or take any other action in relation thereto.

**ARTICLE TWENTY-NINE:** To see if the Town will vote to amend the Zoning By-Law as follows:

Amend section 4.4(A) by adding "Seasonal Food Trucks and Trailers operating at a fixed location for more than 5 days" as item number 20.

Amend Section 10 to add the following after the definition of "Filling Station" and before that of "Garage":

Food Truck or Trailer: A food establishment permitted by a local board of health under the State's Retail Food Code, that is operated from a movable or portable structure that can change location.

or take any other action in relation thereto.

**ARTICLE THIRTY:** To see if the Town will vote to amend the Zoning By-Law as follows:

**Amend Section 8.6.4(A) by replacing:**

A. No Medical Marijuana Treatment Center or Marijuana Establishment shall be located ~~on a parcel which is~~ within five hundred (500) feet ~~(to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment structure is or will be located)~~ of a parcel, ~~occupied at the time the Applicant's license application was received by the Cannabis Control Commission,~~ by any of the following:

1. A public or private school providing education in preschool, kindergarten or any of grades 1-12
2. A public or private library
3. Duly licensed daycare centers
4. Churches, synagogues or other places of worship
5. Public or private parks, playgrounds and recreation areas
6. ~~Any residential use, either established by right or with a Special Permit~~

**With:**

A. No Medical Marijuana Treatment Center or Marijuana Establishment shall be located within five hundred (500) feet of any of the following:

1. A public or private school providing education in preschool, kindergarten or any of grades 1-12
2. A public or private library
3. Duly licensed daycare centers
4. Churches, synagogues or other places of worship
5. Public or private parks, playgrounds and recreation areas

**Re-number 8.6.4(B) - 8.6.4(E) to 8.6.4(C) - 8.6.4(F)**

**Insert Section 8.6.4(B):**

**B. Under no circumstance shall a Medical Marijuana Treatment Center**

or Marijuana Establishment be located within two hundred fifty feet (250) feet of a residential use.

**Insert the following as Section 8.6.6(B)(3),** renumbering the previous 8.6.6(B)(3) - 8.6.6(B)(10) to 8.6.6(B)(4) - 8.6.6(11).

3. Outdoor cultivation: For the purpose of this section, outdoor cultivation shall mean a marijuana establishment that involves the cultivation of mature cannabis outdoors in the open air, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers, and allowed in all areas where marijuana cultivation is allowed provided that:
  - a) No fertilizers, compost, soils, materials, machinery, or equipment shall be stored within the required front, side, and rear yard setbacks.
  - b) The minimum setback from all property lines shall be 200 feet.
  - c) The outdoor cultivation facility shall comply in every respect with the requirements of 935 CMR 500.110 (6) which regulates “Security and Alarm Requirements for Marijuana Establishments Operating Outdoors,” as amended.
  - d) In reviewing a special permit under this section the Board shall consider the impact of the proposal on the following:
    1. Character of the neighborhood to include visual compatibility with surrounding uses.
    2. Proximity to other licensed marijuana uses to prevent clustering.
    3. Relationship to surrounding uses to avoid unnecessary exposure to minors.
    4. Site design and other development related site impacts.
    5. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property, except as allowed under a Special Permit granted to a Marijuana Cultivator with outdoor cultivation. Outdoor cultivation of marijuana will implement industry best practice to eliminate any noticeable trace of marijuana odor at the perimeter of property of the cultivator site.

**Re-number the current language in 8.6.9(J) as 8.6.9(J)(1) to read as follows:**

#### 8.6.9 Application Requirements

##### J. Waivers:

1. The Applicant shall be required to submit specific information regarding any waivers from 935 CMR 500.000 or 935 CMR 501.000 granted by the Commission. The Special Permit Granting Authority shall consider said waivers based on the following Commission criteria in 935 CMR 500 or 935 CMR 501.000.
  - a. Compliance would cause undue hardship to the investor;
  - b. If applicable, the requestor’s non-compliance does not jeopardize the

- health or safety of any patient or the public;
- c. If applicable, the requestor has instituted compensating features that are acceptable to the Planning Board; and
- d. The requestor provides to the Planning Board written documentation, in a form and manner determined by the Planning Board, supporting its request for a waiver.

**Add the following as Section 8.6.9(J)(2):**

The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. A request for a waiver(s) by an applicant must be made in writing by the applicant to the Planning Board.

or take any other action in relation thereto.

Given under our hands April 28, 2023

I have served this warrant as directed.

\_\_\_\_\_

Date of Posting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Constable

\_\_\_\_\_  
Selectboard

ATTEST

## GLOSSARY

**APPROPRIATION:** An authorization granted by a Town Meeting to make expenditures and to incur obligations for specific purposes. A "specific" appropriation is carried forward year to year until spent for the designated purpose or transferred by Town Meeting vote to another account.

**AVAILABLE FUNDS:** Free Cash, reserves and unexpended balances available for appropriation.

**CHERRY SHEETS:** Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year's state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consists of two major types -- distributions and reimbursements. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a prior period for certain programs or services. In addition, communities may receive "offset items" that must be spent on specific programs. Cherry Sheet Assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based on filing requirements and/or actual information, the final aid or assessment may differ.

**ESTIMATED RECEIPTS:** Estimate of money to be received by the Town from various sources, such as MVE excise, licenses, fees, state reimbursements, etc. The estimate is deducted by the Assessors from the gross amount to be raised by taxes when the tax rate is set.

**EXCESS LEVY CAPACITY:** The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year

**FISCAL YEAR:** A twelve-month period commencing July 1, to which the annual budget applies and at the end of which a Town determines its financial position and the results of its operations.

**FREE CASH:** Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the town accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash. "Free Cash" is also referred to as "Available Funds".

**OVERLAY:** (Overlay Reserve or Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

**OVERLAY SURPLUS:** Unused, accumulated amount of the Overlay for various years, which may be voted for any lawful purpose and reverts to Free Cash at the end of each Fiscal Year.

**RESERVE FUND:** An amount set aside annually within the budget to provide a funding source for extraordinary unforeseen expenditures. The finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

**STABILIZATION FUND:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. (MGL Ch. 40 § 5B). Towns may appropriate into this fund in any year by a simple majority vote. Any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the stabilization fund.

**SURPLUS REVENUE:** The amount by which the cash, accounts receivable and other assets exceed the liabilities and reserves.

**TOWN MEETING WARRANT:** A written order calling an Annual or Special Town Meeting and containing a list of items to be acted upon. Warrants are posted at the official posting place.