

ANNUAL TOWN MEETING

May 20, 2013

Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Comcast Cable recorded the Town Meeting. Recorded copies are available at the Office of the Board of Selectmen.

Town Moderator, Michael J. Noferi called the meeting to order at 7:49 pm. The quorum was set at 115 members.

Town Clerk, Amy E. Hennessy Neves swore in newly elected and re-elected members present from the April 30, 2013 Town Election.

The Precinct Captains took attendance and reported 152 Present and 103 Absent, a quorum was attained.

Precinct Captains were asked to give the results of the Special Elections held

By Voice Vote in Precinct 1: Kristen Mara Davis of 20 Grant St. (Elected to a 3 year term)

By Voice Vote in Precinct 7: Mary T. Castrucci of 2 Wood Hill St. (Elected to a 3 year term)

The two newly elected members were also sworn in by Town Clerk, Amy E. Hennessy Neves.

Town Clerk, Amy E. Hennessy Neves read the Warrant and Return of Service.

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

A motion was made to dispense the reading of the warrant...Voice Vote carried.

Town Moderator, Michael Noferi asked for the body's approval for the Town Administrator to sit with the Members at Large, no one objected.

Town Moderator, Michael Noferi asked if there were any Resolutions to present.

RESOLUTION

WHEREAS, the citizens of Milford have learned, with great sorrow and deep regret, of the passing of Richard J. Person;

WHEREAS, Richard J. Person was for over twenty-five (25) years a Town Meeting Member

WHEREAS, Richard J. Person was for six (6) years a member of the Library Trustees;

WHEREAS, Richard J. Person was a member of the School Building Committee;

WHEREAS, Richard J. Person was a member of the Library Renovation Committee;

WHEREAS, Richard J. Person was a member of the Upper Charles Trail Committee

WHEREAS, Richard J. Person served this community faithfully and unselfishly as a loyal and sincere citizen;

THEREFORE, BE IT RESOLVED: that, as a mark of respect, the business of this meeting be suspended while members stand in solemn and silent tribute to his memory, and that a copy of this Resolution be forwarded to his family.

Respectfully submitted,

MILFORD BOARD OF SELECTMEN

William D. Buckley, Chairman

Dino B. DeBartolomeis

Brian W. Murray, Esq.

May 20, 2013

RESOLUTION

WHEREAS, the citizens of Milford have learned, with great sorrow and deep regret, of the passing of Mary M. Zacchilli;

WHEREAS, Mary M. Zacchilli was for many years an elected member of Precinct 2 of the Town Meeting;

WHEREAS, Mary M. Zacchilli served this community faithfully and unselfishly as a loyal and sincere citizen;

THEREFORE, BE IT RESOLVED: that, as a mark of respect, the business of this meeting be suspended while members stand in solemn and silent tribute to her memory, and that a copy of this Resolution be forwarded to her family.

Respectfully submitted,

MILFORD BOARD OF SELECTMEN

William D. Buckley, Chairman

Dino B. DeBartolomeis

Brian W. Murray, Esq.

May 20, 2013

Moderator, Michael J. Noferi then asked if there were any committee reports to be presented.

Marc Schaen, Finance Committee Chairman spoke about his presentation that was not available at Town Meeting but copies can be obtained in the Town Clerk's Office.

B. Greg Johnson, C.I.C. Chairman spoke about his report that was mailed to all Town Meeting Members with the Warrant.

No other reports were presented.

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, 2013, as follows:

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
3	Parks/Recreation Administrator
3	Community Development Director
2	Senior Center Director
2	Asst. Town Counsel

Compensation Schedule – Salaried 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	96293	99613	102932	106255	109572
7	89652	92972	96293	99613	102932
6	76368	79690	83011	86331	89652
5	69727	73050	76368	79690	83011
4	63087	66411	69727	73050	76368
3	57774	61094	64416	67737	71057
2	49806	53126	56446	59769	63087
1	36523	39846	43168	46488	49806

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. Assistant/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	Client Services Coordinator PT
5	Program Coordinator/Comm. Development Office PT/FT
5	Admin. Assistant/Board of Health
4	Dispatcher/Police PT
4	Asst. Animal Control Officer
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	Confidential Clerk/Parking Clerk
3	Planning Assistant
2	Coordinator/Volunteer Services PT
2	Junior Building Custodian
1	Clerk, Community Development 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	22.54	23.87	25.20	26.54	27.85
7	21.90	23.19	24.53	25.85	27.19
6	21.21	22.54	23.87	25.20	26.54
5	19.90	21.21	22.54	23.87	25.20
4	19.22	20.54	21.90	23.19	24.53
3	18.56	19.90	21.22	22.54	23.87
2	17.22	18.56	19.90	21.21	22.54
1	15.92	17.22	18.56	19.90	21.21

E. Hourly Non-Rated Positions

<u>POSITION TITLE</u>	<u>HOURLY RATE</u>
Assistant Pool Manager PT	15.85
Call Firefighter PT \$1200 stipend (plus)	13.37
Cemetery Groundskeeper	16.79

Cemetery Working Foreman	23.07
Clerk of Works/Senior Ctr. PT (temp.)	25.27
Clerk, Tobacco Control Program PT	16.79
Clerks/Seasonal – all Departments	16.79
Clerks/Substitute – all Departments	16.79
Dental Health Specialist PT	16.79
Highway Heavy Equipment Operator (temp.)	21.15
Highway Light Equipment Operator (temp.)	18.99
Highway Seasonal Snow Plow Operator	21.15
Laborers/PPT: Park, Cemetery, etc.	16.18
Laborers/Seasonal/PT: Park Cemetery, etc.	10.56
Matron/Police	16.79
Milford Youth Ctr. Activities Supervisor PT	9.50
Milford Youth Ctr. Athletic Facilitator PT	11.89
Milford Youth Ctr. Concession/Equip. Monitor PT	8.61
Milford Youth Ctr. Front Desk Monitor PT	9.50
Milford Youth Ctr. Health Coordinator	19.28
Milford Youth Ctr. Program Coordinator FT	17.84
Milford Youth Ctr. Program Facilitator PT	11.89
Milford Youth Ctr. Summer Camp Counselor	9.50
Mosquito Spray Applicator PT	16.18
Pool Lifeguard PT	14.30
Pool Manager PT	17.09
School Nurse PT	18.02
Seasonal Workers/Tobacco Control Prog. PT	9.92
Soils Testing Assistant PT	14.91
Transfer Station Attendant PT	16.18
Transfer Station Supervisor PT	16.79
Veterans Agent FT	33.62

F MISCELLANEOUS POSITIONS ANNUAL RATE

Assistant Health Agent PT	\$7332
Board of Health Physician PT	6414
Board of Registrars/Chairperson PT	2650
Board of Registrars/Members PT (2)	2120
Burial Agent PT	1001
Fair Housing Director PT	2018
Foreign Language Translator	546
Inspector of Animals PT	2350
Municipal Hearings Officer	2727
Pest Control Officer PT	3178
Sealer of Weights and Measures PT	8135

ELECTION WORKERS; STIPEND PER ELECTION

Election Wardens	160.36
Election Clerks	160.36
Election Deputies	83.38
Election Checkers	70.57
Election Custodian	156.44 per election

CLERKS TO VARIOUS COMMITTEES AND BOARDS (PT)

CLASS	POSITION	ANNUAL RATE
8	Clerk, Finance Committee	\$7627
7	Unclassified	6673
6	Minutes Recorder/Board of Selectmen	5721
5	Clerk, Planning Board	4767
5	Clerk, Personnel Board	4767
4	Clerk, Conservation Commission	3813
4	Clerk, School Building Committee (temp.)	3813
4	Minutes Recorder/Library Bldg. Committee	3813
3	Clerk, Board of Health	2859
3	Clerk, Vernon Grove Cemetery Trustees	2859
3	Clerk, Capital Improvement Committee	2859
2	Clerk, Park Commission	1906
2	Clerk, Board of Registrars of Voters	1906
2	Clerk, Zoning Board of Appeals	1906
2	Minutes Recorder/Capital Improvement Committee	1906
2	Minutes Recorder/ Industrial Development Comm.	1906
1	Minutes Recorder/Library Board of Trustees	953

An employee in a salaried or hourly rated position, whose base rate of pay effective as of June 30, 2013, 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 2014, but increased by a factor of two percent (2.0%). An employee in an hourly non-rated or miscellaneous position, an election worker, or a clerk to various committees and boards, whose base rate of pay effective as of June 30, 2013, 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 2014, but increased by a factor of one percent (1.0%).

PT - Part Time

FT - Full Time

PPT - Permanent Part Time

Or take any other action in relation thereto

MILFORD PERSONNEL BOARD

A motion was made and seconded to waive the reading of the Motion because the detail is the same as in the Warrant...Voice Vote to waive reading...Voice vote carried.

It was moved: That the Town 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, 2013, as follows:

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5	Director of Sewer Operations
5	Assessor/Administrator
4	Health Agent
4	Building Commissioner
4	Town Accountant
3	Parks/Recreation Administrator
3	Community Development Director
2	Senior Center Director
2	Asst. Town Counsel

Compensation Schedule – Salaried Positions

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6	Health Inspector FT
6	Property Rehab Specialist PT
6	Asst. Town Treasurer
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5	Senior Building Custodian
5	Legal Assistant
5	Financial Analyst PT
5	Client Services Coordinator PT
5	Program Coordinator/Comm. Development Office PT/FT
5	Admin. Assistant/Board of Health
4	Dispatcher/Police PT
4	Asst. Animal Control Officer
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
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3	Clerk, Capital Improvement Committee	2859
2	Clerk, Park Commission	1906
2	Clerk, Board of Registrars of Voters	1906
2	Clerk, Zoning Board of Appeals	1906
2	Minutes Recorder/Capital Improvement Committee	1906
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PT - Part Time

FT - Full Time

PPT - Permanent Part Time

Or take any other action in relation thereto

MILFORD PERSONNEL BOARD

Voice Vote taken on Motion as presented...Voice Vote Carried Unanimously.

ARTICLE 3: To see if the Town will 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	\$ 76,369
Town Treasurer	83,010
Tax Collector	76,369
Assessor (Chairman)	7,282
Assessor (Members)	6,527
Highway Surveyor	89,651
Tree Warden	6,285
Selectmen (Chairman)	8,299
Selectmen (Members)	7,374
Vernon Grove Trustee (Clerk)	3,530
Board of Health (Chairman)	2,375
Board of Health (Members)	2,075
Sewer Commissioner (Chairman)	2,375
Sewer Commissioner (Members)	2,075
Park Commissioner (Chairman)	2,375
Park Commissioner (Members)	2,075
Planning Board (Chairman)	2,375
Planning Board (Members)	2,075
Moderator	2,283

(Board of Selectmen)

A motion was made and seconded to waive the reading of the Motion because the detail is the same as in the Warrant...Voice Vote taken to waive reading...Voice vote carried.

It was Moved: That the Town will 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	\$ 76,369
Town Treasurer	83,010
Tax Collector	76,369
Assessor (Chairman)	7,282
Assessor (Members)	6,527
Highway Surveyor	89,651
Tree Warden	6,285
Selectmen (Chairman)	8,299
Selectmen (Members)	7,374
Vernon Grove Trustee (Clerk)	3,530
Board of Health (Chairman)	2,375
Board of Health (Members)	2,075
Sewer Commissioner (Chairman)	2,375
Sewer Commissioner (Members)	2,075
Park Commissioner (Chairman)	2,375
Park Commissioner (Members)	2,075
Planning Board (Chairman)	2,375
Planning Board (Members)	2,075
Moderator	2,283

(Board of Selectmen)

Voice Vote taken on Motion as presented...Voice Vote Carried Unanimously.

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, 2013, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town Meeting receive the report of the Finance Committee and that the Moderator inquire if any voter wishes to consider any item separately; that is nay voter so wishes he or she shall ask the Moderator to remove this item from the report and when this is done, that the Town vote to raise and appropriate and transfer, where indicated in the report, the amount recommended in the Finance Committee Report as amended and that the meeting shall then consider the items which have been removed from the report by taking up each item individually.

A motion was made and seconded to waive the reading of the article because it is the same as the report that was mailed to all Town Meeting Members. Voice Vote taken to waive the reading...Carried.

Town Moderator, Michael Noferi, asked if there were any member who wished to address any line items on the Finance Committee Report and also on the Addendum that was given to each Town Meeting Member.

(Addendum to Motion Under Article 4 below:)

And further of the total of \$84,275,399 as above, \$3,903.966 shall be raised from the Sewer Enterprise Fund; and further the following amounts to be transferred from certain line items above to the accounts listed as set forth below:

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>	<u>AMOUNT</u>
Other Insurance 194-5740	Liability Claims 8501-4971	\$86,763
Sewer Liability Insurance 440-5740	Liability Claims 8501-4975	\$49,901
On-Street Parking 425-5740	Municipal Building Fund 8500-4971	\$ 400
Employee Health Liability 914-5176	OPEB Liability Fund 8475-4971	\$700,000 *

- In addition, any remaining amount in Dept. 914 Employee Health Liability at the close of Fiscal Year 2014 shall be automatically transferred to the OPEB Liability Fund 8475-4971.

A voice vote was taken on Motion as presented, including Addendum...Voice Vote Carried Unanimously.

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, 2013 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)

It was Moved: That the Town 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, 2013 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.

Moderator Noferi announced the Motion requires a 2/3rd Vote, and he will take a Voice Vote unless not unanimous, then a Standing Vote will be taken.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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.

It was Moved: That the vote to authorize the Board of Selectmen to take charge of all legal proceedings for or against the Town.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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 2014, 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)

It was Moved: That vote to authorize the Board of Selectmen to expend from funds received by the Town as fines for parking violations during Fiscal Year 2014, 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.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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 2014 pursuant to Chapter 44, Section 53F of the General Laws, or take any other action in relation thereto.

(Town Treasurer)

It was Moved: That the Town vote to authorize the Town Treasurer and/or Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2014 pursuant to Chapter 44, Section 53F of the General Laws.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 9: To see if the Town will vote for Fiscal Year 2014, 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)

It was Moved: That the Town vote for Fiscal Year 2014, 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.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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 2014 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)

It was Moved: That the Town 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 2014 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.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

A Motion was then made by Michael Visconti (Pr.8) to Reconsider Article 4.

Voice Vote made on motion to Reconsider Article 4...Defeated.

ARTICLE 11: To see if the Town will vote for Fiscal Year 2014, 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)

It was Moved: That the Town will vote for Fiscal Year 2014, 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.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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.

(Town Treasurer)

It was Moved: That the Town vote to authorize the Town Treasurer to accept deeds in lieu of foreclosure, pursuant to Chapter 60, Section 77C of the Massachusetts General Laws.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 13: 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)

It was Moved: That the Town vote to transfer a sum of money in the amount of \$10,996.81 from the Excess and Deficiency Account to be spent under the jurisdiction of the School Committee for purposes of Student Activities not funded in the School Department budget.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 14: To see if the Town will vote to authorize revolving funds for certain Town Departments which departments have been previously authorized, under M. G.L. c. 44, Section E ½ for the fiscal year beginning July 1, 2013, or take any other action in relation thereto

(Various Departments)

A motion was made and seconded to waive the reading of the Motion because the detail is the same as in the Handout...Voice Vote taken to waive reading...Voice vote carried.

It was Moved: That the Town vote to establish revolving funds for certain Town Departments under M.G.L. c. 44, Section 53E ½ for the fiscal year beginning July 1, 2013 with the specific receipts credited to each fund the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Fund Use FY14	Spending Limit
Council on Aging Van	Council on Aging	Receipts Derived From use on COA van	Defray cost of providing transp. For elderly & Disabled	\$16,000
Lost or Damaged Library Property	Library Trustees	Restitution for damages to & loss of library property	Replacement of lost or damaged property	\$5,000
Zoning Bd. Of Appeals Receipts	ZBA	Receipts from the filing of applications w/the ZBA	Finds to be expended processing of applications Before the ZBA	\$40,000

Youth Commission Operations	Youth Comm.	Receipts, grants & Gifts derived from the operations of the Youth Commission	For the activities of and to defray the costs of providing youth activities & Service	\$150,000
North Purchase Cemetery	Park Commission	Receipts from the operation of the North Purchase Cemetery	To be spent as necessary for the operation of the Cemetery	\$10,000
Commission On Disability Activities	Comm. On Disabilities	All receipts, grants & gifts from the operation of the Comm. On Disabilities	To fund the activities & to defray the costs of providing services	\$5,000

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to continue the review of the Milford Water Company rate increase case and for witness and expert services in relation thereto, or take any other action in relation thereto.

(Legal Department)

It was Moved: That the Town vote to transfer the sum of \$30,000 from the Excess and Deficiency Account to continue the review of the Milford Water Company rate increase case and for witness and expert services in relation thereto.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 16: To see if the Town will vote, in a non-binding resolution, to express its opposition to the siting of a casino in the Town of Milford.

(Richard A. Morrison, et al)

It was moved: That the Town vote, in a non-binding resolution, to express its opposition to the siting of a casino in the Town of Milford.

Reno Deluzio (Pr. 7), Made a motion to Pass Over the Article
 Timothy Spino (Pr.2) Wished to continue debate
 Brian Cormier (Pr.2) Was against passing over
 Rob Mitchell (Pr.2) Was against passing over
 Christian Lavallee (Pr.4) Made a motion to Move the Question, resulting in a standing 2/3rd vote.

*Standing Vote taken...135 For....19 Against.
 Motion to Move the Question...Carried.*

Voice Vote taken on Motion to Pass Over was inconclusive so a Standing Vote was then taken on the Motion to Pass Over the Article.

109 For...42 Against...Motion to Pass Over Article...Carried. Article 16 Passed Over.

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money in the amount of \$75,000 said sum to be added to the Veterans Department fiscal year 2013 budget, or take any other action in relation thereto.

(Veterans Department)

It was Moved: That the Town vote to transfer the sum of \$75,000 from the Excess and Deficiency Account said sum to be added to the Veterans Department fiscal year 2013 budget line item 543-5300.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

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 to hire an architect and/or engineer to provide architectural and/or engineering services and design plans and specifications looking toward the renovations of the Milford Youth Center in the former Armory on Pearl Street, or take any other action in relation thereto.

(Atty. Brian W. Murray)

After debate, a motion was made to Move the Question, requiring a Standing 2/3rd vote.

138 For...17 Against. Motion to Move the Question...Carried.

Voice Vote on Motion as Presented...Voice Vote Carried.

ARTICLE 19: To see if the Town will vote to make the following findings and amend the General By-Laws of the Town as set forth below:

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the Town of Milford in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Town of Milford; and

WHEREAS, the Town of Milford finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and the downgrading of property values; and

WHEREAS, the Town of Milford desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Town recognizes its constitutional duty to interpret, construe, and amend its by-laws to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this by-law to suppress any speech activities protected by the U.S. Constitution or the Massachusetts State Constitution, but to enact a by-law to further the content-neutral governmental interests of the Town, to wit, the controlling of secondary effects of sexually oriented businesses.

(a) *Purpose.* It is the purpose of this by-law to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of Milford, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Town of Milford. The provisions of this by-law have neither the purpose nor effect of imposing a limitation or restriction on the content of, or reasonable access to, any communicative materials or activity, including sexually oriented materials or activity. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or activity protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(b) *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Selectmen, and through the Board to the public at large, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S. Ct. 2219 (2004); *City of Los Angeles vs. Alameda Books, Inc.* 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton vs. Playtime Theatres, Inc.* 475 U.S. 41 (1968), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatres, Inc.* 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972);

and *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Schultz v. City of Cumberland*, 26 F. Supp.2d 1128 (W.D. Wis. 1998), aff'd in part rev'd in part, 228 F.3d 831 (7th Cir. 2000); *Blue Canary Corp. v. City of Milwaukee*, 270 F. 3d 1156 (7th Cir. 2001); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir.1999); *Bigg Wolf Discount Video v. Montgomery County*, 256 F.Supp.2d 385 (D. Md. 2003); *World Wide Video of Washington, Inc. v. City of Spokane*, 277 F. Supp.2d 1143 (E.D. Wash. 2002) (including exhibits cited therein); *County of Cook v. Renaissance Arcade and Bookstore*, 122 Ill. 2d 123 (1988) (including cases cited therein); *World Wide Video of Washington, Inc. v. City of Spokane* 368 F. 3d 1186 (9th Cir. 2004); *181 South, Inc. v. Fischer et al*, 454 F.3d 228 (3rd Cir. 2006); *City of Chicago v. Pooh*

Pah Enterprises Inc., 224 Ill. 2d 390, 3865 N.E. 2d, 133 (2007)(including exhibits and cases cited therein); *Joelner, Fish, Inc. v. Village of Washington Park, Ill.*, 508 F.3d 427 (7th Cir. 2006); *Flanigan's Enterprises, Inc. of Georgia vs. Fulton County, Georgia*, 596 F.3d 1265 (11th Cir. 2010); *Showtime Entertainment, LLC v. Ammendolia et al* ---F. Supp 2d ---, 2012) WL 3518539;

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona – 1979; Minneapolis, Minnesota - 1980; St. Paul Minnesota; Indianapolis, Indiana - 1984; El Paso, Texas - 1986; Bellevue, Washington - 1987; Adams County, Colorado – 1987; Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, Minnesota-1989; Garden Grove, California – 1991; St. Croix County, Wisconsin – 1993; Centralia, Washington - 2004; Los Angeles, "Report to the City Attorney" – 2007; together with studies and summaries of reports, including but not limited to, "Strip Club Testimony" by Kelly Holsopple; "Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses" produced by: Peter R. Hecht, Ph.D. – 1996; Summaries of Key Secondary Effects Reports compiled by Louis F. Comus, III; and National Law Center for Children and Families – Summaries of "SOB Land Use" studies – 2005; "A Comparative Analysis of Infractions in Texas Alcohol Establishments and Adult Entertainment Clubs", James Jarrett et al – 2012; Expert Report of Richard McCleary, Ph.D. in *Illusions-Dallas Private Club, Inc. et al vs. John T. Steen, Jr. et al* C.A. No. 3:04-CV-0201 (U.S. Dist. Ct., Northern District of Texas);

the Town of Milford finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.
- (2) Nudity in combination with consumption of alcohol serves to exacerbate the negative secondary effects of sexually oriented businesses, particularly in relation to the potential for criminal activity.
- (3) Each of the foregoing negative secondary effects constitutes a harm which Milford has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is Milford's rationale for this by-law, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses.

Additionally, Milford's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in Milford. Milford finds that the cases and documentation relied on in this by-law are reasonably believed to be relevant to said secondary effects.

having made the above findings, it is further moved that the Town vote to amend Article 15 of the General By-Laws of the Town by adding a new Section 15 as follows:

Section 15 – Adult Entertainment Establishments and Liquor

The following provisions apply to all Adult Entertainment or Use establishments consisting of an “adult book store”, “adult motion picture theater” and/or an “establishment which displays live nudity for its patrons” as defined by M.G.L. Ch. 40A, § 9A, located within the Town of Milford as permitted under the provisions of the Milford Zoning By-Laws:

1. The Town of Milford shall not grant, or renew, any license for the sale of alcohol for consumption on the premises in accordance with the provisions of M.G.L. Ch. 138 § 12 to any Adult Entertainment or Use establishment, as defined above, as the presence of alcohol is documented to exacerbate negative secondary crime effects related to sexually-oriented businesses.
2. The Town of Milford shall not grant any special licenses for the sale of alcohol for consumption on the premises in accordance with M.G.L. Ch. 138, § 14 to any Adult Entertainment or Use establishment, as defined above, as the presence of alcohol is documented to exacerbate negative crime effects related to sexually oriented businesses.
3. The owners or operators of an Adult Entertainment or Use establishment as defined above shall not allow any patron of such establishment(s) to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons, as the presence of alcohol is documented to exacerbate negative secondary crime effects related to sexually oriented businesses. Violation hereof by a licensee holding a license under M.G.L. Ch. 138, §§12 and/or 14 shall in all respects be deemed to be a material breach of the terms of such license.
4. In addition to any other remedies available in accordance with applicable law, in violation of any provision of this article shall be punished by a fine of not more than \$300, with each day of violation being a separate offense.

or take any other action in relation thereto.

(Board of Selectmen)

A motion was made and seconded to waive the reading of the Article because it is the same as it appears in the Warrant.

Voice Vote Carried...Reading Waived.

It was Moved: That the Town vote to make the following findings and amend the General By-Laws of the Town as set forth below:

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the Town of Milford in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Town of Milford; and

WHEREAS, the Town of Milford finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and the downgrading of property values; and

WHEREAS, the Town of Milford desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Town recognizes its constitutional duty to interpret, construe, and amend its by-laws to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this by-law to suppress any speech activities protected by the U.S. Constitution or the Massachusetts State Constitution, but to enact a by-law to further the content-neutral governmental interests of the Town, to wit, the controlling of secondary effects of sexually oriented businesses.

(a.) *Purpose.* It is the purpose of this by-law to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of Milford, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Town of Milford. The provisions of this by-law have neither the purpose nor effect of imposing a limitation or restriction on the content of, or reasonable access to, any communicative materials or activity, including sexually oriented materials or activity. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or activity protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(b) *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Selectmen, and through the Board to the public at large, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S. Ct. 2219 (2004); *City of Los Angeles vs. Alameda Books, Inc.* 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton vs. Playtime Theatres, Inc.* 475 U.S. 41

(1968), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatres, Inc.* 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972);

and *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Schultz v. City of Cumberland*, 26 F. Supp.2d 1128 (W.D. Wis. 1998), aff'd in part rev'd in part, 228 F.3d 831 (7th Cir. 2000); *Blue Canary Corp. v. City of Milwaukee*, 270 F. 3d 1156 (7th Cir. 2001); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir.1999); *Big Wolf Discount Video v. Montgomery County*, 256 F.Supp.2d 385 (D. Md. 2003); *World Wide Video of Washington, Inc. v. City of Spokane*, 277 F. Supp.2d 1143 (E.D. Wash. 2002) (including exhibits cited therein); *County of Cook v. Renaissance Arcade and Bookstore*, 122 Ill. 2d 123 (1988) (including cases cited therein); *World Wide Video of Washington, Inc. v. City of Spokane* 368 F. 3d 1186 (9th Cir. 2004); *181 South, Inc. v. Fischer et al*, 454 F.3d 228 (3rd Cir. 2006); *City of Chicago v. Pooh Pah Enterprises Inc.* , 224 Ill. 2d 390, 3865 N.E. 2d, 133 (2007)(including exhibits and cases cited therein); *Joelner, Fish, Inc. v. Village of Washington Park, Ill.*, 508 F.3d 427 (7th Cir. 2006); *Flanigan's Enterprises, Inc. of Georgia vs. Fulton County, Georgia*, 596 F.3d 1265 (11th Cir. 2010); *Showtime Entertainment, LLC v. Ammendolia et al* ---F. Supp 2d ---, 2012) WL 3518539;

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona – 1979; Minneapolis, Minnesota - 1980; St. Paul Minnesota; Indianapolis, Indiana - 1984; El Paso, Texas - 1986; Bellevue, Washington - 1987; Adams County, Colorado – 1987; Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, Minnesota-1989; Garden Grove, California – 1991; St. Croix County, Wisconsin – 1993; Centralia, Washington - 2004; Los Angeles, "Report to the City Attorney" – 2007; together with studies and summaries of reports, including but not limited to, "Strip Club Testimony" by Kelly Holsopple; "Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses" produced by: Peter R. Hecht, Phd. – 1996; Summaries of Key Secondary Effects Reports compiled by Louis F. Comus, III; and National Law Center for Children and Families – Summaries of "SOB Land Use" studies – 2005; "A Comparative Analysis of Infractions in Texas Alcohol Establishments and Adult Entertainment Clubs", James Jarrett et al – 2012; Expert Report of Richard McCleary, Ph.D. in *Illusions-Dallas Private Club, Inc. et al vs. John T. Steen, Jr. et al* C.A. No. 3:04-CV-0201 (U.S. Dist. Ct., Northern District of Texas);

the Town of Milford finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.
2. Nudity in combination with consumption of alcohol serves to exacerbate the negative secondary effects of sexually oriented businesses, particularly in relation to the potential for criminal activity.

3. Each of the foregoing negative secondary effects constitutes a harm which Milford has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is Milford's rationale for this by-law, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses.

Additionally, Milford's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in Milford. Milford finds that the cases and documentation relied on in this by-law are reasonably believed to be relevant to said secondary effects.

having made the above findings, it is further moved that the Town vote to amend Article 15 of the General By-Laws of the Town by adding a new Section 15 as follows:

Section 15 – Adult Entertainment Establishments and Liquor

The following provisions apply to all Adult Entertainment or Use establishments consisting of an "adult book store", "adult motion picture theater" and/or an "establishment which displays live nudity for its patrons" as defined by M.G.L. Ch. 40A, § 9A, located within the Town of Milford as permitted under the provisions of the Milford Zoning By-Laws:

1. The Town of Milford shall not grant, or renew, any license for the sale of alcohol for consumption on the premises in accordance with the provisions of M.G.L. Ch. 138 § 12 to any Adult Entertainment or Use establishment, as defined above, as the presence of alcohol is documented to exacerbate negative secondary crime effects related to sexually-oriented businesses.
2. The Town of Milford shall not grant any special licenses for the sale of alcohol for consumption on the premises in accordance with M.G.L. Ch. 138, § 14 to any Adult Entertainment or Use establishment, as defined above, as the presence of alcohol is documented to exacerbate negative crime effects related to sexually oriented businesses.
3. The owners or operators of an Adult Entertainment or Use establishment as defined above shall not allow any patron of such establishment(s) to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons, as the presence of alcohol is documented to exacerbate negative secondary crime effects related to sexually oriented businesses. Violation hereof by a licensee holding a license under M.G.L. Ch. 138, §§12 and/or 14 shall in all respects be deemed to be a material breach of the terms of such license.
4. In addition to any other remedies available in accordance with applicable law, in violation of any provision of this article shall be punished by a fine of not more than \$300, with each day of violation being a separate offense.

After discussion, Jim Flanagan (Pr. 2) Made a Motion to Amend to Art. 19 as follows:

“I move that the Town vote to amend Article 15 of the General By-Laws of the Town to include casinos as follows:

The following provisions apply to all casinos where gambling is permitted; or Adult Entertainment or Use establishments consisting of an “adult book store”, “adult motion picture theatre” and/or an “establishment which displays live nudity for its patrons” as defined by M.G.L. Ch.40A, S. 9A, located within the Town of Milford as permitted under the provisions of the Milford Zoning By-Laws:

1. The Town of Milford shall not grant, or renew, any license for the sale of alcohol for consumption on the premises to any casino; or in accordance with the provisions of M.G.L. Ch.138, S. 12 to any Adult Entertainment or Use establishment, as defined above, as the presence of alcohol is documented to exacerbate secondary crime effects.
2. The Town of Milford shall not grant any special licenses for the sale of alcohol for consumption on the premises to any casino; or in accordance with M.G.L. Ch.138, S.14 to any Adult Entertainment or Use establishments, as defined above, as the presence of alcohol is documented to exacerbate negative crime effects.
3. The owners or operators of a casino; or an Adult Entertainment or Use establishment as defined above shall not allow any patron of such establishment(s) to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons, as the presence of alcohol is documented to exacerbate negative secondary crime effects. Violation hereof by a licensee holding a license under M.G.L. ch.138, SS.12 and/or 14 shall in all respects be deemed to be a material breach of the terms of such license.
4. In addition to any other remedies available in accordance with the applicable law, any violation of any provision of this article shall be punished by a fine of not more than \$300, with each day being a separate offense.

A Voice Vote was taken to accept Amendment as Presented...Amendment to the Motion...Defeated.

Voice Vote on original Motion as Presented...Voice Vote Carried.

ARTICLE 20: To see if the Town will vote to accept for and as a public way a portion of Iadarola Avenue, or take any other action in relation thereto.

(Board of Selectmen)

A Motion and seconded was made to waive the reading of the legal description because it is the same as in the Report of the Selectmen. Voice Vote on motion to waive reading...Carried.

It was moved: That the Town accept as and for a public way a private way known as a portion of Iadarola Avenue, with appurtenant easements, in accordance with the report of the Board of Selectmen dated April 9, 2013 and in accordance with the following description:

Legal Description of a portion of Iadarola Avenue in Milford, County of Worcester, Commonwealth of Massachusetts from Station 21+53.94 to Station 23+91.64, length to be accepted 237.70 feet.

Beginning at an iron rod at the southwesterly corner of a portion of Iadarola Avenue, said iron rod being at the corner of land now or formerly of David A. and Cindy L. Rando and Lot 2 and being the northwesterly corner of the existing public portion of Iadarola Avenue;

THENCE N 00° 19' 05" E a distance of 226.54 feet by said Lot 2 and Lot 3 to a concrete bound at a point of curvature at Lot 4;

THENCE Northerly and easterly and curving to the right along the arc of a curve having a radius of 20.00 feet, a length of 29.53 feet by said Lot 4 to a concrete bound at a point of tangency;

THENCE N 84° 54' 37" E a distance of 32.03 feet by said Lot 4 to a point at the northwest corner of Rock Hill Farm Road;

THENCE S 00° 19' 05" W a distance of 230.68 feet passing through a concrete bound at said Rock Hill Farm Road and Lot 5 to an iron rod at land now or formerly of Albert M. Recchia, said iron rod also being the northeasterly corner of the existing public portion of Iadarola Avenue

THENCE S 69° 43' 18" W a distance of 53.41 feet by said existing Iadarola Avenue to the point of beginning.

Said layout of A Portion of Iadarola Avenue being 50-feet wide and containing an area of 11,817 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

G-1390

LEGAL DESCRIPTION
DRAINAGE EASEMENT
LOT 5 & LOT 9 IADAROLA AVENUE & MADDEN AVENUE
MILFORD, MASSACHUSETTS

March 13, 2013

Beginning at an iron rod at the southwest corner of Lot 5 on the easterly sideline of Iadarola Avenue and at land now or formerly of Albert M. Recchia;

THENCE N 00° 18' 05" E a distance of 21.33 feet by said Iadarola to a point at said Lot 5;

THENCE N 68° 56' 57" E a distance of 102.65 feet through said Lot 5 to a point at Lot 9;

THENCE N 68° 56' 57" E a distance of 121.24 feet through said Lot 9 to a point on the westerly sideline of Madden Avenue;

THENCE S 10° 30' 41" E a distance of 20.34 feet by said Madden Avenue to a drill hole in a stone wall at land now or formerly Joseph and Kristein M. Soares;

THENCE S 68° 56' 57" W a distance of 123.24 feet by said land of Soares to a point at the corner of said Lot 9 and said Lot 5;

THENCE S 68° 56' 57" W a distance of 94.30 feet by said land of Soares and said land of Recchia to a point;

THENCE S 69° 43' 18" W a distance of 10.40 feet by said land of Soares and said land of Recchia to the point of beginning.

Said Drainage Easement contains an area of 4,518 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

G-1390

LEGAL DESCRIPTION
20-FOOT WIDE DRAINAGE EASEMENT
LOT 2 & LOT 3 IADAROLA AVENUE
MILFORD, MASSACHUSETTS

March 13, 2013

Beginning at a point on the westerly sideline of Iadarola Avenue, said point being N 00° 19' 05" E a distance of 122.51 feet from an iron rod on the westerly sideline of said Iadarola Avenue at the corner of land now or formerly of David A. and Cindy L. Rando and Lot 2;

THENCE N 89° 33' 30" W a distance of 95.60 feet bounding through said Lot 2 to a point at land now or formerly of Linda Susan Piscia;

THENCE N 00° 54' 56" E a distance of 10.00 feet along said land of Piscia to a point at Lot 3;

THENCE S 77° 04' 33" W a distance of 15.78 feet along said land of Piscia to a point at Lot 1;

THENCE N 14° 36' 44" W a distance of 14.13 feet along said Lot 1 to a point;

THENCE S 89° 33' 30" E a distance of 114.49 feet bounding through said Lot 3 to a point on said westerly sideline of said Iadarola Avenue;

THENCE S 00° 19' 05" W a distance of 20.00 feet along said westerly sideline of said Iadarola Avenue to the point of beginning.

Said 20-Foot Drainage Easement contains an area of 2,116 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

G-1390

LEGAL DESCRIPTION
DRAINAGE EASEMENT
LOT 7 & LOT 8 MADDEN AVENUE
MILFORD, MASSACHUSETTS

March 13, 2013

Beginning at a point on the easterly sideline of Madden Avenue and Lot 7, said point being S 10° 30' 41" E a distance of 32.35 feet from a concrete bound on said easterly sideline of said Madden Avenue;

THENCE N 56° 11' 08" E a distance of 28.96 feet to a point;

THENCE N 63° 03' 31" E a distance of 82.73 feet to a point;

THENCE N 12° 36' 15" E a distance of 24.24 feet to a point;

THENCE N 76° 09' 52" E a distance of 99.72 feet to a point. The previous four (4) courses bounding through said Lot 7;

THENCE S 54° 37' 04" E a distance of 49.82 feet bounding through said Lot 7 and Lot 8 to a point;

THENCE S 28° 16' 42" E a distance of 86.93 feet bounding through said Lot 8 to a point at land now or formerly of Louis J. and Janet Iadarola;

THENCE S 69° 13' 43" W a distance of 60.97 feet by said land of Iadarola to a point;

THENCE S 69° 44' 42" W a distance of 100.25 feet by said land of Iadarola and land now or formerly of Thomas and Joan M. Clapp to a point;

THENCE N 19° 19' 37" W a distance of 97.58 feet to a point;

THENCE S 63° 03' 31" W a distance of 72.00 feet to a point;

THENCE S 56° 11' 08" W a distance of 36.37 feet to a point on the easterly sideline of said Madden Avenue. The previous three (3) courses bounding through said Lot 8;

THENCE N 10° 30' 41" E a distance of 21.78 feet by said Madden Avenue to the point of beginning.

Said Drainage Easement contains an area of 21,481 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

Voice Vote on Motion as Presented...Voice Vote Carried.

ARTICLE 21: To see if the Town will vote to accept for and as a public way a private way known as Rock Hill Farm Road, or take any other action in relation thereto.

(Board of Selectmen)

A Motion was made and seconded to waive the reading of the legal description because it is the same as in the Report of the Selectmen. Voice Vote on motion to Waive Reading...Carried.

It was Moved: That the Town vote to accept for and as a public way a private way known as Rock Hill Farm Road, with appurtenant easements, in accordance with the report of the Board of Selectmen dated April 9, 2013 and described as follows:

G-1390

LEGAL DESCRIPTION
ROCK HILL FARM ROAD
MILFORD, MASSACHUSETTS

March 13, 2013

Legal Description of Rock Hill Farm Road in Milford, County of Worcester, Commonwealth of Massachusetts from Station 23+91.64 to Station 25+77.97, length to be accepted 186.33 feet.

Beginning at a point on the northerly sideline of Rock Hill Farm Road, said point being at Lot 4 and the northwest corner of R.H.F.R. and the northeast corner of Iadarola Avenue, said point being N 84° 54' 37" E a distance of 32.03 feet from a concrete bound on the northerly sideline of said Iadarola Avenue;

THENCE N 84° 54' 37" E a distance of 181.59 feet by said Lot 4 and Lot 6 to a point, said point being the northwesterly corner of Madden Avenue;

THENCE S 10° 30' 41" E a distance of 68.43 feet by said Madden Avenue to a concrete bound at a point of curvature at Lot 5;

THENCE Northerly and westerly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 29.52 feet along said Lot 5 to a concrete bound at a point of tangency;

THENCE S 84° 54' 37" W a distance of 154.68 feet by Lot 9 and said Lot 5 to a concrete bound at a point of curvature;

THENCE Westerly and southerly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 29.53 feet by said Lot 5 to a concrete bound on the easterly sideline;

THENCE N 00° 19' 05" E a distance of 68.42 feet by said Iadarola Avenue to the point of beginning.

Said layout of Rock Hill Farm Road being 50-feet wide and containing an area of 9,456 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

Voice Vote on Motion as Presented...Voice Vote Carried.

ARTICLE 22: To see if the Town will vote to amend Article 15A General By-Laws of the Town entitled “Dog Control Law” by making the following changes:

- A. Strike Section 2 thereof and insert a new Section 2 as follows:

Section 2 (Complaint of nuisance, investigation) – If any person shall make a complaint in writing to the Board of Selectmen of the Town of Milford that any dog owned or harbored within the limits of the Town is dangerous, or a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen shall, in accordance with G.L. c. 140, Section 157, as amended, cause such complaint to be investigated and may make such order concerning the restraint or disposal of such dog as may be necessary, in accordance with applicable law.

- B. Within Section 4, Section 5, Section 6 and Section 7 of Section 15A replace the phrase “Dog Officer” with the phrase “Animal Control Officer”.

- C. Revise Section 6 so that it shall read in full as follows:

Section 6 (Penalty) – Except for violations of Section 3 which are punishable in accordance with the schedule of fines as set forth therein, any owner or keeper of a dog who shall fail to comply with the provisions of this Article or any order of the Animal Control Officer issued pursuant to this Article, shall be punished by a fine not to exceed Fifty (\$50) Dollars for each offense.

or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to amend Article 15A General By-Laws of the Town entitled “Dog Control Law” by making the following changes:

- A. Strike Section 2 thereof and insert a new Section 2 as follows:

Section 2 (Complaint of nuisance, investigation) – If any person shall make a complaint in writing to the Board of Selectmen of the Town of Milford that any dog owned or harbored within the limits of the Town is dangerous, or a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen shall, in accordance with G.L. c. 140, Section 157, as amended, cause such complaint to be investigated and may make such order concerning the restraint or disposal of such dog as may be necessary, in accordance with applicable law.

B. Within Section 4, Section 5, Section 6 and Section 7 of Section 15A replace the phrase “Dog Officer” with the phrase “Animal Control Officer”.

C. Revise Section 6 so that it shall read in full as follows:

Section 6 (Penalty) – Except for violations of Section 3 which are punishable in accordance with the schedule of fines as set forth therein, any owner or keeper of a dog who shall fail to comply with the provisions of this Article or any order of the Animal Control Officer issued pursuant to this Article, shall be punished by a fine not to exceed Fifty (\$50) Dollars for each offense.

A motion was made and seconded to Waive the Reading of the motion because it is the same as in the Warrant.

Voice Vote Carried...Reading waived.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 23: To see if the Town will vote to amend Section 5:13 of the Milford Personnel By-Laws by the addition of the following: Longevity pay shall also be granted to eligible personnel in the following positions, based upon cumulative years of service in Article 2 positions: \$350 per year (for years 10-14), \$450 per year (for years 15-19), and \$650 per year (for years 20 and thereafter)

Salaried Positions

Deputy Police Chief	Police Lieutenant
Town Engineer	Town Planner
Director of Sewer Operations	Assessor/Administrator
Health Agent	Building Commissioner
Parks/Recreation Administrator	Community Development Director
Senior Center Director	Asst. Town Counsel

Hourly Rated Positions

Director, Youth Commission	Animal Control Officer
Inspector, Plumbing/Gas	Inspector, Wiring
Health Inspector	Lister/Data Collector
Asst. Zoning Enforc. Officer/FT	Senior Building Custodian
Junior Building Custodian	Planning Assistant

or take any other action in relation thereto.

(Personnel Board)

It was Moved: That the Town vote to amend Section 5:13 of the Milford Personnel By-Laws by the addition of the following: Longevity pay shall also be granted to eligible personnel in the following positions, based upon cumulative years of service in Article 2 positions: \$350 per year (for years 10-14), \$450 per year (for years 15-19), and \$650 per year (for years 20 and thereafter)

Salaried Positions

Deputy Police Chief	Police Lieutenant
Town Engineer	Town Planner
Director of Sewer Operations	Assessor/Administrator
Health Agent	Building Commissioner
Parks/Recreation Administrator	Community Development Director
Senior Center Director	Asst. Town Counsel

Hourly Rated Positions

Director, Youth Commission	Animal Control Officer
Inspector, Plumbing/Gas	Inspector, Wiring
Health Inspector	Lister/Data Collector
Asst. Zoning Enforc. Officer/FT	Senior Building Custodian
Junior Building Custodian	Planning Assistant

Voice Vote on Motion as Presented...Voice Vote Carried.

ARTICLE 24: To see if the Town will vote to amend the Milford Zoning By-Laws by amending the Zoning Map as follows:

To change the existing General Residential (RA) district to Neighborhood Commercial B (CB) district, that area owned by JBD Realty, LLC and bounded as follows:

Beginning at a point on the existing RA/CB zone line at land of James J. Tullio, said point being 150 feet easterly of the easterly sideline of East Main Street;

Thence S. 82° 16' 09" E a distance of 96.20 feet along land of said Tullio and land of Joseph A. and Graziela E. Cimino to a point at land of Christopher and Jose Morais;

Thence S 08° 33' 30" W. a distance of 113.61 feet along land of said Morais to a point at land of Louis and Claire Iannitelli;

Thence N 82° 36' 48" W a distance of 95.26 crossing other land of JBD Realty, LLC and along land of Thomas and Jacqueline Kelly;

Thence N 08° 05' 05" E a distance of 114.20 feet along said existing RA/CB zone line to the point of beginning.

Said Parcel contains an area of 10,903 square feet, more or less, to be rezoned.

or take any other action in relation thereto.

(JBD Realty, LLC)

A Motion was made and seconded to Pass Over Article 24.

Voice Vote taken on passing over Article 24...Carried...Article 24 Passed Over.

ARTICLE 25: To see if the Town will vote to transfer the sum of \$129,383.42 from the Town Hall Exterior Painting Account #5122.5241 and in addition thereto appropriate the sum of \$55,000 said total sum to be utilized for replacement of the Town Hall roof, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to transfer the sum of \$129,383.42 from the Town Hall Exterior Painting Account #5122.5241 and further that the Town also vote to transfer the additional sum of \$55,000 from the Excess and Deficiency Account. The total sum of the \$184,383.42 to be utilized for replacement of the Town Hall roof.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 26: To see if the Town will vote to amend the Zoning Bylaw relating to Life Science, Scientific Research, and Wholesale uses as noted hereinafter:

BY ADDING in Section 2.3 Use Regulation Schedule references to Life Sciences Research and Development, Scientific Research and Development, and Wholesale uses as follows:

Section 2.3 Use Regulation Schedule

ACTIVITY OR USE	DISTRICT											
	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>BUSINESS USES</u>												
Life Sciences Research/ Development ¹	O	O	O	O	O	P	O	O	O	P	P	P
Scientific Research/ Development ¹	O	O	O	O	O	P	O	O	O	P	P	P
<u>COMMERCIAL USES</u>												
Wholesaling without storage ¹	O	O	O	O	O	S ²⁴	P	P	P	P	P	P
Wholesaling with storage ¹	O	O	O	O	O	S ²⁴	O	P	P	P	P	P
<u>ACCESSORY USES</u>												

Light manufacturing, fabrication,
production, processing,
assembly, and testing.

O O O O O P O O O P P P

AND BY ADDING in Section 2.3 Use Regulation Schedule the following new Footnote #24:

²⁴ The special permit granting authority shall limit such developments to an area not to exceed 25% of the overall acreage of the contiguous BP zoning district within which it is located.

(The Gutierrez Company)

A Motion was Made and seconded to Pass Over Article 26.

Voice Vote taken on Motion to Pass Over Article 26... Carried...Article 26 Passed Over.

ARTICLE 27: 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 said sum to be utilized by the Board of Selectmen for consultant services to produce engineering drawings, plans and specifications associated with the fiscal year 2014 CDBG Grant Applications, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$25,000 said sum to be utilized by the Board of Selectmen for consultant services to produce engineering drawings, plans and specifications associated with the fiscal year 2014 CDBG Grant Applications.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 28: To see if the Town will vote to establish a Long Term Debt Stabilization Account, pursuant to G.L. c. 40, Section 5B, and further, to raise and appropriate or transfer a sum of money from available funds to be transferred to said new Stabilization Account, or take any other action in relation thereto.

(Finance Committee)

It was Moved: That the Town vote to establish a Capital Project Stabilization Account pursuant to G.L. c. 40, Section 5B, and further, to transfer the sum of \$500,000 from the Excess and Deficiency Account, said sum to be added to said new Stabilization Account.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 29: To see if the Town will vote to accept as and for a public way, a private way known as Madden Avenue, with appurtenant rights and easements, or take any other action in relation thereto.

(Board of Selectmen)

A Motion was made and seconded to Waive the Reading of the legal description because it is the same as in the Report of the Selectmen. Voice Vote on motion to waive reading...Carried.

It was Moved: That the Town vote to accept as and for a public way, a private way known as a portion of Madden Avenue, with appurtenant rights and easements, as easements, as described in the report of the Board of Selectmen dated April 9, 2013 in accordance with the following description:

Legal Description of Madden Avenue in Milford, County of Worcester, Commonwealth of Massachusetts from Station 25+77.97 to Station 27+38.91, length to be accepted 160.94 feet.

Beginning at a drill hole in a stone wall at land now or formerly of Joseph and Kristein M. Soares and Lot 9, said drill hole being at the northwesterly corner of the existing public portion of Madden Avenue;

THENCE N 10° 30' 41" W a distance of 167.85 feet passing through a concrete bound at said Lot 9 and the southeasterly corner of Rock Hill Farm Road to a point at Lot 6;

THENCE N 84° 54' 37" E a distance of 32.03 feet by said Lot 6 and Lot 7 to a concrete bound at a point of curvature;

THENCE Easterly and southerly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 29.52 feet by said Lot 7 to a concrete bound at a point of tangency;

THENCE S 10° 30' 41" E a distance of 135.97 feet by said Lot 7 and Lot 8 to a concrete bound at land now or formerly of Louis J. and Janet Iadarola and land now or formerly of Thomas and Jean M. Clapp, said concrete bound being at the northeasterly corner of said existing public portion of said Madden Avenue;

THENCE S 69° 44' 42" W a distance of 25.37 feet by said existing public portion of said Madden Avenue to a point;

THENCE S 68° 56' 57" W a distance of 25.42 feet by said existing portion of said Madden Avenue to the point of beginning.

Said layout of A Portion of Madden Avenue being 50-feet wide and containing an area of 7,976 square feet, more or less, and is more particularly shown on a plan entitled, "Layout Plan of Rock Hill Farm Road, A Portion of Madden Avenue, and A Portion of Iadarola Avenue in Milford, Massachusetts, Scale: 20 Feet to an Inch, Date: March 13, 2013, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757".

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 30: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Account established under G.L. c. 40, Section 5B, or take any other action in relation thereto, or take any other action in relation thereto.

(Finance Committee)

A Motion was made and seconded to Pass Over Article 30.

A Voice Vote was taken on the Motion to Pass Over Article 30... Carried...Article 30 Passed Over.

ARTICLE 31: 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 earlier appropriated to finalize the litigation with MassDEP and to finalize the remediation efforts in relation to contamination in the area of the bicycle trail off of Sumner Street, or take any other action in relation thereto.

(Legal Department)

It was Moved: That the Town vote to transfer the sum of \$70,000 from the Excess and Deficiency Account, said sum to be utilized with funds earlier appropriated to finalize the litigation with MassDEP and to finalize the remediation efforts in relation to contamination in the area of the bicycle trail off of Sumner Street.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 32: 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 Board of Selectmen to replace the existing ten door frames and doors at the Milford Youth Center with energy efficient hollow metal frames and insulated doors and related safety and energy improvements related thereto, or take any other action in relation thereto.

(Youth Commission)

A motion was made and seconded to Pass Over Article 32.

A Voice Vote was taken on the Motion to Pass Over Article 32... Carried...Article 32 Passed Over.

ARTICLE 33: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to remove and replace the flat roof at the Milford Youth Center with an energy efficient roofing system, or take any other action in relation thereto.

(Youth Commission)

A motion was made and seconded to Pass Over Article 33.

A Voice Vote was taken on the Motion to Pass Over Article 33... Carried...Article 33 Passed Over.

ARTICLE 34: To see if the Town will vote to transfer additional funds to the Sewer Stabilization Fund, or take any other action in relation thereto.

(Town Treasurer)

It was Moved: That the Town vote to transfer the sum of \$304,888.91 from Account No. 6000-3190, said sum to be transferred to the Sewer Dept. Stabilization Fund.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 35: To see if the Town will vote to accept as and for a public way a portion of Broad Street, or take any other action in relation thereto.

(Board of Selectmen)

A Motion was made and seconded to Waive the Reading of the legal description because it is the same as in the Report of the Selectmen. Voice Vote on Motion to Waive Reading...Carried.

It was Moved: That the Town vote to accept as and for public way a private way known as a portion of Broad Street, with appurtenant easements, in accordance with the report of the Board of Selectmen dated April 9, 2013 and described therein as follows:

Legal Description of Broad Street from Station 6+56.10 to Station 8+06.10. Length to be accepted 150.00 feet.

Beginning at a railroad spike on the easterly sideline of Broad Street at land now or formerly of Paul Mancuso and land now or formerly of Samuel J. and Martha A. Mancuso, said spike being the southeasterly corner of the existing portion of Broad Street;

THENCE S 27° 06' 50" E a distance of 150.00 feet by said land of Samuel J. and Martha A. Mancuso to a point at land now or formerly of Inhabitants of the Town of Milford;

THENCE S 62° 53' 10" W a distance of 40.00 feet by said land of Inhabitants of the Town of Milford to a point at land now or formerly of Lawrence F. Bonetti;

THENCE N 27° 06' 50" W a distance of 150.00 feet along said land of Bonetti, land now or formerly of Inhabitants of the Town of Milford, other land now or formerly of Lawrence F. Bonetti, and other land now or formerly of Inhabitants of the Town of Milford to a concrete bound on said southerly sideline of the existing portion of said Broad Street, said point being the southwesterly corner of the existing portion of said Broad Street;

THENCE N 62° 53' 10" E a distance of 40.00 feet along said southerly sideline of the existing portion of said Broad Street to the point of beginning.

Said layout of Broad Street being forty (40) feet wide and containing an area of 6,000 square feet, more or less and is more particularly shown on a plan entitled: "Layout Plan of a Portion of Broad Street in Milford, MA, By: Board of Selectmen, Owner: Inhabitants of the Town of Milford, Scale: 20 feet to an Inch, Date: March 23, 2010, Prepared By: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 10757".

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 36: To see if the Town will vote to accept by and for a public way a private way known as Diego Drive, or take any other action in relation thereto.

(Board of Selectmen)

A Motion was made and seconded to Pass Over Article 36.

A Voice Vote was taken on the Motion to Pass Over Article 36... Carried...Article 36 Passed Over.

ARTICLE 37: To see if the Town will vote to transfer a sum of money from the Debt Reserve to be added to the Stabilization Fund established under G.L. c. 40, Section 5B, or take any other action in relation thereto.

(Town Treasurer)

It was Moved: That the Town vote to transfer the sum of \$620,515.85 to be added to the Stabilization Fund established under G.L. c. 40, Section 5B, \$376,136.85 of said sum to be transferred from Account No. 1000-3720 with the balance of \$244,379 to be transferred from Account No. 1000-3271.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 38: To see if the Town will vote to amend the Zoning Bylaw relating to Medical Marijuana Treatment Centers as noted hereinafter:

BY ADDING in Article IV Definitions a definition for Medical Marijuana Treatment Centers as follows:

Medical Marijuana Treatment Center - A not-for-profit entity, as defined by Massachusetts law only, duly registered by the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

AND BY ADDING in Section 2.3 Use Regulation Schedule a reference to Medical Marijuana Treatment Centers as follows:

Section 2.3 Use Regulation Schedule

ACTIVITY OR USE	DISTRICT											
	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>OTHER PRINCIPAL USES</u>												
Medical Marijuana Treatment Center ^{1,23}	O	O	O	O	O	O	O	O	O	O	A	A

AND IN ADDITION by adding in Section 2.3 Use Regulation Schedule the following new Footnote #23:

²³ No Medical Marijuana Treatment Center shall be located within 200 feet of a Residential Zone, dwelling unit, school, place of worship, church, park, playground, or youth center. Measurements to determine the 200' separation shall be taken from property lines. Where any portion of a lot is within a required separation, the entire lot shall be considered to be within the required separation.

(Board of Selectmen)

A Motion was made and seconded to Waive the Reading of the Article because the wording is the same as it appears in the Warrant.

Voice Vote taken on Motion to Waive Reading...Carried.

It was Moved: That the Town vote to amend the Zoning Bylaw relating to Medical Marijuana Treatment Centers as noted hereinafter:

BY ADDING in Article IV Definitions a definition for Medical Marijuana Treatment Centers as follows:

Medical Marijuana Treatment Center - A not-for-profit entity, as defined by Massachusetts law only, duly registered by the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

AND BY ADDING in Section 2.3 Use Regulation Schedule a reference to Medical Marijuana Treatment Centers as follows:

Section 2.3 Use Regulation Schedule

ACTIVITY OR USE	DISTRICT											
	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>OTHER PRINCIPAL USES</u>												
Medical Marijuana Treatment Center ^{1,23}	O	O	O	O	O	O	O	O	O	O	A	A

AND IN ADDITION by adding in Section 2.3 Use Regulation Schedule the following new Footnote #23:

²³ No Medical Marijuana Treatment Center shall be located within 200 feet of a Residential Zone, dwelling unit, school, place of worship, church, park, playground, or youth center. Measurements to determine the 200' separation shall be taken from property lines. Where any portion of a lot is within a required separation, the entire lot shall be considered to be within the required separation.



PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET
634-2317

Joseph Calagione
John H. Cook
Patrick J. Kennelly
Marble Mainini, III
Lena McCarthy

Planning Board Report on Article 38 May 20, 2013 Annual Town Meeting

TO: Town Meeting Members
FROM: Planning Board
DATE: May 20, 2013
SUBJECT: Article 38: Zoning Bylaw Amendment re Medical Marijuana Treatment Centers

Pursuant to M.G.L. Chapter 40A, Section 5, the Milford Planning Board conducted a duly posted and noticed Public Hearing on February 5, 2013 regarding the subject of Article 38, at which time it voted 3 to 2 to make an unfavorable recommendation to Town Meeting.

Article 38 would establish provisions for Medical Marijuana Treatment Centers by revising the permitted uses in Section 2.3 Use Regulation Schedule, by adding a new footnote #23 to said Section 2.3 providing for location standards for such Centers, and by adding a new definition for such Centers in Section 4.1 Definitions.

In so voting the Planning Board expressed its overall support of the proposed amendment, but for the special permit granting authority as designated. The Board feels the special permit granting authority should be the Planning Board, rather than the Zoning Board of Appeals as proposed.

Therefore, the Planning Board does not support the adoption of Article 38 as currently printed in the Warrant.

A Motion was made by Greg Johnson (Pr.3) to Amend Article 38 as follows:

“ARTICLE 38: To see if the Town will vote to amend the Zoning Bylaw relating to Medical Marijuana Treatment Centers as noted hereinafter:

BY ADDING in Article IV Definitions a definition for Medical Marijuana Treatment Centers as follows:

Medical Marijuana Treatment Center - A not-for-profit entity, as defined by Massachusetts law only, duly registered by the Massachusetts Department of Public Health, that ~~acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, or transports, sells, distributes, dispenses, or administers~~ marijuana or products containing marijuana, ~~related supplies, or educational materials~~ to qualifying patients or their personal caregivers.

AND BY ADDING in Section 2.3 Use Regulation Schedule a reference to Medical Marijuana Treatment Centers as follows:

Section 2.3 Use Regulation Schedule

ACTIVITY OR USE	DISTRICT											
	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>OTHER PRINCIPAL USES</u>												
Medical Marijuana Treatment Center ^{1,23}	O	O	O	O	O	O	O	O	O	O	O	A A

AND IN ADDITION by adding in Section 2.3 Use Regulation Schedule the following new Footnote #23:

²³ No Medical Marijuana Treatment Center shall be located within 200 feet of a Residential Zone, dwelling unit, school, place of worship, church, park, playground, or youth center. Measurements to determine the 200’ separation shall be taken from property lines. Where any portion of a lot is within a required separation, the entire lot shall be considered to be within the required separation.”

A Voice Vote was taken to accept Amendment to the Motion...Amendment Defeated.

A Motion was made by Christian Lavalley (Pr.4) to Table the Article. A Voice Vote was taken to Motion to Table the Article...Defeated.

A Motion was made by Michael Soares (Pr. 6) to Pass Over the Article. A Voice Vote was taken on the Motion to Pass Over the Article...Defeated.

A Standing 2/3rd Vote was taken on the original Motion as presented...114 For...21 Against...

Necessary 2/3rd Vote Acquired... Motion Carried.

ARTICLE 39: To see if the Town will vote to amend the General By-Laws of the Town by inserting a new Article 38 to be entitled “Sex Offender Restrictions” and which would provide in full as follows:

SEX OFFENDER RESTRICTIONS

SECTION 1. FINDINGS AND INTENT

- A. It is the intent of this by-law to serve and to protect the compelling interest of the Town of Milford to promote, protect and improve the health, safety and welfare of the people within the Town by creating areas around locations where children, elderly and people with an intellectual or physical disability congregate and wherein certain registered sex offenders are prohibited from loitering or establishing temporary or permanent residence.
- B. After careful consideration, the Town finds that this by-law is the most narrowly tailored means to exercise a compelling governmental interest to protect the health and safety of children, the elderly and the people with an intellectual or physical disability by limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach, interact with or otherwise come in contact with children, the elderly or people with an intellectual disability at places and locations where children, the elderly and the person with an intellectual disability would congregate.
- C. By the enactment of this or any other by-law, the Town understands that it cannot remove the threat posed to or guarantee the safety of children, the elderly and the person with an intellectual or physical disability, or assure the public that registered sex offenders will comply with the mandates of this by-law. The intent of this by-law is to protect children, the elderly and people with an intellectual disability to the extent possible under the circumstances.
- D. Registered sex offenders pose a clear threat to children, the elderly and people with an intellectual or physical disability as vulnerable groups residing in or visiting the Town because registered sex offenders are more likely than any other type of offender to re-offend by committing another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting children, the elderly and people with an intellectual or physical disability. The purpose of this by-law is to mitigate the potential risk of harm to children, the elderly and people with an intellectual or physical disability within the Milford community by deterring the ability of registered sex offenders to be in contact with children, the elderly and people with an intellectual or physical disability in locations that are primarily designed for use by children, the elderly or people with an intellectual or physical disability, namely the grounds of public and private schools for children, centers or facilities that provide day care or children’s services, public parks, elderly housing facilities, facilities for persons with an intellectual or physical disability or public libraries. The Town desires to add location restrictions to sex offenders to the extent where State law is silent.

SECTION 2. DEFINITIONS

CHILD OR CHILDREN:

Person or persons under eighteen (18) years of age.

DAY-CARE CENTER OR FACILITY:

Any establishment, whether public or private which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.

ELDER OR ELDERLY:

Person or persons over sixty (60) years of age.

ELDERLY HOUSING FACILITY:

Includes any building which provides a group residence for the elderly containing four or more dwelling units and is located within the Town of Milford.

GENDER PRONOUN USAGE:

The use of a particular gender pronoun in this by-law shall refer equally to males and females.

LIBRARY:

A public library operated or authorized by the Town of Milford.

LOITERING:

To stand, sit or otherwise remain, whether in a vehicle or not, for more than fifteen (15) minutes within a two hundred and fifty (250) foot distance of any school, day-care center, park, recreational facility, elderly housing facility, facility for the person with an intellectual disability or library as defined in Section 2.; provided, however, that the prohibition contained in this section shall not apply to any Level 3 offender to the extent and in the manner such Level 3 offender is already governed by M.G.L. c. 6 s. 178K(2)(e).

PERSON OR PEOPLE WITH AN INTELLECTUAL DISABILITY – FACILITY FOR:

Includes facilities under the jurisdiction of the Massachusetts Department of Developmental Services located within the Town of Milford.

PERSON OR PEOPLE WITH AN INTELLECTUAL DISABILITY:

Pursuant to M.G.L. c. 123B s. 1, a person with an intellectual disability is a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the Massachusetts Department of Developmental Services, is substantially limited in the person's ability to function in the community.; provided, however, that a person with an intellectual disability may be considered mentally ill; provided further, that no person with an intellectual disability shall be considered mentally ill solely by virtue of the person's intellectual disability.

PERSON OR PEOPLE WITH A PHYSICAL DISABILITY – FACILITY FOR:

Includes facilities under the jurisdiction of the Massachusetts Rehabilitation Commission located within the Town of Milford.

PERSON OR PEOPLE WITH A PHYSICAL DISABILITY:

Pursuant to M.G.L. c. 19C s. 1, a disabled person is a person between the ages of eighteen to fifty-nine, inclusive, who is a person with an intellectual disability as defined by section 1 of chapter 123B, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

MINOR:

Any person or persons under the age of eighteen (18) years.

ORGANIZED YOUTH ACTIVITY:

Any activity organized by a non-profit as defined in Massachusetts General Laws, Chapter 180, to provide activities for minors, children and youths.

PARK:

Includes parks, playgrounds, and land designated for recreational or athletic use under the jurisdiction of the Town of Milford Parks Department.

REGISTERED SEX OFFENDER:

For the purposes of this By-Law, Registered Sex Offender shall mean: (a) any person who is designated as a sexually violent predator pursuant to Chapter 6, s. 178K(2)(c) or the Massachusetts General Laws and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; (b) any person who is required to register as a sex offender pursuant to Chapter 6 s. 178C of the Massachusetts General Laws and who, for so long as such person is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board; and (c) any person who, is required to register as a sex offender pursuant to Chapter 6, s. 178C of the Massachusetts General Laws, who, for so long as such person is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry Board, and who has committed a sex offence against a child, and elder and/or person with an intellectual disability person.

RESIDENCE – ESTABLISHING:

To set up or bring into being a dwelling place or abode where a person sleeps, which may include one or more than one location, and may be mobile or transitory, by means of purchasing real property or entering into a lease or rental agreement for real property, to include but not be limited to a tenancy at free will or a renewal or extension or a prior agreement whether through written execution or automatic renewal.

RESIDENCE - PERMANENT:

A place where a person lives, abides, lodges or resides for five (5) consecutive days or fourteen (14) days in the aggregate within any calendar year.

RESIDENCE – TEMPORARY:

A place where a person lives, abides, lodges or resides for a period of less than five (5) consecutive days or less than fourteen (14) days in the aggregate within any calendar year, which

is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence; but "temporary residence," shall include residence at a hospital or other health care or medical facility for less than five (5) consecutive days or less than fourteen (14) days in the aggregate within any calendar year

SCHOOL:

Any public or private educational facility that provides educational instruction to children in grades Pre-Kindergarten (Pre-K) through the twelfth grade (12).

SCHOOL BUS STOP:

Any area designated by the Milford Public Schools as a school bus stop.

SEX OFFENDER, SEX OFFENSE OR SEXUALLY VIOLENT OFFENSE:

The same definition and meanings as provided in M.G.L. c. 6 s. 178C, as amended.

TOWN LIBRARY:

The public library owned and operated by the Town of Milford.

YOUTH:

Person or persons under eighteen (18) years of age.

SECTION 3. RESIDENCY RESTRICTIONS

A. **PROHIBITION:** A registered sex offender is prohibited from establishing a permanent residence or a temporary residence within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library as defined in Section 2.; provided, however, that the prohibition contained in this section shall not apply to any Level 3 offender only to the extent and in the manner such Level 3 offender is already governed by M.G.L. c. 6 s. 178K(2)(e).

B. **EVIDENTIARY MATTERS – MEASUREMENTS:**

For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library.

C. **EXCEPTIONS:**

A registered sex offender residing within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library does not commit a violation of this section if any of the following apply:

- 1) The registered sex offender established a permanent residence prior to the effective date of this chapter, and:

- (a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P; or
 - (b) Permanent residence was established through a valid, fixed term, written lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P; or
 - (c) Permanent residence was established through a verbal lease or tenant at will rental agreement, as long as the registered sex offender continues to reside within and does not move to another restricted location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P.
- 2) The registered sex offender is a minor living with his parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established permanent residence pursuant to Section 3(C)(1).
 - 3) The school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library located within two hundred and fifty (250) feet for the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence.

D. FORFEIT OF EXCEPTION:

If, either after the effective date of this by-law or after a new school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library opens, a sex offender, otherwise enjoying an exception under Section 3(C), is convicted for commission of a sex offense as defined in this by-law and M.G.L. c. 6 s. 178C, he will immediately forfeit that exception and will be required to comply with the provisions of Section 3(A) of the by-law.

E. NOTICE TO MOVE

A registered sex offender who resides on a permanent or temporary basis within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library in

violation of this section shall, within thirty (30) days of receipt of a written notice of the registered sex offender's non-compliance with this by-law, vacate and move from said location to a new location, however, said new location may not be within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or a library. It shall constitute a separate violation for each day beyond the thirty (30) days that the registered sex offender continues to reside within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library. Furthermore, it shall be a violation each day that a registered sex offender shall move from one location in the Town of Milford to another that is within two hundred and fifty (250) feet of a school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library.

SECTION 4. SAFETY ZONES

A. PROHIBITIONS:

- 1) A registered sex offender is prohibited from entering upon the premises of a school unless the sex offender's entrance and presence is required because the sex offender is a student enrolled at the school or is the parent or guardian or guardian of a student, provided that the sex offender receives written authorization from the school administrator.
- 2) A registered sex offender is prohibited from entering upon the premises of a day-care center or facility, unless the sex offender's entrance and presence is required because the sex offender is the parent or guardian or guardian of a student or child in the care of a day-care and the sex offender receives prior written authorization from the day-care administrator.
- 3) A registered sex offender is prohibited from entering upon the premises of an elderly housing facility unless previously authorized specifically for that occasion, in writing, by the on-site manager of the elderly housing facility.
- 4) A registered sex offender is prohibited from entering upon the premises of a facility for people with an intellectual or physical disability unless previously authorized specifically for that occasion, in writing, by the on-site manager of the facility for people with an intellectual or physical disability.
- 5) A registered sex offender is prohibited from entering upon the premises of a park except if the sex offender is a minor enrolled and participating in an organized youth activity; or the sex offender is the legal parent or guardian of a child participating in the organized youth activity and provided further that the sex offender makes their presence and status as a sex offender known to the youth organization agent or representative and the sex offender.

- 6) A registered sex offender is prohibited from loitering within two hundred and fifty (250) feet of a school, day-care center or facility, park, elderly housing facility, or facility for people with an intellectual or physical disability for a period of more than fifteen (15) minutes. A registered sex offender found to be in violation by a police officer shall, upon demand of said police officer, provide his name, address, and date of birth. A registered sex offender, after having received notice from a police officer that they are loitering, as defined in this by-law, shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the school, day-care center or facility, park, elderly housing, or facility for people with an intellectual or physical disability.
- 7) A registered sex offender is prohibited from loitering within five (250) feet of a school bus stop for a period of more than fifteen (15) minutes. A registered sex offender, after having received notice from a police officer that he is loitering as defined in this by-law shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the location of the school bus stop. This prohibition shall apply and be in effect on the days and at the times when the schools within the Town of Milford are in session and when the school bus stops as defined in Section 2. are being utilized.
- 8) A registered sex offender is prohibited loitering within five (250) feet of a library, however, a sex offender may enter the library, provided that the sex offender makes their presence and status as a registered sex offender known to the library staff at the front desk of said library and provided further that the sex offender does not enter in or upon the children's section of said library.

B. EXCEPTIONS:

- 1) The prohibitions defined in Section 4(A)(1), (2), (3), (4) and (5) shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in a federal, state or municipal election.
- 2) The prohibitions defined in Section 4(A)(1), (2), (3), (4) and (5) shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to attend a religious service.
- 3) The prohibitions defined in Section 4(A) (6), (7) and (8) do not apply to registered sex offender's place of residence when such residence is excepted under Section 3.(C).

- 4) The prohibitions defined in Section 4(A) (6), (7) and (8) do not apply to registered sex offender's place of employment when such place of employment is located within the prohibited area, provided that the sex offender reported and registered the place of employment pursuant to M.G.L. c. 6 s. 178C through 178P.
- 5) The prohibitions defined in Section 4(A) (7), do not apply to registered sex offender's residence when such place of residence is located within the prohibited area, provided that the sex offender reported and registered the place of residence pursuant to M.G.L. c. 6 s. 178C through 178P.

SECTION 5. EXEMPTIONS:

The provisions of this by-law shall not be applicable to registered sex offenders if:

- 1) The sex offender is incarcerated in any facilities owned, maintained and/or operated by the Town of Milford; or
- 2) The sex offender is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility; or
- 3) The sex offender is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123; or
- 4) The sex offender is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201 s. 6 or a person with an intellectual disability person subject to guardianship pursuant to M.G.L. c. 201 s. 6A, residing with his or her guardian.
- 5) The sex offender is residing within a group residence that is licensed as a residential program and that provides twenty-four hour a day (24 Hour) staffing and supervision pursuant to M.G.L. c. 19 s. 19 and 104 C.M.R. 28.13 et seq., or M.G.L. c. 19B s. 15 and 115 C.M.R. 8.01 et seq.

SECTION 6. ENFORCEMENT:

- A. This by-law may be enforced by the Chief of Police and officers of the Milford Police Department or any officer having the authority to serve criminal process in the Town of Milford.
- B. A written list of the prohibited locations defined in this chapter, to include schools, day-care centers or facilities, parks, elderly housing facilities, facilities for people with an intellectual or physical disability, libraries and school bus stops shall be compiled by the Milford Police Department annually within thirty (30) days after the

commencement day of the public school year, to determine what if any changes have been made to the location of school bus stops or safety zones. A copy of the list and this by-law will be mailed annually to all registered sex offenders residing or working within the Town of Milford on or before October 31st. The list will also be available at the Milford Police Department. and will then become effective under this bylaw on said date. Newly registered sex offenders will be provided with a copy of this by-law and the list of prohibited locations.

SECTION 7. PENALTIES

A. CRIMINAL COMPLAINT

Any violation of this by-law may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of up to \$300. Said violation may constitute a violation of M.G.L. c. 272 s. 59 for which the violator is subject to arrest without a warrant.

B. NON-CRIMINAL DISPOSITION

Any violation of this by-law may, in the discretion of the enforcing police officer, be enforced as a non-criminal disposition pursuant to M.G.L. c. 40 s. 21D as follows:

1. First Offense: Non-criminal fine of up to \$300.
2. Second or Subsequent Offense: Non-criminal fine of \$300.

C. LEGAL AND EQUITABLE REMEDIES

In addition to the remedies in Section 3.(G)(1) and (2) above, the Town may seek or obtain any or all other legal and equitable remedies to prevent or remove a sex offender who is in violation of this by-law, to include but not be limited to bringing an action in the name of the Town to permanently enjoin such violation as a public nuisance.

D. NOTIFICATION TO PAROLE, PROBATION AND/OR THE SEX OFFENDER REGISTRY BOARD

In addition to the remedies in Section 3.(G)(1), (2) and (3) above, the Town may make notification to the sex offender's parole officer and/or probation officer, and the Massachusetts Sex Offender Registry Board, that the sex offender has violated a Town By-Law

SECTION 8. SEVERABILITY

If any word, clause, sentence, paragraph, subdivision, section or other part of this by-law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this by-law, and it shall be construed to have been the legislative intent to enact this by-law without such unconstitutional or invalid parts therein.

Or take any other action in relation thereto.

(Police Chief/ Board of Selectmen)

A Motion was made and seconded to Waive the Reading of the Motion because the wording is the same as it appears in the Warrant.

Voice Vote to Waive the Reading ...Carried.

It was Moved: That the Town vote to amend the General By-Laws of the Town by inserting a new Article 38 to be entitled “Sex Offender Restrictions” and which would provide in full as follows:

SEX OFFENDER RESTRICTIONS

SECTION 1. FINDINGS AND INTENT

- A. It is the intent of this by-law to serve and to protect the compelling interest of the Town of Milford to promote, protect and improve the health, safety and welfare of the people within the Town by creating areas around locations where children, elderly and people with an intellectual or physical disability congregate and wherein certain registered sex offenders are prohibited from loitering or establishing temporary or permanent residence.
- B. After careful consideration, the Town finds that this by-law is the most narrowly tailored means to exercise a compelling governmental interest to protect the health and safety of children, the elderly and the people with an intellectual or physical disability by limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach, interact with or otherwise come in contact with children, the elderly or people with an intellectual disability at places and locations where children, the elderly and the person with an intellectual disability would congregate.
- C. By the enactment of this or any other by-law, the Town understands that it cannot remove the threat posed to or guarantee the safety of children, the elderly and the person with an intellectual or physical disability, or assure the public that registered sex offenders will comply with the mandates of this by-law. The intent of this by-law is to protect children, the elderly and people with an intellectual disability to the extent possible under the circumstances.
- D. Registered sex offenders pose a clear threat to children, the elderly and people with an intellectual or physical disability as vulnerable groups residing in or visiting the Town because registered sex offenders are more likely than any other type of offender to re-offend by committing another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting children, the elderly and people with an intellectual or physical disability. The purpose of this by-law is to mitigate the potential risk of harm to children, the elderly and people with an intellectual or physical disability within the Milford community by deterring the ability of registered sex

offenders to be in contact with children, the elderly and people with an intellectual or physical disability in locations that are primarily designed for use by children, the elderly or people with an intellectual or physical disability, namely the grounds of public and private schools for children, centers or facilities that provide day care or children's services, public parks, elderly housing facilities, facilities for persons with an intellectual or physical disability or public libraries. The Town desires to add location restrictions to sex offenders to the extent where State law is silent.

SECTION 2. DEFINITIONS

CHILD OR CHILDREN:

Person or persons under eighteen (18) years of age.

DAY-CARE CENTER OR FACILITY:

Any establishment, whether public or private which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.

ELDER OR ELDERLY:

Person or persons over sixty (60) years of age.

ELDERLY HOUSING FACILITY:

Includes any building which provides a group residence for the elderly containing four or more dwelling units and is located within the Town of Milford.

GENDER PRONOUN USAGE:

The use of a particular gender pronoun in this by-law shall refer equally to males and females.

LIBRARY:

A public library operated or authorized by the Town of Milford.

LOITERING:

To stand, sit or otherwise remain, whether in a vehicle or not, for more than fifteen (15) minutes within a two hundred and fifty (250) foot distance of any school, day-care center, park, recreational facility, elderly housing facility, facility for the person with an intellectual disability or library as defined in Section 2.; provided, however, that the prohibition contained in this section shall not apply to any Level 3 offender to the extent and in the manner such Level 3 offender is already governed by M.G.L. c. 6 s. 178K(2)(e).

PERSON OR PEOPLE WITH AN INTELLECTUAL DISABILITY – FACILITY FOR:

Includes facilities under the jurisdiction of the Massachusetts Department of Developmental Services located within the Town of Milford.

PERSON OR PEOPLE WITH AN INTELLECTUAL DISABILITY:

Pursuant to M.G.L. c. 123B s. 1, a person with an intellectual disability is a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the Massachusetts Department of Developmental Services, is substantially limited in the person's ability to function in the community.; provided, however, that a person with an intellectual disability may be considered mentally ill; provided further, that no person with an intellectual disability shall be considered mentally ill solely by virtue of the person's intellectual disability.

PERSON OR PEOPLE WITH A PHYSICAL DISABILITY – FACILITY FOR:

Includes facilities under the jurisdiction of the Massachusetts Rehabilitation Commission located within the Town of Milford.

PERSON OR PEOPLE WITH A PHYSICAL DISABILITY:

Pursuant to M.G.L. c. 19C s. 1, a disabled person is a person between the ages of eighteen to fifty-nine, inclusive, who is a person with an intellectual disability as defined by section 1 of chapter 123B, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

MINOR:

Any person or persons under the age of eighteen (18) years.

ORGANIZED YOUTH ACTIVITY:

Any activity organized by a non-profit as defined in Massachusetts General Laws, Chapter 180, to provide activities for minors, children and youths.

PARK:

Includes parks, playgrounds, and land designated for recreational or athletic use under the jurisdiction of the Town of Milford Parks Department.

REGISTERED SEX OFFENDER:

For the purposes of this By-Law, Registered Sex Offender shall mean: (a) any person who is designated as a sexually violent predator pursuant to Chapter 6, s. 178K(2)(c) or the Massachusetts General Laws and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; (b) any person who is required to register as a sex offender pursuant to Chapter 6 s. 178C of the Massachusetts General Laws and who, for so long as such person is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board; and (c) any person who, is required to register as a sex offender pursuant to Chapter 6, s. 178C of the Massachusetts General Laws, who, for so long as such person is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry Board, and who has committed a sex offence against a child, and elder and/or person with an intellectual disability person.

RESIDENCE – ESTABLISHING:

To set up or bring into being a dwelling place or abode where a person sleeps, which may include one or more than one location, and may be mobile or transitory, by means of purchasing real property or entering into a lease or rental agreement for real property, to include but not be

limited to a tenancy at free will or a renewal or extension or a prior agreement whether through written execution or automatic renewal.

RESIDENCE - PERMANENT:

A place where a person lives, abides, lodges or resides for five (5) consecutive days or fourteen (14) days in the aggregate within any calendar year.

RESIDENCE – TEMPORARY:

A place where a person lives, abides, lodges or resides for a period of less than five (5) consecutive days or less than fourteen (14) days in the aggregate within any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence; but "temporary residence," shall include residence at a hospital or other health care or medical facility for less than five (5) consecutive days or less than fourteen (14) days in the aggregate within any calendar year

SCHOOL:

Any public or private educational facility that provides educational instruction to children in grades Pre-Kindergarten (Pre-K) through the twelfth grade (12).

SCHOOL BUS STOP:

Any area designated by the Milford Public Schools as a school bus stop.

SEX OFFENDER, SEX OFFENSE OR SEXUALLY VIOLENT OFFENSE:

The same definition and meanings as provided in M.G.L. c. 6 s. 178C, as amended.

TOWN LIBRARY:

The public library owned and operated by the Town of Milford.

YOUTH:

Person or persons under eighteen (18) years of age.

SECTION 3. RESIDENCY RESTRICTIONS

A. **PROHIBITION:** A registered sex offender is prohibited from establishing a permanent residence or a temporary residence within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library as defined in Section 2.; provided, however, that the prohibition contained in this section shall not apply to any Level 3 offender only to the extent and in the manner such Level 3 offender is already governed by M.G.L. c. 6 s. 178K(2)(e).

B. **EVIDENTIARY MATTERS – MEASUREMENTS:**

For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library.

C. EXCEPTIONS:

A registered sex offender residing within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library does not commit a violation of this section if any of the following apply:

1. The registered sex offender established a permanent residence prior to the effective date of this chapter, and:

- (a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P; or
- (b) Permanent residence was established through a valid, fixed term, written lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P; or
- (c) Permanent residence was established through a verbal lease or tenant at will rental agreement, as long as the registered sex offender continues to reside within and does not move to another restricted location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P.

2) The registered sex offender is a minor living with his parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established permanent residence pursuant to Section 3(C)(1).

3) The school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library located within two hundred and fifty (250) feet for the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence.

D. FORFEIT OF EXCEPTION:

If, either after the effective date of this by-law or after a new school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library opens, a sex offender, otherwise enjoying an exception under Section 3(C), is convicted for commission of a sex offense as defined in this by-law and M.G.L.

c. 6 s. 178C, he will immediately forfeit that exception and will be required to comply with the provisions of Section 3(A) of the by-law.

E. NOTICE TO MOVE

A registered sex offender who resides on a permanent or temporary basis within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library in violation of this section shall, within thirty (30) days of receipt of a written notice of the registered sex offender's non-compliance with this by-law, vacate and move from said location to a new location, however, said new location may not be within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or a library. It shall constitute a separate violation for each day beyond the thirty (30) days that the registered sex offender continues to reside within two hundred and fifty (250) feet of any school, day-care center or facility, park, elderly housing facility, facility for people with an intellectual or physical disability or library. Furthermore, it shall be a violation each day that a registered sex offender shall move from one location in the Town of Milford to another that is within two hundred and fifty (250) feet of a school, day-care center or facility, park, elderly housing facility or facility for people with an intellectual or physical disability or library.

SECTION 4. SAFETY ZONES

A. PROHIBITIONS:

- 1) A registered sex offender is prohibited from entering upon the premises of a school unless the sex offender's entrance and presence is required because the sex offender is a student enrolled at the school or is the parent or guardian or guardian of a student, provided that the sex offender receives written authorization from the school administrator.
- 2) A registered sex offender is prohibited from entering upon the premises of a day-care center or facility, unless the sex offender's entrance and presence is required because the sex offender is the parent or guardian or guardian of a student or child in the care of a day-care and the sex offender receives prior written authorization from the day-care administrator.
- 3) A registered sex offender is prohibited from entering upon the premises of an elderly housing facility unless previously authorized specifically for that occasion, in writing, by the on-site manager of the elderly housing facility.
- 4) A registered sex offender is prohibited from entering upon the premises of a facility for people with an intellectual or physical disability unless previously authorized specifically for that occasion, in writing, by the on-site manager of the facility for people with an intellectual or physical disability.

- 5) A registered sex offender is prohibited from entering upon the premises of a park except if the sex offender is a minor enrolled and participating in an organized youth activity; or the sex offender is the legal parent or guardian of a child participating in the organized youth activity and provided further that the sex offender makes their presence and status as a sex offender known to the youth organization agent or representative and the sex offender.
- 6) A registered sex offender is prohibited from loitering within two hundred and fifty (250) feet of a school, day-care center or facility, park, elderly housing facility, or facility for people with an intellectual or physical disability for a period of more than fifteen (15) minutes. A registered sex offender found to be in violation by a police officer shall, upon demand of said police officer, provide his name, address, and date of birth. A registered sex offender, after having received notice from a police officer that they are loitering, as defined in this by-law, shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the school, day-care center or facility, park, elderly housing, or facility for people with an intellectual or physical disability.
- 7) A registered sex offender is prohibited from loitering within five (250) feet of a school bus stop for a period of more than fifteen (15) minutes. A registered sex offender, after having received notice from a police officer that he is loitering as defined in this by-law shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the location of the school bus stop. This prohibition shall apply and be in effect on the days and at the times when the schools within the Town of Milford are in session and when the school bus stops as defined in Section 2. are being utilized.
- 8) A registered sex offender is prohibited loitering within five (250) feet of a library, however, a sex offender may enter the library, provided that the sex offender makes their presence and status as a registered sex offender known to the library staff at the front desk of said library and provided further that the sex offender does not enter in or upon the children's section of said library.

B. EXCEPTIONS:

- 1) The prohibitions defined in Section 4(A)(1), (2), (3), (4) and (5) shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in a federal, state or municipal election.
- 2) The prohibitions defined in Section 4(A)(1), (2), (3), (4) and (5) shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to attend a religious service.

- 3) The prohibitions defined in Section 4(A) (6), (7) and (8) do not apply to registered sex offender's place of residence when such residence is excepted under Section 3.(C).
- 4) The prohibitions defined in Section 4(A) (6), (7) and (8) do not apply to registered sex offender's place of employment when such place of employment is located within the prohibited area, provided that the sex offender reported and registered the place of employment pursuant to M.G.L. c. 6 s. 178C through 178P.
- 5) The prohibitions defined in Section 4(A) (7), do not apply to registered sex offender's residence when such place of residence is located within the prohibited area, provided that the sex offender reported and registered the place of residence pursuant to M.G.L. c. 6 s. 178C through 178P.

SECTION 5. EXEMPTIONS:

The provisions of this by-law shall not be applicable to registered sex offenders if:

- 1) The sex offender is incarcerated in any facilities owned, maintained and/or operated by the Town of Milford; or
- 2) The sex offender is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility; or
- 3) The sex offender is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123; or
- 4) The sex offender is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201 s. 6 or a person with an intellectual disability person subject to guardianship pursuant to M.G.L. c. 201 s. 6A, residing with his or her guardian.
- 5) The sex offender is residing within a group residence that is licensed as a residential program and that provides twenty-four hour a day (24 Hour) staffing and supervision pursuant to M.G.L. c. 19 s. 19 and 104 C.M.R. 28.13 et seq., or M.G.L. c. 19B s. 15 and 115 C.M.R. 8.01 et seq.

SECTION 6. ENFORCEMENT:

- A. This by-law may be enforced by the Chief of Police and officers of the Milford Police Department or any officer having the authority to serve criminal process in the Town of Milford.

- B. A written list of the prohibited locations defined in this chapter, to include schools, day-care centers or facilities, parks, elderly housing facilities, facilities for people with an intellectual or physical disability, libraries and school bus stops shall be compiled by the Milford Police Department annually within thirty (30) days after the commencement day of the public school year, to determine what if any changes have been made to the location of school bus stops or safety zones. A copy of the list and this by-law will be mailed annually to all registered sex offenders residing or working within the Town of Milford on or before October 31st. The list will also be available at the Milford Police Department. and will then become effective under this bylaw on said date. Newly registered sex offenders will be provided with a copy of this by-law and the list of prohibited locations.

SECTION 7. PENALTIES

A. CRIMINAL COMPLAINT

Any violation of this by-law may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of up to \$300. Said violation may constitute a violation of M.G.L. c. 272 s. 59 for which the violator is subject to arrest without a warrant.

B. NON-CRIMINAL DISPOSITION

Any violation of this by-law may, in the discretion of the enforcing police officer, be enforced as a non-criminal disposition pursuant to M.G.L. c. 40 s. 21D as follows:

1. First Offense: Non-criminal fine of up to \$300.
2. Second or Subsequent Offense: Non-criminal fine of \$300.

C. LEGAL AND EQUITABLE REMEDIES

In addition to the remedies in Section 3.(G)(1) and (2) above, the Town may seek or obtain any or all other legal and equitable remedies to prevent or remove a sex offender who is in violation of this by-law, to include but not be limited to bringing an action in the name of the Town to permanently enjoin such violation as a public nuisance.

D. NOTIFICATION TO PAROLE, PROBATION AND/OR THE SEX OFFENDER REGISTRY BOARD

In addition to the remedies in Section 3.(G)(1), (2) and (3) above, the Town may make notification to the sex offender's parole officer and/or probation officer, and the Massachusetts Sex Offender Registry Board, that the sex offender has violated a Town By-Law

SECTION 8. SEVERABILITY

If any word, clause, sentence, paragraph, subdivision, section or other part of this by-law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this by-law, and it shall be construed to have been the legislative intent to enact this by-law without such unconstitutional or invalid parts therein.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 40: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount \$5,000 to be spent under the jurisdiction of the Police Chief to purchase new uniforms and accessories for the Police Department Honor Guard, or take any other action in relation thereto.

(Police Chief)

It was Moved: That the Town vote to transfer the sum of \$5,000 from the Excess and Deficiency Account said sum to be spent under the jurisdiction of the Police Chief to purchase new uniforms and accessories for the Police Department Honor Guard.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 41: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be utilized in conjunction with funds to be made available through the Municipal Property Insurance Fund, to replace a truck and related equipment recently burned in the course of snow plowing operations, or take any other action in relation thereto.

(Highway Surveyor)

It was Moved: That the Town will vote to transfer the sum of \$87,000 from the Excess and Deficiency Account, said sum to be utilized in conjunction with funds to be made available through the Municipal Property Insurance Fund, to replace a truck and related equipment recently burned in the course of snow plowing operations.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 42: To see if the Town will vote to amend the General By-Laws of the Town by striking therefrom the current Article 22 and replacing said Article with a new Article 22 as follows:

ARTICLE 22
HANDICAPPED PARKING

Section 1 - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, placard or other authorization pursuant to section 2 of chapter 90 of the General Laws. Such handicapped parking, associated signage, markings and other requirements shall all be in accordance with the 521 CMR 1.00 et seq., the Rules and Regulations of the Architectural Access Board, as amended.

Section 2 - It shall be unlawful to leave or park any vehicle attended or unattended, in a space designated for handicapped parking, including adjacent striped areas, without such vehicle having the distinguished license plate or placard, or park any vehicle in such a manner to obstruct a curb or ramp designed for use by handicapped persons as a means of egress to a street or public way, and the penalty for violation shall be as follows:

For each offense, One Hundred Twenty-Five Dollars; and the vehicle may be removed according to the provisions of Section one hundred and twenty D of Chapter two hundred and sixty-six of the General Laws.

or take any other action in relation thereto.

(Commission on Disability)

A Motion was made and seconded to Waive the Reading of the Motion because the wording is the same as it appears in the Warrant.

Voice Vote on Motion to Waive Reading...Carried.

It was Moved: That the Town vote to amend the General By-Laws of the Town by striking therefrom the current Article 22 and replacing said Article with a new Article 22 as follows:

ARTICLE 22
HANDICAPPED PARKING

Section 1 - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled

veteran or handicapped person whose vehicle bears the distinguishing license plate, placard or other authorization pursuant to section 2 of chapter 90 of the General Laws. Such handicapped parking, associated signage, markings and other requirements shall all be in accordance with the 521 CMR 1.00 et seq., the Rules and Regulations of the Architectural Access Board, as amended.

Section 2 - It shall be unlawful to leave or park any vehicle attended or unattended, in a space designated for handicapped parking, including adjacent striped areas, without such vehicle having the distinguished license plate or placard, or park any vehicle in such a manner to obstruct a curb or ramp designed for use by handicapped persons as a means of egress to a street or public way, and the penalty for violation shall be as follows:

For each offense, One Hundred Twenty-Five Dollars; and the vehicle may be removed according to the provisions of Section one hundred and twenty D of Chapter two hundred and sixty-six of the General Laws.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen to amend their agreement with Northbridge Solar LLC for net metering credit in relation to a solar electric generating facility in Northbridge, Massachusetts so that said agreement, now for a term of five (5) years, may be extended for a full term of twenty (20) years, or take any other action in relation thereto. (Board of Selectmen)

It was Moved: That the Town vote to authorize the Board of Selectmen to amend their agreement with Northbridge Solar LLC for net metering credit in relation to a solar electric generating facility in Northbridge, Massachusetts so that said agreement, now for a term of five (5) years, may be extended for a full term of twenty (20) years.

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

A Motion was Made by a member in Pr. to Reconsider Article 39, due to a typographical error in one of the Section 4. Safety Zones, SS. A. Prohibitions, numbers 7 & 8. Should read "two hundred and fifty" and not "five" where indicated by cross out.

SECTION 4. SAFETY ZONES

A. PROHIBITIONS:

- 7) A registered sex offender is prohibited from loitering within ~~five~~ two hundred and fifty (250) feet of a school bus stop for a period of more than fifteen (15) minutes. A registered sex offender, after having received notice from a police officer that he is loitering as defined in this by-law shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the location of the school bus stop. This prohibition shall apply and be in effect on the days and at the times when the schools within the Town of Milford are in session and when the school bus stops as defined in Section 2. are being utilized.
- 8) A registered sex offender is prohibited loitering within ~~five~~ two hundred and fifty (250) feet of a library, however, a sex offender may enter the library, provided that the sex offender makes their presence and status as a registered sex offender known to the library staff at the front desk of said library and provided further that the sex offender does not enter in or upon the children's section of said library.

A Voice Vote was taken on Motion to Amend Art. 39 with the above languageCarried.

ARTICLE 44: To see if the Town will vote to transfer funds between certain line items voted under Article 4 of the May 21, 2012 Annual Town Meeting for the purpose of making funds available in line item accounts not sufficiently funded through the end of Fiscal Year 2013, or take any other action in relation thereto.

(Town Accountant)

It was Moved: That the Town vote to transfer funds between certain line items voted under Article 4 of the May 21, 2012 Annual Town Meeting for the purpose of making funds available in line item accounts not sufficiently funded through the end of Fiscal Year 2013 as follows:

<u>Department</u>	<u>Transfer From</u>	<u>Amount</u>	<u>Transfer To</u>
122: Selectmen	General Expenses-Select		S & W-Select
	122-5300	4,000.00	122-5110
122: Selectmen	General Expenses-Public Building		S & W-Select
	192-5300	4,650.00	122-5110

122: Legal	General Expenses-Unemployment		General Expenses - Legal
	913-5300	900.00	151-5300
175: Planning Board	General Expenses-Planning Board		S & W-Planning Board
	175-5300	19.00	175-5110
189: CIC	General Expenses-Unemployment		General Expenses - CIC
	913-5300	15.00	189-5300
411: Town Engineer	General Expenses-Unemployment		S & W - Engineer
	913-5300	14,000.00	411-5110

Voice Vote on Motion as Presented...Voice Vote Carried Unanimously.

A Motion was made By Warren Heller (Pr.4) to Reconsider Article 39...Due to a typographical error.

Voice Vote to Reconsider Article 30...Carried. Article 39 to be Reconsidered.

A Motion was made and seconded to waive the reading of the Motion because it is the same as it appears in the Warrant.

Chief Thomas O'Loughlin stated that the reading was not the same and a correction was made by Chief Thomas O'Loughlin (Pr.6). The correction is as follows: That due to a typographical error in the Warrant, Section 4. Safety Zones, SS. A. Prohibitions, Paragraph numbers 7 & 8. Should read "two hundred and fifty" and not "five" where indicated by cross out.

(correction below to the wording)

“SECTION 4. SAFETY ZONES

A. PROHIBITIONS:

- 7) A registered sex offender is prohibited from loitering within ~~five~~ two hundred and fifty (250) feet of a school bus stop for a period of more than fifteen (15) minutes. A registered sex offender, after having received notice from a police

officer that he is loitering as defined in this by-law shall immediately cease and desist. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the location of the school bus stop. This prohibition shall apply and be in effect on the days and at the times when the schools within the Town of Milford are in session and when the school bus stops as defined in Section 2. are being utilized.

- 8) A registered sex offender is prohibited loitering within ~~five~~ two hundred and fifty (250) feet of a library, however, a sex offender may enter the library, provided that the sex offender makes their presence and status as a registered sex offender known to the library staff at the front desk of said library and provided further that the sex offender does not enter in or upon the children’s section of said library.”

A Voice Vote was taken on Motion of Article 39 including the correction as Presented...Voice Vote Carried.

ARTICLE 45: 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)

A Motion was made to Waive the Reading because it is the same as it is in the Warrant...Voice Vote on Motion to Waive the Reading...Carried.

It was Moved: That the Town vote to transfer any remaining balances in the following accounts to the General Fund of the Town:

<u>Town Meeting</u>	<u>Purpose</u>	<u>Balance to be Transferred</u>
Article 30 06/2010 ATM	Consulting-CDBG	\$38,850.00
Article 23 05/2012 ATM	Consulting-CDBG	\$23,325.75
Article 1 10/2010 STM	Fireworks	\$3,500.00

Article 22 10/2012 STM	Animal Control Van	\$888.00
Article 27 10/2012 STM	Replace Fence/Senior center	\$175.17
Article 35 06/1990 ATM	Defend Land Taking	\$2,080.37
Article 25 10/2011 STM	HWY Dept Roof Repair	0.84
Article 28 10/2012 STM	Purchase Sidewalk Tractor	\$106.04
Article 20 06/2010 ATM	Lease, Computers	\$98.59
Article 19 05/2012 ATM	Gen Draper's Statue	\$711.93

Voice Vote on Motion as Presented...Voice Vote Carried.

***Motion made by Joseph DiAntonio to dissolve the warrant...Voice Vote Carried.
Warrant dissolved at 10:20 pm.***

***A True Copy of the Record.
Attest: Amy E. Hennessy Neves
Town Clerk***