

ANNUAL TOWN MEETING

May 23, 2011

Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS:

To either Constable of the Town of Milford in said County,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of the Town of Milford, qualified by law to vote in Town Affairs, to meet in the Upper Hall of the Milford Town Hall, 52 Main Street, on the 23rd day of May, 2011 A.D. at 7:30 P.M. and then and there to act upon the following articles:

ARTICLE 1: To hear and act upon reports of all Town Officers and Committees of the Town.

ARTICLE 2. To see if the Town will vote to amend the Wage and Salary Schedule of the Wage and Salary Administration Plan by establishing new position grades and salary levels, as recommended by the Personnel Board for the Fiscal Year beginning July 1, 2011, as follows:

A. Position Grades – Salaried Positions

<u>GRADE</u>	<u>POSITION TITLE</u>
8	Town Counsel
7	Police Chief
7	Fire Chief
6	Deputy Police Chief
6	Town Engineer
5	Police Lieutenant
5	Town Planner
5	Director of Sewer Operations
5	Assessor/Administrator
4	Health Agent
4	Building Commissioner
4	Town Accountant
4	Assessor/Administrator
3	Parks/Recreation Administrator
3	Community Development Director
2	Senior Center Director
2	Asst. Town Counsel

B. Compensation Schedule – Salaried Positions

<u>GRADE:STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>
8 92,554	95,745	98,935	102,129	105,318
7 86,171	89,362	92,554	95,745	98,935
6 73,403	76,595	79,787	82,978	86,171
5 67,020	70,214	73,403	76,595	79,787
4 60,637	63,832	67,020	70,214	73,403
3 55,530	58,722	61,915	65,107	68,298
2 47,872	51,063	54,254	57,448	60,637
1 35,105	38,299	41,492	44,682	47,872

C. Position Grades - Hourly Rated Positions

<u>GRADE</u>	<u>POSITION TITLE</u>
8	Director, Milford Youth Center
7	Director, Tobacco Control Prog. PT
6	Animal Control Officer
6	Plumbing/Gas Inspector
6	Wiring Inspector
6	Local Building Inspector PT
6	Deputy Plumbing/Gas Inspector PT
6	Deputy Wiring Inspector PT
6	Health Inspector FT
6	Property Rehab Specialist PT
6	Asst. Town Treasurer
6	Admin. Asst./Town Administrator
6	Assistant Director, Milford Youth Center
6	Lister/Data Collector, Board of Assessors
5	Senior Building Custodian
5	Legal Assistant
5	Financial Analyst PT
5	Program Coordinator/Comm. Devel. Office PT/FT
4	Dispatcher/Police PT
4	Asst. Animal Control Officer PT
4	Asst. Zoning Enforce. Officer PT/FT
4	Assistant to Fire Chief
4	Assistant to Police Chief
3	Program Coordinator PT
3	Outreach Coordinator PT
3	Van Driver
3	Legal Secretary
3	Conf.Clerk/Parking Clerk
3	Planning Assistant
2	Coord./Volunteer Srvcs. PT
2	Junior Building Custodian
1	Clerk, Comm. Devel. Office PT/FT
1	Senior Ctr. Reception Clerk PT
1	Transportation Coordinator PT

D. Compensation Schedule - Hourly Rated Positions

<u>GRADE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>
8	21.67	22.96	24.23	25.51	26.78
7	21.06	22.30	23.58	24.86	26.14
6	20.40	21.67	22.96	24.23	25.51
5	19.13	20.40	21.67	22.96	24.23
4	18.49	19.75	21.06	22.30	23.58
3	17.85	19.13	20.41	21.67	22.96
2	16.56	17.85	19.13	20.40	21.67
1	15.31	16.56	17.85	19.13	20.40

E. Hourly Non-Rated Positions

<u>POSITION TITLE</u>	<u>HOURLY RATE</u>
Assistant Pool Manager PT	15.40
Call Firefighter PT \$1200 stipend (plus)	12.99
Cemetery Groundskeeper	16.31
Cemetery Working Foreman	22.41
Clerk of Works/Senior Ctr. PT (temp.)	24.53
Clerk, Tobacco Control Program PT	16.31
Clerks/Seasonal – all Departments	16.31
Clerks/Substitute – all Departments	16.31
Dental Health Specialist PT	16.31
Highway Heavy Equipment Operator (temp.)	20.54
Highway Light Equipment Operator (temp.)	18.45
Highway Seasonal Snow Plow Operator	20.54
Laborers/PPT: Park, Cemetery, etc.	15.71
Laborers/Seasonal/PT: Park Cemetery, etc.	10.26
Matron/Police	16.31
Milford Youth Ctr. Activities Supervisor PT	9.23
Milford Youth Ctr. Athletic Facilitator PT	11.55
Milford Youth Ctr. Concession/Equip. Monitor PT	8.37
Milford Youth Ctr. Front Desk Monitor PT	9.23
Milford Youth Ctr. Health Coordinator	18.72
Milford Youth Ctr. Program Coordinator FT	17.33
Milford Youth Ctr. Program Facilitator PT	11.55
Milford Youth Ctr. Summer Camp Counselor	9.23
Mosquito Spray Applicator PT	15.71
Pool Lifeguard PT	13.89
Pool Manager PT	16.60
School Nurse PT	17.50
Seasonal Workers/Tobacco Control Prog. PT	9.64
Soils Testing Assistant PT	14.49
Transfer Station Attendant PT	15.71
Transfer Station Supervisor PT	16.31
Veterans Agent FT	32.64

F      MISCELLANEOUS POSITIONS                      ANNUAL RATE

Assistant Health Agent PT	\$7,117
Board of Health Physician PT	6,225
Board of Registrars/Chairperson PT	2,573
Board of Registrars/Members PT (2)	2,058
Burial Agent PT	972
Fair Housing Director PT	1,959
Foreign Language Translator	530
Inspector of Animals PT	2,281
Municipal Hearings Officer	2,647
Pest Control Officer PT	3,085
Sealer of Weights and Measures PT	7,896

ELECTION WORKERS; STIPEND PER ELECTION

Election Wardens	155.67
Election Clerks	155.67
Election Deputies	80.95
Election Checkers	68.51
Election Custodian	151.87 per election

CLERKS TO VARIOUS COMMITTEES AND BOARDS (PT)

<u>CLASS</u>	<u>POSITION</u>	<u>ANNUAL RATE</u>
8	Clerk, Finance Committee	\$7,403
7	Unclassified	6,477
6	Minutes Recorder/Board of Selectmen	5,553
5	Clerk, Planning Board	4,627
5	Clerk, Personnel Board	4,627
4	Clerk, Conservation Commission	3,701
4	Clerk, School Building Committee (temp.)	3,701
4	Minutes Recorder/Library Bldg. Committee	3,701
3	Clerk, Board of Health	2,775
3	Clerk, Vernon Grove Cemetery Trustees	2,775
2	Clerk, Park Commission	1,850
2	Clerk, Board of Registrars of Voters	1,850
2	Minutes Recorder/Capital Improvement Committee	1,850
2	Minutes Recorder/ Industrial Development Comm.	1,850
1	Minutes Recorder/Library Board of Trustees	925

An employee whose position is classified as Salaried or Hourly Rated, whose base rate of pay effective as of June 30, 2011, exceeds the maximum pay authorized for his/her position set forth above, shall continue to receive his/her current rate of pay for Fiscal Year 2012, but increased by a factor of two and one-half percent (2.5%).

An employee whose position is classified as Hourly Non Rated, Miscellaneous, Election Worker, or Board Clerk, whose base rate of pay effective as of June 30, 2011, exceeds the maximum pay authorized for his/her position set forth above, shall continue to receive his/her current rate of pay for Fiscal Year 2012, but increased by a factor of one and one-quarter percent (1.25%).

- PT - Part Time
- FT - Full Time
- PPT - Permanent Part Time

or take any other action in relation thereto

(Personnel Board)

ARTICLE 3: I move that the Town vote to fix the salary and compensation of all elected officers of the Town, as provided by Section 108 of Chapter 41 of the General Laws, as follows:

Town Clerk	\$ 73,404
Town Treasurer	79,786
Tax Collector	73,404
Assessor (Chairman)	7,139
Assessor (Members)	6,399
Highway Surveyor	86,170
Tree Warden	6,162
Selectmen (Chairman)	8,229
Selectmen (Members)	7,374
Vernon Grove Trustee (Clerk)	3,461
Board of Health (Chairman)	2,328
Board of Health (Members)	2,034
Sewer Commissioner (Chairman)	2,328
Sewer Commissioner (Members)	2,034
Park Commissioner (Chairman)	2,328
Park Commissioner (Members)	2,034
Planning Board (Chairman)	2,328
Planning Board (Members)	2,034
Moderator	2,238

(Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate such sum or sums of money as may be necessary to defray expenses for the financial year beginning July 1, 2011, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 5: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2011 in accordance with the provisions of General Laws, Chapter 44, Section 4 and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, or take any other action in relation thereto.

(Town Treasurer)

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to take charge of all legal proceedings for or against the Town, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to expend from funds received by the Town as fines for parking violations during Fiscal Year 2012, such sum or sums of money as are necessary to pay the costs and expenses of collecting such fines and otherwise complying with the provisions of Section 20A of Chapter 90 of the General Laws during said fiscal year, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 8: To see if the Town will vote to authorize the Town Treasurer and/or Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2012 pursuant to Chapter 44, Section 53F of the General Laws, or take any other action in relation thereto.

(Town Treasurer)

ARTICLE 9: To see if the Town will vote for Fiscal Year 2012, to authorize any and all departments to utilize, without further appropriation, any amounts received from insurance companies or other third parties as damages or payment for damage to any Town-owned property, for the purpose of repairing or replacing such property, or, as deemed appropriate by the Board of Selectmen, directly depositing such funds to the Municipal Building & Property Insurance Fund established by vote under Article 45 of the June 11, 1990 Annual Town Meeting, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 10: To see if the Town will vote to authorize all persons, boards or agencies of the Town otherwise authorized to contract for or on behalf of the Town, during Fiscal Year 2012 to enter into such contracts or agreements for up to five years, except in the case of contracts or agreements dealing with real estate which may be for up to ten years, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 11: To see if the Town will vote for Fiscal Year 2012, pursuant to Section 4 of Chapter 73 of the Acts of 1986, to approve an additional exemption of up to 100% of the currently allowed exemptions for all eligible real estate tax exemptions under G.L. c.59, Section 5, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 12: To see if the Town will vote to authorize the Town Treasurer to accept deeds in lieu of foreclosure, pursuant to Chapter 60, Section 77C of the Massachusetts General Laws, or take any other action in relation thereto.

(Treasurer)

ARTICLE 13: To see if the Town will vote to authorize revolving funds for certain town departments which departments have previously been authorized, under M.G.L. c. 44, Section E ½, for the fiscal year beginning July 1, 2011, or take any other action in relation thereto.

(Various Departments)

ARTICLE 14: To see if the Town will vote to amend Article 2, FINANCE COMMITTEE, of the General By-laws of the Town by striking therefrom the current Section 3 and replacing said Section with the following new Section 3:

Section 3 (Filling of Vacancies) The Board of Selectmen shall fill any vacancy that may occur in the membership of the Finance Committee caused by death, resignation, removal from town or other causes.

Or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 15: To see if the Town will vote to amend Article 2, FINANCE COMMITTEE, of the General By-laws of the Town by striking therefrom the current Section 1 and replacing said Section with the following Section 1.

Section 1 (Composition: Term of Office) – There shall be a Finance Committee consisting of eleven citizens of the town who shall be sworn to a faithful performance of their duties. No Town Employee or Official, either elected or appointed, shall be eligible to membership on the Finance Committee. For purposes of this by-law a person will not be considered to be a Town Official solely by virtue of being a Town Meeting member.

The Board of Selectmen shall appoint the said eleven citizens, four for a term of one year, four for a term of two years, and three for a term of three years, and annually not later than the first day of July, the Selectmen shall appoint members for a term of three years in place of those whose term shall expire in that year.

If any person so appointed does not within fifteen (15) days thereafter take the oath aforesaid, his office shall therefore become vacant and such vacancy shall forthwith be filled by the Board of Selectmen.

and further, notwithstanding the foregoing, the duly appointed members of the Milford Finance Committee holding office in accordance with the provisions of Article 2 previously in effect, shall continue to serve as the duly constituted Finance Committee until, as a result of death, resignation, removal from Town or other cause, the number of Finance Committee members shall be reduced to eleven, and at such time the Board of Selectmen shall forthwith designate the remaining eleven members to new terms consistent with the schedule set forth in Section 1 of Article 2 of the General By-Laws, as set forth above.

Or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 16: To see if the Town will vote to amend the Zoning Bylaw relating to Residential Uses as follows:

BY ADDING a new footnote #22 in Section 2.3 Use Regulation Schedule for residential uses in the CA Zone as follows:

“ <sup>22</sup> Except that limited residential use may be allowed as per Section 3.15 herein.”

AND BY ADDING after Section 3.14 a new Section 3.15 Limited Residential Uses as follows:

“Section 3.15 Limited Residential Uses – Within the CA Central Commercial district, limited residential uses may be permitted subject to the following standards provided a Special Permit is first obtained from the Planning Board:

3.15.1. Limited residential uses may be permitted only in multi-story buildings fronting on Main Street.

3.15.2 Said residential uses may be allowed only above the second floor, and then only on the uppermost floor. For purposes of this section, the first floor shall be considered the floor at Main Street level.

3.15.3 The maximum number of residential uses shall be limited to two dwelling units.

3.15.4 The maximum number of bedrooms shall be limited to two bedrooms per dwelling unit.

3.15.5 Boarding and rooming house units shall not be permitted on any floor in the same building as limited residential uses permitted under this section.

3.15.6 The applicant shall demonstrate binding legal availability through lease, easement, or other approved method, of two dedicated off-street parking spaces for each unit.

3.15.7 Refuse removal shall not be the responsibility of the town but shall be the responsibility of the applicant/building owner. An applicant shall demonstrate availability of refuse removal services available to occupants, and provide any other relevant documentation in support thereof.

3.15.8 No displays of any kind may be placed upon the exterior of buildings, other than permitted advertising for commercial space.

The Intensity of Use Schedule of Section 2.3 shall not be applicable for limited residential uses as provided for in this section.”

Or take any other action in relation thereto.

(Planning Board)



ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be utilized to fund the cost items in a collective bargaining agreement between the Town of Milford and the Milford Permanent Firefighters Association, Local 2140, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be utilized with funds previously appropriated, to be spent under the jurisdiction of the Board of Selectmen for engineering, consulting and legal expenses looking towards the cleanup of environmental hazards on Town property off of the Charles River Trail behind property of the Benjamin Moore Company and Sumner Realty Trust, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be utilized by the Board of Selectmen to acquire a parcel of land, with structures thereon, shown on Assessors Sheet 34, Lot 93, known and numbered as 26 Dilla Street, and further that said sum may be utilized to demolish said structure or structures thereon and restore the property acquired to a natural state, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 20: To see if the Town will vote to amend the Personnel By-laws of the Town by striking therefrom Section 50.08(A) (B) (C) and replacing same with new sections as follows:

5.08(A): To be eligible for vacation leave, an employee shall have been employed on a permanent, full time basis, for a period of not less than six (6) continuous months.

The vacation year shall be the period January 1 – December 31.

An employee who has resigned or retired within a given vacation year shall be paid for any unused vacation leave accrued during said year.

YEAR 1: For the remainder of the calendar year of an employee's initial hiring, he/she shall accrue one (1) vacation day for each month or part thereof worked, up to a maximum total of ten (10) days during the initial vacation year.

YEAR 2: Each vacation day accrued in Year 1 shall be taken during this year of employment. No additional vacation leave shall be accrued in Year 2.

5.08(B): Vacation leave for subsequent years of continuous employment shall be accrued in accordance with the following schedule, as of January 1<sup>st</sup> :

Upon completion of Two (2) years	10 days
Upon completion of Five (5) years	15 days
Upon completion of Twelve (12) years	20 days
Upon completion of Seventeen (17) years	25 days

Vacation entitlement shall not be cumulative from year to year. Said leave shall be taken within the year it is accrued, unless otherwise authorized under Section 5.08C.

An employee shall be eligible for increased vacation leave, as determined above, upon the actual date of his/her 5<sup>th</sup>, 12<sup>th</sup> and/or 17<sup>th</sup> anniversary of continuous employment, notwithstanding when said date falls within the January-December vacation leave.

5.08(C): Any employee may request, in writing, a carry-over of up to five (5) unused vacation days into the following calendar year. Such request must be submitted in writing thirty (30) days prior to the end of the calendar year, and must be approved by the Department Head and the Personnel Board. Carry-over vacation days must be taken no later than June 30<sup>th</sup> of the new calendar year.

Or take any other action in relation thereto.

(Personnel Board)

ARTICLE 21: To see if the Town will vote to transfer a sum of money, consistent with the funds raised from vending machines in the Milford School District, to be spent under the jurisdiction of the School Committee for purposes of Student Activities not funded in the School Department Budget, or take any other action in relation thereto.

(School Committee)

ARTICLE 22: To see if the Town will vote to seek special legislation, which legislation would make Antonio F. Dinis eligible for appointment as a Police Officer in Milford, notwithstanding his exceeding relevant age limitations, and which legislation would provide substantially as follows:

*Be in enacted, etc., as follows:*

**Section 1.** Notwithstanding Chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age requirement of an applicant for appointment as a Police Officer, the Personnel Administrator of the Human Resources Division shall certify Antonio F. Dinis to be eligible for original appointment to the position of Police Officer in the Town of Milford according to the grade he receives on the examination for Police Officer held on April 30, 2011, notwithstanding the maximum age requirements for such position. If Antonio F. Dinis meets all other requirements thereafter he shall be eligible for certification and appointment to the position of Police Officer in said Milford.

**Section 2.** This act shall take effect upon its passage.

Or take any other action in relation thereto.

(Police Chief)

ARTICLE 23: To see if the Town will vote to amend Section 16 of Article 13 (Use of Sidewalks) of the General By-Laws of the Town of Milford, by striking said Section 16 in its entirety, or take any other action in relation thereto.

(Richard A. Morrison)

ARTICLE 24: To see if the Town will vote to amend Article 13 (Use of streets and sidewalks) Section 16 (Snow removal) of the General By-Laws of the Town of Milford by striking the existing provision and inserting therein in place thereof the following:

Whoever, other than an employee or person in the service of the Commonwealth of Massachusetts or the Town of Milford shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice, or water under conditions where water would be subject to freezing onto or any public way, including sidewalks or public property, or cause, direct, sanction or authorize any such activity involving snow, ice, or water on a public way or public property without the authorization of the Highway Surveyor, the Chief of Police or the Fire Chief shall be subject to a fine of One Hundred Dollars for each violation each calendar day.

Or take any other action in relation thereto.

(Police Chief)

ARTICLE 25: To see if the Town will vote to amend Article 37 of the General By-Laws of the Town, by striking the current Section 4 and replacing it with a new Section 4 entitled "Fee" as follows:

There shall be a fee of fifty dollars (\$50.00) to procure a certificate of registration, which shall be valid as long as the building is owned by the individual(s) or entity to which said certificate was issued. The certificate of registration would expire upon the sale of the building. Renewal of the certificate would be at a fee of \$15. Holders of certificates of registration as of January 1, 2010 would not be required to renew their certificate unless the building has been sold between that date and the date this change is adopted by Town Meeting. A certificate of registration will expire upon the sale or transfer of the building. The fee for renewal of a certificate shall be \$15.00, or take any other action in relation thereto.

(Richard A. Morrison)

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to acquire the necessary parcels and/or rights in land for the purpose of obtaining a secure and public right of way so as to allow for the construction of signal, intersection, roadway and sidewalk improvements at six intersections along route 15 (East Main Street and Main Street) which acquisitions will include thirty permanent easements and sixty-eight temporary construction easements; and further that the Board of Selectmen be authorized to acquire said parcels and/or rights in land by any legal means including the acceptance of gifts, purchase, or taking by eminent domain and which parcels are currently identified on plans drafted by Vanasse, Hangen & Brustin, Inc. entitled "Traffic Signal & Intersection Improvements of Main/East Main Street (Route 16) in the Town of Milford – Right of Way Plans", and further to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$200,000.00 to pay the costs of damages thereof and other associated legal and recording fees, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 27: To see if the Town will vote to raise and appropriate or transfer from available funds, \$25,000.00 to be utilized by the Board of Selectmen for consultant services to produce engineering drawings, plans, and specifications associated with FY 2012 CDBG Grant Applications, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 28: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$25,000.00, said sum to be added to the Veterans Department Fiscal Year 2011 budget, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 29: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$49,818.00 to be added to the Fiscal Year 2011 Hydrant Account #5296, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 30: To see if the Town will vote to amend Article V – Flood Plain District of the Zoning Bylaw as follows:

BY ADDING in the first paragraph of Section 5.3.2 Special Permits the following words to the end of the first sentence: “, except in cases where the Planning Board has conducted a review similar to that required by this section and has granted its approval for such construction under its regulations no such Special Permit is required.”

AND BY REPLACING in the second sentence of the first paragraph of Section 5.3.2 Special Permits the words “Said Board” with the words “The Zoning Board of Appeals”.

AND BY DELETING the first paragraph of Section 5.2 District Delineation and adopting in lieu thereof the following new paragraph:

“The Flood Plain District includes all special flood hazard areas within the Town of Milford designated as Zone A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Milford are panel numbers 25027C0858E, 25027C0859E, 25027C0862E, 25027C0864E, 25027C0866E, 25027C0867E, 25027C0868E, 25027C0869E, 25027C0888E, 25027C1032E and 25027C1055E dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner and the Office of Planning and Engineering.”

AND BY DELETING Section 5.3 Use Regulations in its entirety and adopting in lieu thereof the following new Section 5.3:

“Section 5.3 Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a) The section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- b) The Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c) The Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and,
- d) The Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

AND IN ADDITION BY DELETING the last sentence of Section 5.3.2(d).

AND FURTHER IN ADDITION BY DELETING Section 5.3.2(e) in its entirety and renumbering Section 5.3.2(f) as Section 5.3.2(e), or take any other action in relation thereto.

(Planning Board)

ARTICLE 31: To see if the Town will vote in accordance with Section 3A of Chapter 64G of the General Laws, to increase the local excise tax imposed upon the transfer of occupancy of any room or rooms in any hotel, lodging house, or motel, from four (4%) percent of the total amount of rent for each such occupancy, as voted by the Town under Article 41 of the June 6, 1988 Annual Town Meeting, to six (6%) percent of said total, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 32: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$20,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of Storm Water Management compliance, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 33: To see if the Town will vote, as authorized by Chapter 256 of the Acts of 2010, authorized as G.L. c. 6, § 172 B ½, to enact the following by-law, to be designated as Section 4 of Article 7 of the General By-Laws of the Town, enabling the Milford Police Department to conduct State and Federal finger print based criminal history checks for individuals applying for or in possession of certain licenses including, but not limited to, those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, and Hackney Drivers, and to adopt appropriate policies and procedures to effectuate the purposes of this by-law, and which by-law would provide in full as follows:

Section 4. Criminal History Check Authorization.

The Police Department may conduct State and Federal fingerprint based criminal history check for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, and Hackney Drivers.

An applicant, employee or volunteer seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints to be taken by the Police Department.

Upon receipt of the fingerprints the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB), The State Police will compare the subject's fingerprints against its criminal file DNA then submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national records. The results of the FBI Check will be returned to the State Police, which will then disseminate the state and national results back to the Police Department.

In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of, or is under pending indictment for, a crime, which bears upon his/her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or threat of force, controlled substances, or was a sex-related offense.

A record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact CHSB for a state record or the FBI for records from other jurisdictions maintained in its file.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law, or take any other action in relation thereto.

(Police Chief)

ARTICLE 34: To see if the Town will vote to establish a Sewer Stabilization Fund and, in addition, transfer a sum of money to such newly established fund, or take any other action in relation thereto.

(Town Treasurer)

ARTICLE 35: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized by the Board of Park Commissioners for the installation of a gravel packed well and pump station at the Fino Field pool, for utilization to provide water for pool operation and also for irrigation at Fino Field and Votolato Field, or take any other action in relation thereto.

(Board of Park Commissioners)

ARTICLE 36: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be spent under the jurisdiction of the Vernon Grove Cemetery Trustees for the purpose of laying out the remaining lots within the Vernon Grove Cemetery property, or take any other action in relation thereto.

(Vernon Grove Cemetery Trustees)

ARTICLE 37: To see if the Town will vote to close out certain Special Article Accounts to the General Funds of the Town, or take any other action in relation thereto.

(Town Accountant)

ARTICLE 38: To see if the Town will vote to transfer funds between certain line items voted under Article 4 of the June 14, 2010 Annual Town Meeting for the purpose of making funds available in line item accounts not sufficiently funded through the end of Fiscal Year 2011, or take any other action in relation thereto.

(Town Accountant)

And you are hereby directed to serve this warrant by posting at least fourteen days before said meeting attested copies of this warrant in ten or more public places located in said Milford.

HEREOF, FAIL NOT, and make due return of this warrant with your doings thereon to the Clerk of said Town at the time of said meeting.

Given under our hands at Milford this            day of            , 2011

MILFORD BOARD OF SELECTMEN

\_\_\_\_\_  
Dino B. DeBartolomeis, Chairman

\_\_\_\_\_  
Brian W. Murray, Esq.

\_\_\_\_\_  
William D. Buckley

A true copy attest:

\_\_\_\_\_  
Thomas J. O'Loughlin, Chief of Police