



SPECIAL TOWN MEETING  
October 21, 2013  
Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS:

FINANCE COMMITTEE REPORT

**Marc Schaen, Chairman**

Aldo Cecchi	Philip Ciaramicoli, CPA
Alberto Correia	Robert Devita
Jerry Hiatt	
Will Kingkade	Joyce Lavigne
Charles Miklosovich	Chris Morin
David Morganelli, Esq., CPA	Michael Schiavi
John Tennaro, Esq.	Vincenzo Valastro

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

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of the Town of Milford, qualified by law to vote in Town Affairs, to meet in the Upper Hall of the Milford Town Hall, 52 Main Street, on the 21<sup>st</sup> day of October, 2013 A.D. at 7:30 P.M. and then and there to act upon the following articles:

**ARTICLE 1: (Board of Selectman)**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the July 4, 2013 celebration, or take any other action in relation thereto.

**INFO:** This is the annual article to provide funding for the fireworks related to the 4<sup>th</sup> of July celebration that the Town sponsors.

**FINCOM:** This is to fund the fireworks at the traditional 4<sup>th</sup> of July celebration at Plains Park. Discussion was held that this event provides a venue for residents to gather and celebrate the birth of our nation. It also provides an alternative to people going into Boston that can be too costly for many residents. One concern that was raised was that we are spending public funds on a celebration that is not essential.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 2: (Board of Selectman)**

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

**INFO:** This is an article that accepts a road that meets the town's specifications.

**FINCOM:** The finance committee typically votes in favor of acceptance once recommended by the town officials after they have performed their due diligence

**FINANCE COMMITTEE RECOMMENDATION REFER TO SPONSOR**

**ARTICLE 3: (Board of Selectman)**

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

**INFO:** These funds are required to fund the current labor contract.

**FINCOM:** This was negotiated and needs to be funded.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 4: (Highway Surveyor)**

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 Highway Surveyor for consulting services to produce engineering design drawings, plans and specifications associated with the Route 16/Main Street resurfacing project from Water Street to the Hopedale town line, or take any other action in relation thereto.

**INFO:** A consultant is needed to develop the plans to get on the state list for funding. It appears that it will take 5 years to come to fruition.

**FINCOM:** \$75K is all that is required to get on the list and not the \$300K. So we will recommend that \$75K be allocated

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 5: (Personnel Board)**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Personnel Board to conduct a Classification and Compensation Study of salaried and hourly rated positions under the jurisdiction of the Personnel Board, or take any other action in relation thereto.

**INFO:** This is to update the 2001 study. This will not be a full review of all job descriptions. This will place the job descriptions into a medium that is current. They will also study local towns as a comparison of salary and hourly employees. The consultant will review the salary structure we use so that we can have an option in the future to go to a merit system.

**FINCOM:** This seems to be a good compromise as the full set of positions are not being totally evaluated and this approach has reduced the cost.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 6: (Board of Library Trustees)**

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 Library Trustees to replace the roof at the Milford Town Library, or take any other action in relation thereto.

**INFO:** Original roof from 1986 and starting to have separation issues on the rubber roof. They are having a number of leaks and spending \$1,000 per visit.

**FINCOM:** This is in line with the Fincom's recommendation that we replace a roof when it is past its working lifetime and causes more damage. The group would like to have a proposal for a 30 year roof as it was felt that the extra cost of a 30 vs 20 year roof would be worth the investment. No vote was taken. A proposal will be requested and proposed to the Finance Committee on October 9<sup>th</sup>.

Discussion was tabled until October 9<sup>th</sup> and recommendation will be presented at town meeting

**ARTICLE 7: (Ad Hoc Community Field Committee)**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the construction of a new restroom/concession building and softball field, at the Milford High School athletic facilities, or take any other action in relation thereto.

**INFO:** The final piece of the High School field project. The additional \$200K being sought would complete the project having a combination rest room / concession stand being built new to service the softball field and tennis courts. It was presented that this is the final cost as they have bids so they will not come back for more money. The softball field was contemplated as part of the original project scope but eliminated due to the cost expectations.

**FINCOM:** It was mentioned that this would elevate the softball field area up to the same level as the other areas of the sports facility.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

## **ARTICLE 8: (Police Chief):**

To see if the Town will vote to amend Article 38 of the General By-Laws, entitled "Sex Offender Restrictions" in the following manner:

1. Amend SECTION 1, Subsections B and C by striking the phrase "person with an intellectual disability" in the last sentences thereof and inserting in place thereof the phrase "person with a physical or intellectual disability";
2. In SECTION 2, DEFINITIONS, strike the definition "CHILD OR CHILDREN;" and replace that definition with the following:

CHILD, CHILDREN, MINOR OR YOUTH;  
Person or persons under eighteen (18) years of age.

3. Amend SECTION 2 by deleting the current definition of "LOITERING;" and replace said definition with the following:  
To stand, sit or otherwise remain, whether in a vehicle or not, for more than fifteen (15) minutes.
4. Delete from SECTION 2 the definition of "MINOR";
5. Amend the definition of "REGISTERED SEX OFFENDER" within SECTION 2 by striking the phrase "and who is" from the third line; by striking the phrase "who is" from the fourth line and by striking, at the end of the last sentence, the phrase "person with an intellectual disability person" and replacing with the phrase "person with an intellectual or physical disability";
6. Within SECTION 2 delete the definitions of TOWN LIBRARY and YOUTH.
7. Within SECTION 3, Amend Subsection C 1. (b) and (c) by striking the current provisions and replacing them with the following:  
(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, or a renewal thereof, so 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, or a renewal thereof, so 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.
8. Within SECTION 4, Subsection A 5), add at the end thereof the phrase "is present only during the hours of activity related to the participation of the child in the organized youth activity";
9. Within SECTION 4, Subsections A6) and 7), in each instance strike the phrase "for a period of more than fifteen (15) minutes";
10. Within SECTION 4, Subsection 8) strike the phrase "prohibited loitering" and replace that phrase with "prohibited from loitering";
11. Strike SECTION 5 in its entirety and insert in place thereof the following new SECTION 5:

### SECTION 5. EXEMPTIONS:

The provisions of this by-law shall not be applicable to:

- 1) Law enforcement or correctional facilities; or
  - 2) Facilities for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123; or
  - 3) Residences or facilities where 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 subject to guardianship pursuant to M.G.L. c. 201 s. 6A, residing with his or her guardian; and
  - 4) A group residence licensed as a residential program with 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..
12. Within SECTION 7, Subsection A, at the end thereof, insert the following: "(i.e. remaining in a street in violation of a by-law)"; and
  13. Within SECTION 7, Subsection C and Subsection D strike the current provision and insert in place thereof the following:  
  
C. LEGAL AND EQUITABLE REMEDIES  
The Town may also 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  
The Town may make notification to the sex offender's parole officer, probation officer, and/or the Massachusetts Sex Offender Registry Board, that the sex offender has violated a Town By-Law,

or take any other action in relation thereto.

**INFO:** We passed the by-law and it was approved by the Attorney General. These are the amendments suggested by the Attorney General to clarify the by-law

**FINCOM:** This seems to support the by-law approved by the town meeting and it makes sense to support the suggestions of the Attorney General.

**FINANCE COMMITTEE RECOMMENDATION IS REFER TO SPONSOR**

**ARTICLE 9: (Board of Selectmen)**

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 telephone system in the Milford Town Hall, or take any other action in relation thereto.

**INFO:** Phone system is over 10 years ago and they cannot get parts or a warranty on the hardware.

**FINCOM:** Rick was asked to check a cloud based system and reported that for the 50 people it would cost >\$20,000 per year

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 10: (Legal Department)**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized together with funds previously appropriated for purposes of expert and other services in relation to a rate increase or increases sought by the Milford Water Company, or take any other action in relation thereto.

**INFO:** This is the final bill that would pay for the consulting required to fight the Water Company rate request.

**FINCOM:** It seems the money invested yielded good results as we were able to substantially reduce the increase to the rate payers.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 11: Park Commissioners**

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 Park Commissioners to purchase a one ton dump truck to replace a 25 year old vehicle, or take any other action in relation thereto.

**INFO:** This truck has passed its life expectancy and is causing maintenance issues that indicate it should be replaced. The Parks department checked and there is no replacement vehicle available from the Highway or other departments.

**FINCOM:** This seemed to fit into the normal replacement practice we have followed.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 12: Board of Selectman**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation which would authorize the appointment of a Town Treasurer, and which legislation would provide substantially as follows:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF MILFORD TO APPOINT THE TOWN TREASUREER.

SECTION 1.

Notwithstanding the provisions of Chapter 41 of the General Laws or any other general or special law to the contrary, the Board of Selectmen of the Town of Milford may appoint a Town Treasurer for a term of up to five (5) years; and further, notwithstanding Sections 108A and 108C of Chapter 41 of the General Laws, and any by-law adopted thereunder, said Board of Selectmen may establish an employment contract with a Town Treasurer upon the same terms and conditions, and subject to the same limitations as contained in Section 108N of Chapter 41 of the General Laws, applicable to other municipal employees as designated in that section.

SECTION 2.

This Act shall take effect upon its passage,

or take any other action in relation thereto.

**INFO:** Board of selectmen voted 2 to 1 to move to an appointed position. The selectmen believed that this would increase the experience level of the person versus having a person who is elected and does not have a minimum set of skills and experience.

**FINCOM:** General discussion was held overall about the

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 13: Fire Chief**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$50,000 to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing a new breathing air compressor and fill station, or take any other action in relation thereto.

**INFO:** This is the unit that charges the air tanks used by the Milford fire fighters.

**FINCOM:** A question was asked if we need a backup and the Chief noted that if the unit requires servicing, he can have his tanks charged using a neighboring town's system.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 14: Fire Chief**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$345,000, said sum to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing and equipping a new brush truck, or take any other action in relation thereto.

**INFO:** This is the main brush truck that is the hub for the other brush trucks and activities. This allows the other trucks to be used ARMY trucks

FINCOM: This seems logical and seems like it is a sound strategy.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 15: Board of Selectman**

To see if the Town will vote to transfer the sum of \$32,000 from Account No. 148-5300 as voted under Article 4 of the May, 2013 Annual Town Meeting, said sum to be transferred to the School Department Account No. 300-5300 as voted under Article 4 at said Town Meeting, or take any other action in relation thereto.

INFO: A reoccurring article that moves money from one department account to another in order to cover the cost of the IT manager.

FINCOM: This is an article that has been approved each year.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 16: Board of Selectman**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized by the Board of Selectmen for the purpose of retaining consultants and other expert services to evaluate the possibility of the Town of Milford acquiring the Milford Water Company, or take any other action in relation thereto.

INFO: There is a three part process (\$100K): 1) Analysis by Russel Consulting for feasibility of purchasing the company \$40K; 2) Independent qualified appraiser \$40K; 3) Law firm opinion with experience in acquisitions \$20K

FINCOM: Although the water company may not want to sell, there are statutes to set the fair price for acquisition. The initial analysis will tell the town if it is feasible to buy the water company. Atty. Moody mentioned that if in order to purchase the company the rates had to be raised, we may not want to go further. He also noted that there are expenses associated with a private company such as taxes and return to investors that the town would not have to pay for and could reduce the rate charged. It is unclear how much money and time would actually have to be expended if we were to actually be in a position to purchase the water company.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 17: Board of Selectman**

To see if the Town will vote to authorize the Board of Selectmen to amend their agreement with Enfinity Project Company for net metering credit in relation to a solar electric generating facility 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.

INFO: This is a new contract with \$266K first year savings and \$9.4M savings over the contract. There is no downside as there is a clause that does not allow the Town's expenses to go above the current rates.

FINCOM: There did not appear to be any downside

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 18: Highway Surveyor**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$190,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of purchasing a new street sweeper, or take any other action in relation thereto.

INFO: This is to replace the existing unit.

FINCOM: Discussion was held on why this was so close to the previous one we bought and it was due to a breakdown that brought the replacement times of the sweeper

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 19: Fire Chief**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$45,000 to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing a new four wheel drive pickup with snow plow, or take any other action in relation thereto.

INFO: The 1994 truck is used for plowing and other activities. It has passed its useful life.

FINCOM: This fits within the normal replacement cycle.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 20: Police Chief**

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 to be spent under the jurisdiction of the Police Chief for the replacement of computers and related equipment at the Police Department, or take any other action in relation thereto.

INFO: First year of 4 year plan to upgrade technology.

FINCOM: This fits with the Fincom recommendation that we remain current and not wait until the entire IT system is outdated and needs replacement.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 21: Trustees of the Vernon Grove Cemetery**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Vernon Grove Cemetery Trustees to be utilized for the purchase of a zero mower, or take any other action in relation thereto.

INFO: Gas machine will be \$13,000 to replace the current unit which is 17 years old. They had hoped to inherit a unit from the Parks department but they kept it. The board will send an updated 5 year plan to the subcommittee.

FINCOM: There does not appear to be an alternative to having a working mower as the current unit is breaking down too often. The original amount of \$16,000 for a diesel mower is reduced as a gas mower is sufficient.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**



**ARTICLE 22: Atty. Brian W. Murray**

To see if the Town will vote to appropriate a sum of money, said sum to be utilized for construction and related activity for full renovations of the Milford Youth Center and its facilities, including handicap accessibility; and further to see how said sum shall be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

**INFO:** Selectman Murray felt it is a good idea to place some money into a project above the \$45K we spent on the feasibility study in 2010 and the \$300K for the architect that was funded at the last town meeting. This would allow an amount of money to be available that was saved to minimize the final amount, which may be \$3,000,000 to complete the project and not require a 2/3 town meeting vote to allocate the money. If this article is voted on only a 51% of the town meeting members would be required for approval.

**FINCOM:** Some members had an issue with allocating \$900K for a project where no plan is available. Setting aside money in the long term capital account to accomplish the goal of the article was agreed to. The issue of requiring a 2/3 town meeting vote was not a concern of the finance committee if the plan is presented as part of an overall strategy.

The recommendation is that the article be tabled until Brian has a chance to talk to the committee and see if they will pass over the article. The finance committee would then add \$900K to the article allocating money to the long term capital account to have the money available to offset the final expenditure. No vote was taken

**ARTICLE 23: Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the establishment of an Information Technology (IT) Department for the Town to include sums available for salaries and expenses, or take any other action in relation thereto.

**INFO:** The town is considering hiring two technicians to augment the current IT manager. It is not feasible for a single person to support the entire town including the school. This would report to the Board of Selectman. This would be the first step in establishing an IT department of two technicians and a Director. The department budget would be established in May for the next year.

**FINCOM:** This was a recommendation made three years ago from the fincom and this appears to be the right step in having resources available to actually support the IT needs of the town.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 24: Fire & Police Chief**

To see if the Town will vote to accept the provisions of Chapter 40, § 13D of the General Laws in order to establish a reserve fund for future payment of accrued liabilities for compensated absences due any employee of the Fire Department or Police Department upon termination of the employee's employment, or take any other action in relation thereto.

**INFO:** This will allow the departments to meet their employee retirement requirements for items such as sick leave buy back. Presently the chief has to hold a position open when someone retires as the typical payout is \$20,000-25,000. If this occurs at the end of the year there is very little room to maintain the budget. This would allow the departments to have a cushion in case employees retire late in the year

**FINCOM:** Last year the fire department had five retirements. The departments have some employees that have the total 120 day requirement and some of the newer employees that only have ½ the amount but that still might average \$10,000 per employee. This \$100,000 would be shared by both fire and police departments. This would be the target amount to maintain and it would be replenished at town meetings.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 25: Finance Committee**

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 Capital Projects Stabilization Account, or take any other action in relation thereto.

**INFO:** This account is set up to have money.

**FINCOM:** The original intent was to have \$700K added to this account. The vote was held pending the results of the article 22. If it will be passed over, the committee will recommend that \$900K additional money be placed in this account to have money for the Youth Center available to be allocated by the town Meeting.

**ARTICLE 26: Finance Committee**

To see if the Town will vote to transfer a sum of money from available funds to be added to the Town Stabilization Fund, or take any other action in relation thereto.

**INFO:** This is an article evaluated annually when funds are available. This article would set aside \$1,000,000

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

**ARTICLE 27: Finance Committee**

To see if the Town will vote to appropriate a sum of money from available funds to be utilized to off-set operating, capital and debt expenses to fix the tax rate for fiscal year 2014, or take any other action in relation thereto.

**INFO:** \$1M to be allocated to offset the tax rate.

**FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE**

1	Board of Selectmen	4 <sup>th</sup> of July Fireworks	\$18,000
2	Board of Selectmen	Accept Diego Drive	0
3	Board of Selectmen	Fire Department Collective Bargaining	\$75,345
4	Highway Surveyor	Consulting Services	\$75,000
5	Personnel Board	Classification Study	\$4,900
6	Library Trustees	Roof Replacement	\$350,000
7	ADHoc Field Committee	Restroom facilities	\$200,000
8	Police Chief	Sex Offender Regulations	0
9	Board of Selectmen	Town Hall Phone System	\$60,000
10	Legal Department	Water Company rate increase	\$2,000
11	Park Commissioners	Dump Truck	\$44,000
12	Board of Selectmen	Treasurer reclassification	0
13	Fire Chief	Breathing Air Compressor	\$50,000
14	Fire Chief	Brush 1 Truck	\$345,000
15	Board of Selectmen	School Department transfer	0
16	Board of Selectmen	Water Company Purchase Study	\$100,000
17	Board of Selectmen	Electric Contract	0
18	Highway Surveyor	Street Sweeper	\$190,000
19	Fire Chief	Pick Up Truck	\$45,000
20	Police Chief	Computer (annual update program)	\$25,000
21	Vernon Grove Cemetery	Lawn Mower	\$13,000
22	Brian Murray	Milford Youth Center	\$900,000
23	Board of Selectmen	IT Department	\$100,000
24	Fire & Police Chiefs	Reserve fund for Employment Exposure	\$100,000
25	Finance Committee	Capital Account Addition	\$700,000
26	Finance Committee	Stabilization Account Addition	\$1,000,000
27	Finance Committee	Fix Tax Rate	\$1,000,000
			\$5,400,245