



SPECIAL TOWN MEETING
October 24, 2011
Milford, Massachusetts

FINANCE COMMITTEE REPORT

Marc Schaen, Chairman

Aldo Cecchi

Alberto Correia

Jerry Hiatt

Joyce Lavigne

David Morganelli, Esq., CPA

John Tennaro, Esq.

Philip Ciaramicoli, CPA

Robert DeVita

John Kelley

Charles Miklosovich

Michael Schiavi

Vincenzo Valastro

ARTICLE 1: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$18,000 to be spent under the jurisdiction of the Board of Selectmen to purchase fireworks for the July 4, 2012 celebration, or take any other action in relation thereto.

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

FINCOM: No discussion. All in favor except one opposed.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 2: (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 added to the Police Department fiscal year 2012 Operating Budget to fund the cost items in a collective bargaining agreement between the Town of Milford and the Milford Police Association, or take any other action in relation thereto.

INFO: This article is necessary to fund the collective bargaining agreement with the Milford Police Association, which for FY 2012 will require approximately \$77,500. This article would appropriate money necessary to fund the collective bargaining agreement for fiscal year 2012 under the Wage Re-Opener provisions. The amount will be determined in the near future.

FINCOM: Minimal discussion above the info. This is to be added to this year's budget and in future budgets.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 3: (Board of Library Trustees)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$75,000 to be spent under the jurisdiction of the Board of Library Trustees for the purpose of replacing the Trane chiller, a part of the HVAC system, at the Milford Town Library, or take any other action in relation thereto.

INFO: The Town Library is seeking \$75,000 to replace the Trane chiller, which is part of the HVAC (Heating Ventilation & Air Conditioning) system that was installed in 1986.

FINCOM: This is for the replacement of the entire system that is 29 years old. The entire system will actually cost \$6,000 more initially for replacing a single pump and then \$18,000 for three more. It is felt that through tight bidding we can come close to the \$75,000.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 4: (Board of Selectmen)

To see if the Town will vote to repeal the current Article 31 of the General By-laws of the Town, entitled "Property Maintenance Standards" and replace said Article 31 with a new Article 31 which shall be entitled "Nuisances and Vacant Properties":

31.1 Authority and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by M.G.L., Ch. 139, §§ 1-3A, this bylaw is adopted to help protect the health, safety, and welfare of the citizens of Milford by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This bylaw will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to properly maintain their respective properties.

31.2 Definitions

31.2.1 Blight

Any condition constituting a nuisance described in Section 31.2.6 below that seriously impairs the value, condition strength, durability or appearance of real property, including real property owned or occupied by an Interested Party as defined in Section 31.2.5 below.

31.2.2 Building

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. See "structure" below.

31.2.3 Dilapidated

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;

Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering.

Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

31.2.4 Hazard

A condition likely to expose persons to injury, or property to damage, loss or destruction.

31.2.5 Interested Parties

In connection with the notification requirements of this bylaw Interested Parties are the Building Commissioner; owner(s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting such abutting property and which is within 300 feet of the property line of the subjected property. Other persons who own or occupy property and who demonstrate to the satisfaction of the Building Commissioner that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Building Commissioner.

31.2.6 Nuisance

See Section 31.3 below.

31.2.7 Occupant

A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

31.2.8 Owner

Every person who alone or jointly or severally with others

(a) has legal title to any building, structure or property to this Bylaw; or

(b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, guardian or conservator of the estate of the holder of legal title; or as life tenant; or

(c) is a lessee under a written lease agreement; or

(d) has a mortgage in possession; or

(e) is an agent, trustee or other person appointed by the courts.

31.2.9 Responsible Party

The owner or occupant (in the case of real property) of property that is the subject of proceedings under this bylaw. The singular use of the term includes the plural when the context so indicates.

31.2.10 Structure

A combination of materials, whether wholly or partially level with, above or below, the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

31.2.11 Vacant Property

Any property that is unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to occupancy thereof.

31.3 Nuisances Prohibited

It shall be a violation of this by-law to maintain, cause or create a nuisance which is any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the zoning bylaw does not create an exemption from the application of this bylaw. The term nuisance includes but is not limited to:

- (a) burned structures not otherwise lawfully habitable or usable;
- (b) dilapidated real or personal property;
- (c) dangerous or unsafe structures or personal property;
- (d) overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values;
- (e) dead, decayed, diseased or hazardous trees, debris or trash;
- (f) vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.
- (g) personal property which has been placed for collection as rubbish or refuse in violation of any rule or regulation of the Board of Health, or left in public view for more than three (3) days. The exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish, or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other cast off material of any kind whether or not the same could be put to any reasonable use.
- (h) the storage upon property of building materials upon residential properties unless there is in force a valid building permit issued by the building official for construction upon said property and said materials are intended for use in connection with said construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure.
- (i) gravel, rocks, and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve months upon the owner's premises.

31.4 Requirements for adequate maintenance of vacant properties.

Owners of vacant properties must fulfill the following minimum adequate maintenance requirements for any such property they own:

- (a) maintain vacant properties subject to this bylaw in accordance with the relevant sanitary, building, and fire codes;
- (b) secure vacant properties subject to this bylaw to prevent unauthorized entry and exposure to the elements;
- (c) maintain vacant properties subject to this bylaw in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features;
- (d) repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days;
- (e) for properties vacant for six months or more, the utilities for which have been shut off, remove or cut and cap such utilities to prevent accidents;
- (f) compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

31.5 Administration

31.5.1 Enforcement

This Bylaw shall be enforced by the Building Commissioner.

If the Building Commissioner shall be informed or have reason to believe that any provision of this Bylaw has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If he finds any violation he shall give immediate notice in writing to the Owner and to the Occupant of the premises to immediately cease such violation. In making such inspection, the Building Commissioner shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

If, after such notice and order, such violation continues, or if any Owner or Occupant fails to obey any lawful order of the Building Commissioner with respect to any violation of the provisions of the Bylaw, the Building Commissioner may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the premises and the continuation of the violation, and shall take such other action as is necessary to enforce the provisions of this Bylaw.

In addition to the foregoing remedy, whoever violates any provision of this Bylaw or fails to obey any lawful order issued by the Building Commissioner in enforcing this Bylaw shall be liable to a fine of not more than three hundred (\$300.00) for each violation. Each violation of this Bylaw shall constitute a separate offense. Each day that any such violation continues shall constitute a separate offense.

The Building Commissioner may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Building Commissioner may require that such complaint be made under oath or subject to the penalties of perjury. If the Building Commissioner determines that a reported condition may warrant immediate action, constitute a substantial violation of this Bylaw, or adversely affect protected interests of others than the complainant, the Building Commissioner may commence action under this Bylaw without requiring the disclosure of the identity of the complainant.

If the Building Commissioner determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this Bylaw, he shall refer the matter to the Board of Health of the town or any other appropriate state or town officials for action.

During his investigation of the matter, the Building Commissioner may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Bylaw without the need to issue a notice of violation.

31.5.2 Notice to Complainant

In any matter in which a complaint has been made by a person other than the Building Commissioner, the Building Commissioner shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

31.5.3 Removal of Nuisance by Selectmen

If the Responsible Party fails to remedy the nuisance upon notice from the Building Commissioner to do so, the Board of Selectmen may cause the nuisance to be removed as provided in M.G.L., Ch. 139.

31.5.4 Review by the Town Administrator

Any interested Party who has filed a written complaint of a nuisance with the Building Commissioner upon which complaint the Building Commissioner has determined that the condition is not a nuisance, or has taken other action that the Interested Party claims is inadequate shall have a right to a review of the matter by the Town Administrator. At the request of such an Interested Party, the Town Administrator shall confer with the Building Commissioner and shall recommend appropriate action to the Building Commissioner and to the Board of Selectmen.

31.5.5 Reports by Building Commissioner

The Building Commissioner shall file with the Board of Selectmen each month a report that shall include all complaints of nuisance made to him during the prior month; all proceedings begun by him under this Bylaw; all pending complaints and all investigations and enforcement actions taken by him or referred to the Board of Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter, or take any other action in relation thereto.

INFO: This article replaces Article 31 of the Town General By-Laws regarding property maintenance standards, to address the rising issues the Town is experiencing with nuisance and vacant properties. The purpose of these regulations is to help protect the health, safety, and welfare of the citizens of the Town. The goal is to prevent blight, protect property values and upkeep the neighborhood integrity. It will also ensure safety and sanitation standards of residential and commercial buildings. This article will be enforced by the Building Commissioner.

FINCOM: This was the Selectman's attempt to address the concern that residents have been raising.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 5: (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 \$28,000 to be spent under the jurisdiction of the Highway Surveyor for the purposes of purchasing a mini-loader/sidewalk plow, or take any other action in relation thereto.

INFO: This article seeks to fund \$28,000 for a mini-loader which can be used to plow the sidewalks in designated areas of Town. The Skid steer this will be replacing is 12 years old, is in need of costly repairs and has not been conducive to the Highway Department's needs. The Mini Loader is more efficient and fits the requirements of the Highway Department, including sidewalk plowing and sweeping.

FINCOM: New unit is required to replace the older existing unit.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 6: (Fire Chief)

To see if the Town will vote to establish a revolving fund pursuant to Section 53E ½ of Chapter 44 of the General Laws, to which fund will be deposited the receipts from the Emergency Dispatch fee paid by the Town's Emergency Ambulance Service provider, said funds to be expended by the Fire Chief as necessary for operation, training and equipping of the public safety dispatch center and public safety emergency medical response up to a maximum of \$60,000, or take any other action in relation thereto, or take any other action in relation thereto.

INFO: This would allow for a revolving account to be established for an Emergency Dispatch fee which would be paid by the town's Emergency Ambulance Provider. This company would bid to provide the Town's ambulance service, and pay a fee to the Town for this service. These funds would in turn be used to fund the training and equipping of the public safety dispatch center and medical response associated with emergency calls.

The new Emergency Ambulance Service provider will pay an emergency dispatch fee to the Town in the amount of \$5,000.00 per month (\$60,000.00/year) beginning in January 2012. The article proposes to deposit these funds into a revolving account to be used to support the dispatch center and emergency medical services provided by the Town. This would include training, equipment, maintenance, upgrades, etc.

FINCOM: New contract issued will have the ambulance provider paying the fire department for the response services we pay. Discussion held about allocating this money only once we know the program that it will be used on.

THE ARTICLE WILL BE PASSED OVER

ARTICLE 7: (Community Field Committee)

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 AD HOC Community Field Committee, said sum to be utilized for purposes of planning and construction of a concession stand and related facilities at the School/Community Field Facility at 31 West Fountain Street; and further to see how said sums 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: This article is seeking funding to construct a new concession building and related sanitary facilities at the Milford High School athletic fields.

FINCOM: New concession stand will cost a total of \$300,000 (\$150,000 left over from the project). The softball field improvements are not in jeopardy as that is covered in the project savings. The \$150,000 sought here will be combined with any remaining savings to build a facility. If there is less of a surplus, then the scope of the building will be scaled back.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 8: (Finance Committee)

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 Finance Committee to conduct an audit of the finances and operations at the Milford Youth Center, or take any other action in relation thereto

INFO: This article is seeking \$8,000 to fund an audit of the operations and finances of the Milford Youth Center. This would ensure that appropriate accounting controls are being followed and budgetary restraints are being managed with fiscal responsibility. This would also serve to assist the town as a model in managing all other revolving accounts so as to assure they are not overspent and that the proper controls are put into place to assure departments follow Town Meeting allocations.

FINCOM: Discussion held over the merits of having an independent audit versus performing the audit using internal staff. It was felt that although we have the technical expertise in-house, an independent view would be the only credible manner to present data to the public and organizations which donate to the center. Also this would provide a framework for managing all revolving funds.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 9: (Finance Committee)

To see if the Town will vote to reduce the maximum amount that can be expended from the Milford Youth Commission Revolving Account established under G.L.c. 44, Section 53 ½ the reduction being from \$150,000 to \$120,000, or take any other action in relation thereto.

INFO: This article would reduce the existing revolving account to \$120,000. This limits the amount of funds that could be expended by the Milford Youth Center, to assist them in better matching their expenses with the anticipated funding level. This would help ensure that the MYC does not go into a deficit in their account.

FINCOM: Discussion was held and it was felt the revolving account should mimic the expected revenues.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 10: (Milford Youth Commission)

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 Milford Youth Commission for the purpose of fully funding operational expenses and utility costs at the Milford Youth Center, or take any other action in relation thereto.

INFO: The Milford Youth Commission is seeking \$60,000 to fully fund operational expenses and clear the deficit position in the revolving account. This is being sought to make up for decreases in donations that have supported the MYC. This will help fund the programs, utilities and maintenance at the Milford Youth Center due to a reduction in funding from outside revenue sources.

FINCOM: The article wording is loose enough that it can be used for multiple purposes. The board committed that the \$60,000 will be used 100% for paying existing bills. The board guaranteed that they are currently not deficit spending.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 11: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money in the amount of \$22,500 to be expended to finish the second floor at the Milford Senior Center, or take any other action in relation thereto.

INFO: The article is seeking \$22,500 to finish the existing open space on the 2nd floor of the Milford Senior Center.

FINCOM: This will give the Senior citizens more room downstairs by moving programs such as SHINE upstairs (Medicare counseling). Milford is the hub for the SHINE program and we get approximately \$10K annually from the state.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 12: (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 \$40,000 to be spent under the jurisdiction of the Fire Chief to install new fuel pumps, monitoring system and fuel management system at the Birch Street Fire Station, or take any other action in relation thereto.

INFO: This article seeks \$40,000 to install new fuel pumps, and related systems at the Birch Street Fire Station. This article will replace the existing gasoline and diesel pumps and monitoring systems at the Birch Street Fire Station. The equipment to be replaced was originally installed in 1990. State required inspections have found the existing monitoring system to be noncompliant. The fuel pumps have begun to fail and have been out of service several times in the past year. Replacement parts are difficult if not impossible to locate. The proposed pumps, monitoring system and fuel management system will bring the tanks into compliance with state and federal regulations. In addition the fuel management system will allow other town departments to use the system and maintain accurate record keeping.

FINCOM: Looking to replace the pumps and the monitoring system, 2 dispensers and leak detection system and add a fuel management system. The new system would track each time fuel is dispensed to each vehicle. The tanks are 4,000 gal diesel and 1,000 gal capacity. The Chief said he believes that the tanks are in compliance.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 13: (David Morganelli, et al)

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

INFO: This article seeks to increase the hotel room occupancy tax from 4% to 6%. This would generate approximately \$250,000 in new revenue for the Town. It is felt that travelers do not concern themselves over the local tax rate when selecting a hotel so not business will be lost. The major areas that compete with Milford (Westboro, Franklin, Marlboro and Framingham) have been at 6% for 2 years. On a \$200 hotel room, this would add \$4 per night. It is expected that a traveler will not journey 25+ miles to save \$4 as it will cost more in gas.

This would affect family members who rent rooms in Milford and if not managed properly could give the town departments \$250,000 extra to spend. It could also be used to offset taxes or increase infrastructure improvements.

FINCOM: Discussion was held and a consensus was that since all the hotels in the area outside of Milford are at 6% our hotels would not be at a competitive disadvantage. It was felt that as Milford residents go to other towns, we pay tax on hotel rooms at a rate of at least 6%, so this places the same burden on visitors as they place on our residents. It was also noted that on a \$200 a night room the \$4 increase would not be enough to get people to drive 35 miles (as it would cost more in gas) to go to other towns. The cost to family members visiting Milford was felt to be nominal and less than the tax advantage if this is passed.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 14: (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 \$53,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing the Godfrey Brook culvert on Church Street, or take any other action in relation thereto.

INFO: This article seeks \$53,000 to replace the Godfrey Brook culvert on Church Street. The town has received a Hazard Mitigation Grant from MEMA in the amount of \$211,545.00 to rebuild the culvert on Church Street. The culvert has failed and can no longer handle the amount of water necessary to control flooding along this section of the Godfrey Brook. The town is responsible for 25% (\$53,000) of the total cost to repair the culvert.

Repairs to the Godfrey Brook walls, culverts and bridges have been ongoing projects in the town, to replace their deteriorating condition and allow for better water flow.

FINCOM: The state will pay 75% of the repairs. We budget approximately \$20,000 per year for Godfrey Brook repairs. This is too large to be absorbed. This design fits the overall design of the brook. If we receive money from the state to repair the entire brook, this will not have to be redone.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 15: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$26,000 for architectural services related to, and the construction of, a handicap accessible ramp at Draper Park, or take any other action in relation thereto.

INFO: This article seeks \$26,000 for architectural services related to providing handicap accessibility at Draper Park. This would meet current accessibility requirements.

FINCOM: Commission of Disability spent \$4,500 in the last 3 years (\$1,500 per year) to rent a ramp for Draper Park ceremonies. This pays for the design and creation of a permanent ramp.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 16: (Board of Selectmen)

To see if the Town will vote to amend the General By-Laws of the Town by adding thereto a new Article 14A to be entitled "Unlawful Noise" and which new Article 14A will provide in full as follows:

Unlawful Noise Section 1. Unlawful Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue, or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town of Milford. The following acts are declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be exclusive, namely:

- a) Radio, Phonograph, Musical Instruments and Television. The playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of identified persons in any dwelling, hotel, hospital, or other type of residence, or in any office or building or of any persons in the vicinity.
- b) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, in a public place, or in any place to which the public has a right of access, between the hours of 11:00 p.m. and 7:00 a.m. or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of identified persons in or on a public way, a public place, a way to which the public has a right of access or any dwelling, hotel, hospital, or other type of residence, or in any office or building or of any persons in the vicinity.
- c) Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any identified person.
- d) Devices to Attract Attention. The use of any drum, horn or other instrument or device of any kind for the purpose of attracting attention by the creation of noise and such noise annoys or disturbs the reasonable quiet, comfort or repose of identified persons, This section shall not apply to any person while participating in a school band or duly licensed parade or who has been otherwise authorized to engage in such activity.

Section 2. Commercial Activity Generating Noise.

The following commercial uses and activities are determined to generate or involve excessive and/or unreasonable noise and are prohibited:

- a) Operation of earthmoving or other heavy vehicles or equipment, jack hammering, use of power tools between the hours of 9:00 p.m. and 7:00 a.m.
- b) Idling of any diesel-engine-equipped vehicle having a gross vehicle weight in excess of 15,000 pounds, or equipment between the hours of 9:00 p.m. and 7:00 a.m.
- c) Construction, demolition or alteration of any building or structure, including excavation and other site work, between the hours of 9:00 p.m. and 7:00 a.m.
- d) Operation of any wood/brush chipper, pneumatic-powered equipment or tool, hammer, chainsaw, commercial power mower, trimmer, blower or other construction, forestry or landscape equipment between the hours of 9:00 p.m. and 7:00 a.m.

Section 3. Exemptions.

None of the terms or prohibitions of the previous sections shall apply or be enforced against:

- a) Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.

b) Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the Commonwealth of Massachusetts.

c) Public Address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature.

d) Noise caused by agricultural, farm-related, or forestry-related activities as defined by M.G.L. Chapter 128, Section 1A, as amended from time to time, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

e) Parades, public gatherings, or sporting events, for which appropriate permits have been issued or which are constitutionally protected.

Section 4. Noise From Motor Vehicles.

It shall be unlawful for any person while in control of any motor vehicle in the Town of Milford to cause any unnecessary, loud, excessive, or unusual noise in the operation of the motor vehicle. The fact that the noise is plainly audible at a distance of 100 feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this chapter. As used herein, the term "motor vehicle" shall include "motorcycle".

Section 5. Other Remedies.

a) If the person or persons responsible for an activity which violates Section 1 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee, occupant of the property or persons present therein from which the activity is occurring or emanating, shall be deemed responsible for the violation.

b) If the person or persons responsible for an activity which violates Section 1 can be determined, any person or persons who violate Section 1 of this by-law may be arrested without a warrant, provided that the violation occurs in the presence or view of any officer authorized to serve criminal process.

Section 7. Severability.

If any provision of this by-law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated, or take any other action in relation thereto.

INFO: This will add a new general by-law that would regulate unlawful-noise, as defined in the article. This seeks to restrict loud noises between the hours of 11:00 p.m.-7:00a.m. as well as other loud noises that would disturb the peace. It would also limit commercial and construction sites to limit excessive and unreasonable noises from 9:00 p.m. and 7:00 a.m. Emergency and public works projects would be exempt from this by-law.

FINCOM: This was the Selectman's attempt to address the concern that residents have been raising.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 17: (School Committee)

To see if the Town will vote to appropriate the sum of \$374,372 to be spent under the jurisdiction of the School Committee for the purchase and installation of modular classrooms at the Woodland Elementary School; 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: The School Committee is seeking \$374,372 to purchase and install modular classrooms at the Woodland Elementary School. This is being requested to accommodate the growing needs of the student body at this location. The replacement of the modular classrooms at Woodland Elementary School cost a total of \$374,372.00 with a three year lease agreement of \$125,962.00/per year.

FINCOM: The portables have been on the capital improvement list for many years. They are currently 10-15 years over their expected life time. The previous winter caused grave concerns over the structural integrity and it remains a concern. A onetime payment is \$350,000. A lease plan of 3 years adds \$21,000 of interest. The new design also expands the current design by 2 classrooms.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 18: (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 with funds previously appropriated, to be spent under the jurisdiction of the Board of Selectmen for engineering, consulting and legal expenses looking towards the cleanup of environmental hazards on Town property off of the Charles River Trail behind property of the Benjamin Moore Company and Sumner Realty Trust, or take any other action in relation thereto.

INFO: This article seeks \$70,000 to further engineering, consulting and legal expenses regarding the cleanup of environmental hazards on Town property off of the Charles River Trail behind property of the Benjamin Moore Company and Sumner Realty Trust. This is continuing of legal and expert services concerning the responsibility of contamination at this site. This article will continue the litigation against Mass DEP and Benjamin Moore over the gradient status and/or cleanup of contamination on town property. The appropriate number will be firmed up after further discussion but it is anticipated that \$70,000 would be the sum.

FINCOM: We have (with this allocation) in excess of \$500K invested. If we win the lawsuit all of this is possibly recoverable. There was other information discussed about actions being taken in Executive session.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 19: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$30,000, said sum to be utilized to demolish the structure(s) at 8 Blanchard Road, or take any other action in relation thereto.

INFO: This article seeks \$30,000 to demolish and remove the structure(s) at 8 Blanchard Road. This residence has deteriorated over the years of its vacancy and the owner has not been able to bring the property into a safe and habitable condition. This amount would be assessed as a lien on the property to be recovered at time of sale or disposal.

FINCOM: Figure is high to cover for asbestos we expect to find. All expenses would be applied to the lean placed on the property. The value of the lot is much higher than \$30K

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 20: (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 \$40,000 to be spent under the jurisdiction of the Fire Chief for the purchase and equipping of a new staff car/SUV to replace car 3, or take any other action in relation thereto.

INFO: The Fire Chief is seeking \$40,000 to replace car #3 used by his staff. Typically 1 new car/suv is purchased every 3 years, replacing the oldest vehicle. This project will purchase a new 2011/12 model year, Ford Expedition, 4 x 4 that will replace the 2000 model year, Ford Expedition. This is an ongoing program that replaces the oldest of our three four wheel drive vehicles every three/four years. The vehicles are used by the Fire Chief, Deputy Fire Chief and the Fire Inspector for emergency response and routine business.

FINCOM: This is an adjustment to the old 3 year replacement practice increasing the cycle to 4 years. The oldest vehicle is from 2000 and has 100,000 miles.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 21: (Board of Selectmen)

To see if the Town will vote to transfer the sum of \$34,850 from the General Government Line Item 148-5312 as voted under Article 4 of the May 23, 2011 Annual Town Meeting, said sum to be added to the appropriate School Department line item as voted at that meeting, or take any other action in relation thereto.

INFO: This article seeks to transfer \$34,850 to the School Department Budget for the Town's portion of the salary of town's Technology Officer. This allocates his expenses for non-school related services. With the hiring of the Technology Officer, the agreement was that the School Department would fund 60% of the salary and the Town would fund 40%. This money will allow the School Department to pay the salary from their account using funds from the general government account.

FINCOM: This is simply to implement the town meeting vote by transferring money from one account to another. The town pays 40% of the salary and the school pays 60%.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 22: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$38,000 to be used for architectural and engineering services related to the repainting of the exterior of the Milford Town Hall and the rebuilding of steps to both entrances to the Town Hall, or take any other actions in relation thereto.

INFO: This article seeks \$38,000 for services related to the repainting and step repairs at both side entrances at the Town Hall. The steps have had problems with the mortar joining them and coming loose.

FINCOM: This includes the design services for the painting and repairs.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

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 in the amount of \$110,000, said sum to be added to sums previously appropriated to be utilized to re-paint the exterior of the Milford Town Hall, or take any other action in relation thereto.

INFO: This article seeks \$110,000 to provide funds to repaint the Town Hall exterior which should be about 1/3 of the total cost of repainting the Town Hall. These amounts are accumulated over a period of 3 years when funds are available and then the building is repainted every 5-7 years.

FINCOM: \$220k has already been approved. This is the last installment and the architect thinks the estimate is still valid. The plan would be to paint in the spring of 2012.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 24: (Board of Park Commissioners)

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money in the amount of \$120,000, said sum to be utilized to fund repairs and improvements at the Town Pool, including, but not limited to restroom renovations, sandblasting, and construction of a handicap access ramp and rails, or take any other action in relation thereto.

INFO: This article seeks \$120,000 to renovate and provide adequate restroom facilities at the town pool and other needed repairs. It will also provide appropriate handicap accessibility. Breakdown is \$80,000 for restoration; \$20,000 to sandblast the pool and \$20,000 to create a handicap accessible ramp. The restoration includes bringing the 50 year old restrooms up to code including handicap accessibility and showers with hot water.

FINCOM: Discussion on options was held including shutting down the Milford Pool and just using Casey Pool were held. The general sentiment was that it is part of the history of the town and has a special character that is part of Milford. It continues to draw young families that the state pool does not address.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 25: (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 \$18,000 to be spend under the jurisdiction of the Highway Surveyor for the purpose of repairing damage to the Highway Department roof caused by recent snow accumulations, or take any other action in relation thereto.

INFO: The Highway Surveyor is seeking \$18,000 to repair damage caused to the roof, from the excessive snowfall this year. The heavy accumulation of snow from last winter caused damage when the snow slid off the roof. All the roof vents had been torn out causing damage to the metal roofing. The \$18,000 will be used to repair the metal roof, re-flash all the vents, install new vents and install snow diverters to stop this from happening in the future.

FINCOM: The existing roof design does not lend itself toward an alternate repair option.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 26: (Board of Selectmen)

To see if the Town will vote to raise and appropriate or transfer from available funds, \$24,950.00 for the acquisition, installation, and configuration of an automated permit tracking software and database management system, including training, to be utilized by the Department of Inspections, or take any other action in relation thereto.

INFO: The Department of Inspections is seeking \$24,950 to acquire a permitting/record keeping system. This will allow the department to properly track the permitting process through completion and also record other violations/issues reported at a property location. This will also aid in tracking and resolving discovered violations with troubles properties. An automated permit tracking software and database management system is essential to modernizing the Inspectional Services operations. Permit tracking software will operate on the Town Hall network server with unlimited workstations to fully automate the operations of the Inspectional Services Department. The software manages the permit process from application, collection of fees and completion of inspections to formal inspections and issuance of certificates of occupancy. A complete history of parcels is maintained, including permits, inspections, complaints, variances, zoning violations, and other actions. The software facilitates full tracking and scheduling of inspections, documents, fees, and pictures. It also utilizes inspection templates to ensure all inspection are completed before a permit is closed. The system allows for the creation and tracking of recurring

inspections, complaint tracking and automated issuance of violations based on Town Bylaws. A complete audit trail is maintained on all activities, including archiving of all deleted records, documents and pictures, and tracking of all programming notes for ease of recovery if necessary.

FINCOM: This was the one thing that the inspector said would make his operations more efficient.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 27: (Geriatric Authority)

To see if the Town will vote to appropriate the sum of \$6,200,000 to be spent under the jurisdiction of the Geriatric Authority for the purpose of renovation, reconstruction and/or expansion of the Milford Geriatric Authority facility; and further to authorize the Treasurer, with the approval of the Selectmen, to borrow \$6,200,000 under Section 10A of Chapter 76 of the Acts of 1982, as amended, or any other enabling authority, or take any other action in relation thereto.

INFO: The Milford Geriatric Authority is seeking to construct an addition to add 24 more long-term residence beds/rooms at its facility, as the demand for this type of residence is increasing, and applicants are turned away. The \$6,200,000 would be borrowed / bonded and the expense related to paying this would be more than offset by the new revenues generated.

FINCOM: Discussion held at last meeting and the fincom was comfortable that the percentage had not increased regarding accounts receivable and the bad debt was only \$30K on \$1M. The timing is longer each year as the government takes longer to pay. The town guarantees the bond to be a better rating but the Authority pays all expenses.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 28: (Town Treasurer)

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 Other Post Employment Benefit Liability Trust Fund, or take any other action in relation thereto.

INFO: This article seeks to establish a trust fund to finance post retirement benefits, such as health/life insurance for retired employees. This is considered an unfunded liability that now exists for the town. This fund is similar to setting up a fund for pension retirement benefits. Many communities have begun to fund the OPEB liability, Milford has accepted the MOL 32B §20 which establishes the trust fund, but passed over the article to appropriate. This is a possible use for free cash.

FINCOM: The total liability could be as high as \$55,000,000. The bonding agencies would like to see Milford start at \$5,000,000. Discussion was held and it was decided that the FinCom could support \$200,000 until the treasurer has a committee set up and we understand what an overall plan should be. The timeframe for this plan is expected to be in the spring. Several towns have begun to fund their funds.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 29: (Town Treasurer)

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

INFO: A transfer of part of the fund balance to the Sewer Stabilization Fund will allow the Treasurer to earn a better return on these funds until they are needed for improvements to property, plant and equipment. Stabilization Fund to invest monies received from Hopkinton for reimbursement of constructions costs incurred.

FINCOM: Discussion was around the ability to earn interest on the stabilization account.

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

ARTICLE 30: (Town Treasurer)

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 Fund as established under G.L. c. 40, Section 5B, or take any other action in relation thereto.

INFO: If funds are available, a portion could be deposited into the Stabilization Account. This would allow for better earnings on the funds, and continue to bolster the Town's credit rating and ability to pay future debt.

FINCOM: The finance committee felt that placing \$350,000 into the stabilization account was a balanced approach alongside with reducing the tax burden on residents.

ARTICLE 31: (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 or debt expenses to fix the tax rate for fiscal year 2012, or take any other action in relation thereto.

INFO: This article will allow the town to make any adjustments to the tax rate, or provide any relief to the tax levy by using any available funds or excess levy capacity to fund any town meeting articles.

FINCOM: \$500,00 will be applied to the levy limit for tax payer relief

FINANCE COMMITTEE RECOMMENDATION IS FAVORABLE

Summary

	Total \$	\$/Tax Bill	
1 Fireworks	\$ 18,000	\$1.44	Selectman
16 Noise By Law	\$ 0		Selectman
23 Repaint Town Hall (Phase 3)	\$ 110,000	\$8.80	Selectman
4 Nuisance By Law	\$ 0		Selectman
15 Draper Park Architectural Services	\$ 26,000	\$2.80	Selectman
18 Environmental Cleanup Legal Fees	\$ 70,000	\$5.60	Selectman
2 Police Department Collective Bargaining	\$ 77,500	\$6.20	Selectman
21 Technology Director 40% Salary \$34,850	\$ 0		Selectman
19 Demolition of 8 Blanchard Road	\$ 30,000	\$2.40	Selectman
11 Senior Center Second Floor	\$ 22,500	\$1.80	Selectman
22 Town Hall Stair repairs and painting	\$ 38,000	\$3.04	Selectman
26 Permit Tracking Software	\$ 25,000	\$2.00	Selectman
3 Replace Library HVAC	\$ 75,000		Library
12 New Fuel Pumps	\$ 40,000	\$3.20	Fire
20 Fire Staff Vehicle	\$ 40,000	\$3.20	Fire
6 Dispatcher Revolving Account	\$ 0		Fire
5 Sidewalk Plow	\$ 28,000	\$2.24	Highway
14 Godfrey Brook Culvert (Town Share)	\$ 53,000	\$4.24	Highway
25 Highway Barn Roof	\$ 18,000	\$1.44	Highway
17 Modular Classrooms	\$ 350,000		School
8 Audit Model / Youth Center	\$ 8,000	\$0.64	FinCom
31 Set Tax Rate	\$ 0		FinCom
9 Reduce Revolving Account	\$ 0		FinCom
7 Concession Stand at Field	\$ 150,000	\$12.00	Comm Fields
28 Benefit Liability (OPEB)	\$ 200,000	\$16.00	Treasurer
29 Sewer Stabilization Account	\$ 0		Treasurer
30 Town Stabilization Account	\$ 350,000	\$28.00	Treasurer
10 Youth Center - Budget / Over spending	\$ 60,000	\$ 4.80	Youth
13 Increase Hotel Tax	\$		Morganelli
24 Town Pool	\$ 120,000	\$9.60	Park Dept
27 Geriatric Expansion	\$ 0		FinCom
	\$		
	\$1,909,000.00		

\$8.00 added to each bill for an average home for each \$100,000 spent (or not saved)

