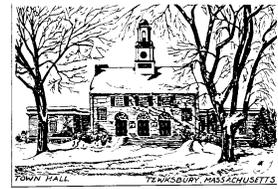




Town of Tewksbury

TOWN HALL
1009 MAIN ST
TEWKSBURY, MASSACHUSETTS 01876

OFFICE OF TOWN CLERK



Phone: 978-640-4355

Fax: 978-851-8610

dgraffeo@tewbury-ma.gov

DENISE GRAFFEO, CMC/CMMC
TOWN CLERK

Tewksbury Memorial High School
320 Pleasant Street
Special Town Meeting
October 3, 2022

Moderator, Dustin Weir called to order the October 3, 2022 Special Town Meeting at 7:00 PM given that a quorum of voters was present and a properly served and returned warrant was in possession.

On Monday, October 3, 2022, there were 241 voters and 24 visitors in attendance.

To honor our Nation and our flag, Tewksbury Memorial High School Junior Jillian Waugh sang our National Anthem.

The Moderator led the Assembly in The Pledge of Allegiance

Moderator Weir made the following introductory comments:

Welcome to the Tewksbury Special Town Meeting. As we begin our meeting, I want to take a moment to talk about ground rules. Town Meeting is the legislative body for our community, where we work together to debate the merits of the articles within the warrant before you. Please take a moment to refer to the Glossary of Terms at the back of your warrant. Because Tewksbury has an Open Town Meeting, each registered voter in Tewksbury is eligible to act on fiscal issues, zoning changes, bylaw amendments, and other matters affecting the town. Voters must wear their voting ribbon conspicuously in order to be counted during standing votes. Please ensure that it is on your person, not your jacket.

This meeting is being recorded. As we move through the articles, presenters or sponsors on the articles will be allowed to speak first before I open the floor to debate. A voter desiring to speak should approach the microphone, await recognition by me, and identify yourself when recognized by name and address for the record. I ask members of Boards to do the same.

Each speaker is allowed up to five minutes to speak on an article. Please speak clearly into the microphone so the body can hear you. I will let you know when you have 30 seconds left on your time by tapping the podium. When you hear that tapping, that is your signal to wrap up your remarks.

Speakers can disagree with any official, with any other voter, volunteer, or any board. We have a strong tradition in Tewksbury of maintaining a respectful dialogue during Town Meeting. I will do everything I can to ensure that each speaker is shown respect and that your questions are answered. I ask that all participants kindly do the same. Residents refusing to conduct themselves in a manner befitting this body will be asked to cede the floor, and potentially be escorted from the meeting. I hope I don't have to enforce that rule. Let's work together to address the issues before this body fairly and efficiently.

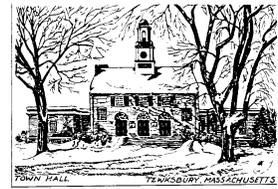
I will accept a motion to move the question, however, I reserve the right to make sure we have had some dialogue about the motion. All questions on the floor are to be directed to the Moderator. If you are amending an article, you must present it to the Town Clerk in writing. We will vote on the amendment first. If the amendment passes it will then become part of the Main Motion and we will discuss it. If the amendment does not pass, then we go back to the Main Motion as it is written in the warrant.

When you came in tonight you were given the warrant with the articles we will be discussing, along with a handout with the Finance Committee recommendations, and a supplemental handout from the Town Manager with detailed explanations for several articles and funds. Scrivener's errors are also noted in that document.



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At this time, please silence your cell phones and ensure your voter ribbon is showing so that counters can easily see it when we do standing counts. Counters – please go to your sections. Ladies and gentlemen – please take note of the counter for your section. When we do a standing count it is important that you pay attention to your counter and sit down once counted – your counter will nod at you when you are counted.

Do we have anyone in the auditorium who is not a registered voter here in Tewksbury? A show of hands please? We welcome you to town meeting and hope that you enjoy this process. Visitors may attend the meeting and sit only in the reserved for visitors' section. Media may sit in the visitors' section or at the press table. For all of you that attend faithfully, I thank you for your continued presence this evening and your commitment to and involvement in this community.

Sitting up here are the various boards of the Town with elected and appointed members including the Select Board, Town Counsel, the Planning Board, the Board of Health, Department Heads, the Finance Committee, the School Committee, Library Trustees, the Shawsheen Tech School Committee, and the Housing Authority.

The Moderator introduced the Chairman of the Finance Committee, Rob Kocsmiersky. Mr. Kocsmiersky will make the first motion on every Article unless the Finance Committee is deferring to another board. Mr. Kocsmiersky motioned to Waive the Reading of the Warrant Articles and this motion was Adopted

7:09 PM 10/3/22

Finance Committee Chairman, Robert Kocsmiersky motioned to allow certain anticipated non-residents to speak on issues, including Assistant Town Manager Steve Sadwick, Fire Chief Joe Kearns, School Business Manager David Libby, DPW Superintendent Brian Gilbert, Town Engineer Kevin Hardiman, Town Counsel Kevin Feeley, Representatives of Weston & Sampson Engineering and others, some of whom may be asked to answer resident questions, and this motion was Adopted.

7:10 PM 10/3/22

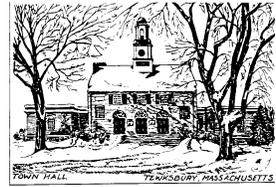
Finance Committee Chairman, Rob Kocsmiersky, motioned to Adjourn the October 3, 2022 Special Town Meeting Sine Die and this motion was Adopted.

8:53 PM 10/3/22



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APPROPRIATION CERTIFICATE – SPECIAL TOWN MEETING – OCTOBER 3, 2022

Chief Assessor, Finance Director, Treasurer, Collector, Town Manager, Board of Selectmen, and Finance Committee:
Pursuant to Section 15A, Chapter 41, Massachusetts General Laws, I hereby certify to the funds appropriated at the Special Town Meeting, convened by proper Warrant, on October 3, 2022.

ARTICLE		RAISE & APPROPRIATE	TRANSFER FROM FREE CASH	BORROW	CPA UNDESIGNATED RESERVE
2	OUTSTANDING FY22 BILLS	126,041.35			
3	INCREASE FY23 DEPARTMENTAL BUDGETS	2,134,335.00			
4	ONE TIME CAPITAL EXPENDITURES		2,600,250.00		
5	DPW/SCHOOL MAINTENANCE FACILITY			26,500,000.00	
6	STABILIZATION FUND		4,336,635.00		
7	SKATE PARK IMPROVEMENTS				25,000.00
TOTALS		2,260,376.35	6,936,885.00	26,500,000.00	25,000.00

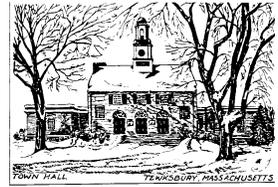
Raise & Appropriate	\$2,260,376.35		
Transfer From Free Cash		\$6,936,885.00	
Borrow			\$26,500,000.00
CPA Undesignated Reserve			\$25,000.00

ATTEST: DENISE GRAFFEO
TOWN CLERK



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ARTICLE 1

To see if the Town will vote to update and fix the salaries of elected officials for the Fiscal Year 2023.

	<u>Current</u>	<u>Proposed</u>
<u>BOARD OF HEALTH</u>		
Chairman	405	3,000
Members	315	2,500
<u>MODERATOR</u>		
	450	1,000
<u>PLANNING BOARD</u>		
Chairman	1,080	3,000
Members	765	2,500
<u>SCHOOL COMMITTEE</u>		
Chairman	2,700	3,000
Members	2,250	2,500
<u>SELECTMEN</u>		
Chairman	5,400	6,000
Members	4,500	5,000

Town Manager

Motion: The Finance Committee motioned to Adopt Article 1

Vote: Article 1 was Adopted 7:11 PM 10/3/22

Executive Summary: The purpose of the article is to fix the salaries of certain elected Town officials.

ARTICLE 2

To see if the Town will vote to raise and appropriate the sum of \$126,041.35 to pay for the following outstanding bills from the previous fiscal year; or take any other action relative thereto.

<u>Unpaid Invoice</u>	<u>Amount</u>
Commonwealth of MA Department of Unemployment Assistance	\$ 119,548.69
Formax	\$ 450.00
Badger Meter	\$ 282.13
Ira Honda 128	\$ 524.63
MHQ Inc.	\$ 5,235.90
Total	\$ 126,041.35

Town Manager

Motion: The Finance Committee motioned to Adopt; Raise and Appropriate \$126,041.35 for the purpose of the Article

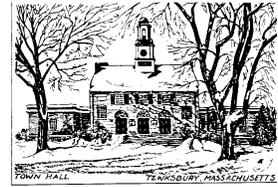
Vote: Article 2 was Adopted Unanimously (9/10 Required) 7:12 PM 10/3/22

Executive Summary: According to M.G.L. c. 44 § 64, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.



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ARTICLE 3

To see if the Town will vote to raise and appropriate funds into the Following FY2023 Departmental Budgets; or take any action related thereto:

<u>Department and Line Item</u>	<u>Account Number</u>	<u>Amount</u>
Moderator Salary	1011141-5103	\$ 550
Board of Selectmen Elected Salaries	1011221-5103	\$ 3,100
Board of Health Elected Salaries	1075101-5103	\$ 13,520
Planning Board Elected Salaries	1011751-5103	\$ 10,595
School Committee Elected Salaries		\$ 1,550
Police Regular Salaries	1042101-5111	\$ 292,000
Police Professional Services	1042102-5310	\$ 53,000
Fire Regular Salaries	1042201-5111	\$ 289,955
Fire Professional Services	1042202-5310	\$ 12,300
Fire Professional Services	1042202-5310	\$ 9,290
Fire Uniforms	1042202-5580	\$ 25,600
DPW Highway Regular Salaries	10640031-5111	\$ 156,615
DPW Engineering		\$ 500,000
DPW Engineering		\$ 250,000
Accounting Munis Software	1011352-5501	\$ 46,422
Computer Services Professional Services	1011362-5310	\$ 68,309
Treasurer Unclassified Principal Maturing Debt	1127102-5910	\$ 80,000
Treasurer Unclassified Interest Maturing Debt	1127512-5915	\$ 321,529
Total		\$ 2,134,335

Town Manager

Motion: The Finance Committee motioned to Adopt; Raise and Appropriate \$2,134,335 for the purpose of the Article

Vote: Article 3 was Adopted Unanimously

7:15 PM

10/3/22

Executive Summary: This article raises and appropriates funds to FY2023 Budgets. The additional funds are available since State and Local revenue will be higher than projected.

ARTICLE 4

To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$2,600,250 to be expended by the Town Manager to fund the following: or take any other action relative thereto

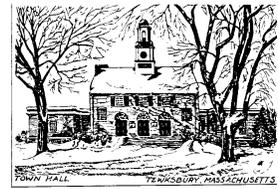
Increase Cost of previously approved DPW Vehicles	\$ 75,000
Fuel Storage Upgrade	\$ 75,000
6 Ton Asphalt Hot Box	\$ 70,000
Prisoner Transport Van for Police Department	\$ 94,847
UTV Vehicle for Police and Fire	\$ 40,000
Police Station Repairs/Upgrades	\$ 85,360
Animal Control Vehicle	\$ 85,043
Library Carpet for Second floor	\$ 75,000
Additional Funding for Bayberry Lane Culvert	\$ 500,000
DPW/School Maintenance Facility	\$ 1,500,000
Total	2,600,250

Town Manager



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Motion: The Finance Committee motioned to Adopt; Transfer \$26,500,000 for the purpose of the Article

Vote: Article 4 was Adopted Unanimously

7:16 PM

10/3/22

Executive Summary: This article transfers funds from certified General Fund Free Cash for specific one-time capital expenditures. The plan is to use Free Cash if it is certified by the Massachusetts Department of Revenue prior to Town Meeting, and if not, the plan will be to use the Stabilization Fund.

ARTICLE 5

To see if the Town will vote to appropriate the sum of \$26,500,000 to be expended by the Town Manager for the cost of design and engineering, construction and furnishing of a new DPW/School Maintenance Facility, and including the payment of all costs incidental and related thereto and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, and, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 7(1) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; or take any action relative thereto. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: That the Town hereby appropriates the sum of \$26,500,000, for the cost of design and engineering, construction and furnishing of a new DPW/School Maintenance Facility, and for the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 7(1) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Town Manager

Motion: The Finance Committee motioned that the Town hereby appropriates the sum of \$26,500,000, for the cost of design and engineering, construction and furnishing of a new DPW/School Maintenance Facility, and for the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 7(1) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Vote: Article 5 was Adopted Yes 162/No 54 (2/3 required = 144)

7:46 PM

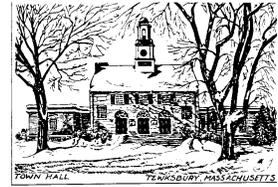
10/3/22

Executive Summary: This article authorizes the Town to borrow funds for the cost to construct a DPW/School Maintenance Facility.



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ARTICLE 6

To see if the Town will vote to transfer the sum of money from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

Town Manager

Motion: Town Manager, Richard Montuori offered an Amendment to Article 6
The Finance Committee motioned to Adopt as Amended; Transfer \$4,336,635 from General Fund Free Cash to the Town Stabilization Fund

Vote:	The Amendment was Adopted Unanimously	7:48 PM	10/3/22
	Article 6 was Adopted as Amended Unanimously	7:52 PM	10/3/22

AMENDMENT: To see if the Town will vote to transfer the sum of ~~money~~ **\$4,336,635** from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

ARTICLE 6 AS AMENDED: To see if the Town will vote to transfer the sum of \$4,336,635 from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

Executive Summary: This article seeks approval to set aside these funds in the Stabilization Fund to be used for future emergencies or one-time purchases or projects.

ARTICLE 7

To see if the Town will vote to appropriate the sum of \$25,000 from the Community Preservation Fund Undesignated Reserve for the purpose of purchasing equipment and upgrading and improving the Skate Park at Saunders Recreation Complex on Livingston Street pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or to take any other action thereto.

Community Preservation Committee

Motion: The Finance Committee motioned to Adopt Article 7; Appropriate \$25,000 from the Community Preservation Fund Undesignated Reserve for the purpose of the Article.

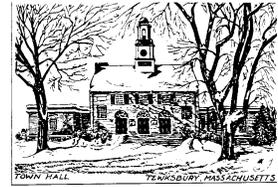
Vote:	Article 7 was Adopted Unanimously	7:53 PM	10/3/22
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Executive Summary: This funding will allow for improvements to the Skate Park at Saunders Recreation Complex on Livingston Street.



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ARTICLE 8

To see if the Town will take the following actions relative to allowing retail marijuana establishments:

- 1) vote to delete the existing Chapter 5.10 in the Town General Bylaws in its entirety and replace it with the following:

Chapter 5.10

MARIJUANA ESTABLISHMENTS

Sections:

- | | |
|-----------------|--|
| 5.10.010 | Purpose |
| 5.10.020 | Definitions |
| 5.10.030 | Medical Marijuana Treatment Centers |
| 5.10.040 | Limits on the Number of Select Board Licenses for Marijuana Retailers |
| 5.10.050 | General Requirements for Marijuana |
| 5.10.060 | Marijuana Establishment Select Board License |
| 5.10.070 | Fines |
| 5.10.080 | Implementation |

5.10.010 Purpose

The intent of this section is to permit Storefront Marijuana Retailers to operate pursuant to local requirements to ensure safe and appropriate implementation to Massachusetts General Laws, Chapter 94G, Section 1 and Chapter 94I, Section 1 and the regulations promulgated thereunder, as they may be amended. If any provisions of this section shall be held to be invalid, those provisions shall be severable and the remaining sections shall be valid.

5.10.020 Definitions

Reference is given to Massachusetts General Laws, Chapter 94G, Section 1 and Chapter 94I, Section 1 and the regulations promulgated thereunder, as they may be amended. In the event there is a conflict between the following definitions and those contained in the foregoing State laws and regulations, the definitions contained in the foregoing State laws and regulations shall govern.

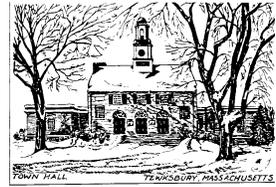
- a. Cannabis Control Commission: the Massachusetts Cannabis Control Commission (CCC);
- b. Hemp: the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana product, or the combined per cent of delta-9- tetrahydrocannabinol and tetrahydrocannabinol acid in any part of the plant of the genus Cannabis regardless of moisture content;
- c. Manufacture: to compound, blend, extract, infuse or otherwise make or prepare Marijuana product;
- d. Marijuana: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of Chapter 94C; provided , however that "Marijuana" shall not include (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the



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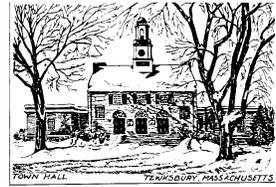
seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) the weight of any other ingredient combined with Marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes Marijuana products except where the context clearly indicates otherwise.

- e. Marijuana Cultivator: an entity licensed by the Cannabis Control Commission to cultivate, process and package Marijuana, to deliver Marijuana to Storefront Marijuana Retailers and to transfer Marijuana to other Marijuana Establishments, but not to consumers;
- f. Marijuana Establishment: A Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Cultivator, Marijuana Independent Testing Laboratory or any other type of Cannabis Control Commission-licensed Marijuana-related business or entity;
- g. Marijuana Establishment Agent: a board member, director, employee, executive, manager or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing or dispensing of Marijuana;
- h. Marijuana Independent Testing Laboratory: an entity licensed by the Cannabis Control Commission that 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 Cannabis Control Commission; (ii) independent financially from any Medical Marijuana Treatment Center or any Cannabis Control Commission licensee or Marijuana Establishment of which it conducts a test; and (iii) qualified to test Marijuana in compliance with 935 CMR 500.160 and M.G.L. chapter 94C, Section 34.
- i. Marijuana Product Manufacturer: an entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package Marijuana and Marijuana Products, to deliver Marijuana and Marijuana Products to Storefront Marijuana Retailers and to transfer Marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers;
- j. Marijuana Products: products that have been manufactured and contain Marijuana or an extract from Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments and tinctures;
- k. Marijuana Retailer: an entity licensed by the Cannabis Control Commission to purchase and deliver Marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell or otherwise transfer Marijuana and Marijuana Products to Marijuana Establishments and to consumers;
- l. Medical Marijuana Treatment Center: an entity that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana- infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use;
- m. Storefront Marijuana Retailer: A Marijuana Retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Massachusetts Medical Use of Marijuana Program.



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5.10.030. Medical Marijuana Treatment Centers

Medical Marijuana Treatment Centers licensed prior to July 1, 2017 may be licensed pursuant to Section 5.10.060 below, as the Select Board may determine in conformity with applicable State and local laws.

5.10.040 Limits on the Number of Select Board Licenses for Marijuana Retailers

The Select Board shall not issue more Storefront Marijuana Retailer licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. Chapter 138, Section 15, as rounded up to the nearest whole number in the event the number is a fraction.

5.10.050 General Requirements for Marijuana

Storefront Marijuana Retailers shall comply with the following requirements:

A. General

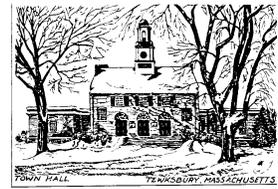
1. Storefront Marijuana Retailers shall comply with applicable State and local laws, regulations, bylaws, codes, conditions and agreements with the Town of Tewksbury, including, but not limited to, M.G.L. Chapter 94G, Chapter 94i, 935 CMR 500, the Town of Tewksbury General Bylaws, the Town of Tewksbury's Zoning Bylaw, all applicable Town building, fire prevention, police and health codes, regulations and standards and any conditions imposed upon licenses and permits held by the Storefront Marijuana Retailers.
2. Storefront Marijuana Retailers shall execute and maintain a Host Community Agreement with the Town of Tewksbury which shall include the conditions for having the Marijuana Establishment within the Town in conformity with all applicable laws. The Town Manager, working with the Select Board, shall coordinate the language and conditions of said agreement for the review and approval of the Select Board.
3. Storefront Marijuana Retailers shall maintain all permits and licenses required by State and local laws, including, but not limited to, a valid current license in good standing from the Cannabis Control Commission. Any voiding of the good standing from the Cannabis Control Commission's license by operation of law (including due to the cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Storefront Marijuana Retailer's Cannabis Control Commission license, shall result in an automatic suspension of the Select Board's license pending hearing or the opportunity therefore afforded to the Storefront Marijuana Retailer.
4. All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the Town from any fee, charge or tax, which balance is at least six (6) months past due.
5. Any Storefront Marijuana Retailer licensee wishing to close a place of business or cease operations, whether on a temporary or permanent basis, may do so only if permitted by State Law and must submit to the Select Board a written request for the Select Board's permission to do so, stating the reason for and length of such closing or inactivity. Failure to provide such notice and to obtain such permission may, after hearing and reasonable opportunity therefor, result in cancellation of the license.



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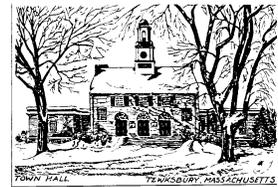
B. Operational Requirements

1. All Storefront Marijuana Retailers' licensed operations shall be conducted within a building or fixed structure.
2. No Storefront Marijuana Retailer shall allow cultivation, processing, manufacture, sale or display of Marijuana or Marijuana Products to be visible from a public place without the use of binoculars, aircraft or other optical aids.
3. Storefront Marijuana Retailers may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Storefront Marijuana Retailer to access the area.
4. No Storefront Marijuana Retailer shall allow any person under 21 years of age to volunteer or work for the Storefront Marijuana Retailer.
5. The hours of operation of the Storefront Marijuana Retailer shall be set by the Select Board. The licensee shall not change the hours of operation without Select Board approval.
6. Storefront Marijuana Retailers shall ensure that their hours and methods of transportation of product shall not be detrimental to the surrounding area and nearby uses.
7. Storefront Marijuana Retailers shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
8. Storefront Marijuana Retailer operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Storefront Marijuana Retailer, or in use of Marijuana in any manner that violates State or local laws.
9. Storefront Marijuana Retailer operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Storefront Marijuana Retailer's premises, electrical lighting, illegal drug activity as defined under State and local laws, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Department Rules and Regulations, queuing of patrons (vehicular and pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists and pedestrians, lewd conduct or police detentions and arrests.
10. Storefront Marijuana Retailers shall equip the premises and other conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.
11. A Storefront Marijuana Retailer shall be required to remove all Marijuana and Marijuana products by the earlier of:
 - a) Prior to surrendering its State-issued license; or
 - b) Within six (6) months of ceasing operations.



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12. Storefront Marijuana Retailers are required to engage in patron age verification using legally- acceptable proof of age as may be further specified by the Select Board license.
13. Storefront Marijuana Retailers shall not sell or offer for sale Marijuana or Marijuana Products in a quantity that exceeds the limits established by 935 CMR 500.
14. Storefront Marijuana Retailers shall not supply Marijuana or Marijuana Products free of charge or in connection with a commercial or promotional endeavor within the Town of Tewksbury. Such endeavors may include, but are not limited to, product “giveaways”, or distribution of Marijuana or Marijuana Products as incentive, prize or bonus in a game, contest or tournament involving skill or chance.
15. Storefront Marijuana Retailers are prohibited from use of on-site self-service displays. Self- service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel and include vending machines.

C. Security-Specific Requirements

1. Storefront Marijuana Retailers shall maintain compliance with any Town Police Department-approved security and public safety plan as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment (related or unrelated to the business or the establishments), providing access to and transfer of video footage from the establishment’s video surveillance system to the Police Department when the Police Department so requests (which request may be made when the Police Department has reason to believe that such footage may be of assistance in an ongoing investigation related or non-related to the business of the establishment), a requirement to connect an alarm system to a third party monitoring system and to notify the Town’s Chief of Police about said third party monitoring system, and any other notifications and security-related measures as may be required by the Police Department and the Select Board.
2. Storefront Marijuana Retailers shall secure every entrance to the Storefront Marijuana Retailers so that access to areas containing Marijuana is restricted to employees and others permitted by the Storefront to access the area and to agents of the Cannabis Control Commission or state and local law enforcement officers and emergency personnel.
3. Storefront Marijuana Retailers shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
4. Storefront Marijuana Retailers shall file an emergency response plan with the Town’s Fire Department, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.

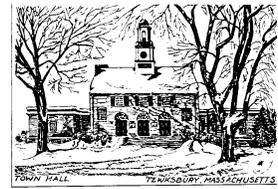
D. Access to Premises and Information/Reporting/Record-Keeping

1. Storefront Marijuana Retailers shall consent to unannounced, unscheduled, periodic inspections of its premises by the Select Board, under the oversight by the Town Manager, as specified in Article 4 of the Tewksbury Home Rule Charter, and agents of the Select Board from the Building, Health, Police and Fire Departments (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sargent or higher) on week-days during normal business hours to determine the Storefront



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Marijuana Retailer's compliance with the requirements of applicable state and local laws, regulations, codes, licenses and permit conditions, and this section. In addition, routine inspections may be made on weekdays during regular town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Storefront Marijuana Retailer. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local laws.

2. Storefront Marijuana Retailers shall cooperate and comply with requests for information made by the Select Board and its agents from the Building, Health, Police, Fire and Public Works Departments.
3. Within twenty-four (24) hours of receipt of notice of it, a Storefront Marijuana Retailer shall file with the Town Manager, Health Agent and Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action issued by the state or federal agency including, but not limited to; the Cannabis Control Commission and the Massachusetts Department of Public Health (DPH) regarding the Marijuana Establishment, the Cannabis Control Commission license, or the DPH Certification of Registration.

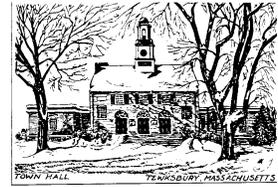
5.10.060 Marijuana Establishment Select Board License

- a. No person shall operate a Storefront Marijuana Retail business or sell Marijuana within the Town unless licensed to do so by the Tewksbury Select Board. Unless the Select Board license states a different duration, a Storefront Marijuana Retailer license shall be valid for a term of one year from the first day of January. Each day of operation without a Select Board license shall constitute a separate violation.
- b. A Select Board license shall be subject to the Storefront Marijuana Retailer's compliance with this General Bylaw and with any conditions placed on the Storefront Marijuana Retailer's license. An applicant's or licensee's violation of this bylaw and applicable State and local laws shall be good cause for and may result in the Select Board's denial of an application or sanction of a license to the extent permitted by law, including but not limited to, the imposition of additional conditions on a license, a reduction or modification of the licensee's approved hours of operations, or a suspension, non-renewal, revocation, forfeiture, or cancellation of a license. No sanction shall be made except after notice and opportunity for hearing.
- c. The Select Board may issue regulations for the implementation of this bylaw.
- d. The Select Board shall specify the process and forms to be used by applicants for new and renewed licenses.
- e. All license applications must contain complete and truthful information. Submission of an application containing material false information may be cause for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Select Board until it is fully complete. Annual license fees shall be payable immediately upon approval of the license by the Select Board. License fees shall not be prorated and are not refundable. Application and license fees shall be in an amount established by the Select Board pursuant to M.G.L, Chapter 40, Section 22F.
- f. No Select Board licensee may transfer a license to another person or entity, or transfer the license or operations to another location, without Select Board approval. A Select Board licensee must obtain Select Board approval for a change to or addition of Board Member, Executive, Director and/or Managers, as may be determined by the Select Board. Any transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Select Board.



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- g. A Select Board licensee must apply for and obtain the approval of the Select Board or its designee prior to making any structural changed to the premises.
- h. The Select Board licensee shall display its license on the premises in a conspicuous place where it can be easily read.
- i. The Select Board or its designee may inspect a Storefront Marijuana Retailer and affiliated vehicles prior to the issuance of a Storefront Marijuana Retailers license or renewal of a license.
- j. All areas of a Storefront Marijuana Retailer Establishment may be subject to inspection consistent with applicable law.
- k. The Select Board may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this bylaw. An applicant’s non-compliance with applicable Massachusetts laws and regulations (including 935 CMR 500), Town bylaws (including this Chapter and applicable sections of the Town of Tewksbury Zoning Bylaw), Town regulations and codes, and any conditions on a license may be cause for denial of an application for a new or renewed Storefront Marijuana Retailer license.

5.10.070 Fines

Any person violating this bylaw shall be fined in the amount of \$100 for each violation. Each day of a continuing violation shall count as a separate violation.

5.10.080 Implementation

This bylaw shall not be implemented in a manner that conflicts or interferes with the Massachusetts General Laws, Chapter 94G or Chapter 94I, or with the regulations promulgated thereunder, including 935 CMR 500.

- 2) Allow for the immediate licensing of retail marijuana establishments upon the passage of this article by Town Meeting.

Select Board

Motion: The Finance Committee motioned to Adopt Article 8
Elizabeth Carey motioned for Indefinite Postponement

Vote: Indefinite Postponement Failed (Yes 43/No 172)
Article 8 was Adopted (Yes 165/No 39)

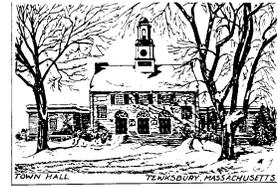
8:11 PM 10/3/22
8:15 PM 10/3/22

Executive Summary: This article establishes the approval process for retail marijuana sales. A retail establishment must follow the State licensing procedures and receive a local license from the Select Board.



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ARTICLE 9

To see if the Town will vote to amend the Tewksbury Zoning Bylaw as follows:

- 1) Delete Section 5.4.2.C.19 which currently reads “Marijuana Retailers. Consistent with G.L. c. 94G, § 3(a)(2), all types of marijuana retailers as defined in G.L. c. 94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited within the Town.”
- 2) Insert new Section 5.7.2.D Retail marijuana sales are authorized in the Interstate Overlay District subject to a license by the Select Board in accordance with Chapter 5.10 of the Town General Bylaws and a site plan review by the Planning Board.
- 3) Amend Section 8.7.2 by adding the following:
 - C. These requirements do not apply to the retail sale of marijuana, which is governed by Chapter 5.10 of the Town General Bylaws.
- 4) Add new use Retail Marijuana Sales in Appendix A: Table of Uses under Section A.4 as follows:

	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
J. RETAIL MARIJUANA SALES	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	N	N

Select Board

Motion: The Finance Committee deferred to the Planning Board
The Planning Board recommended Adoption
Patricia Meuse motioned to Amend the Article

Vote:	The Amendment Failed	8:38 PM	10/3/22
	Article 9 was Adopted Yes 167/No 21 (2/3 Required =126)	8:50 PM	10/3/22

AMENDMENT: Delete South Village Business District from approved districts in the Table of Uses

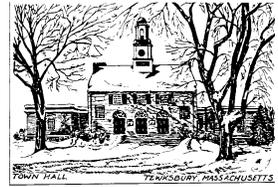
	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
J. RETAIL MARIJUANA SALES	N	N	N	N	N	N	N	N	Y N	Y	N	Y	N	N	N

Executive Summary: This article adjusts the Tewksbury Zoning Bylaw to allow for the retail sale of marijuana by a license through the Select Board and a site plan review approval by the Planning Board. It also establishes the districts that these establishments may exist to include the South Village Business District, the General Business District, the Industrial 2 District and the Interstate Overlay District.



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ARTICLE 10

To see if the Town will vote to impose the local excise on the retail sales of marijuana under G.L. c. 64N, § 3 at the rate of 3.0 percent.

Select Board

Motion: The Finance Committee motioned to Adopt Article 10

Vote: Article 10 was Adopted Unanimously

8:53 PM

10/3/22

Executive Summary: This article allows the Town to impose a local 3% excise tax rate on the sale of retail marijuana.

Finance Committee Chairman, Robert Kocsmiersky, motioned to Adjourn the October 3, 2022 Special Town Meeting Sine Die, and this motion was Adopted.

8:53 PM

10/3/22

RESPECTFULLY SUBMITTED:

DENISE GRAFFEO, TOWN CLERK