

SPECIAL TOWN MEETING  
October 22, 2012  
Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

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Town Moderator, Michael J. Noferi called the meeting to order at 7:30 pm. The quorum was set at 121 members.

The Precinct Captain of Prec. 2 was asked to give the results of the Special Elections held.

Margaret S. Myatt and Thomas C. Myatt of 31 Cedarview Circle were both elected.

The quorum was now set at 122 members.

The Precinct Captains took attendance and reported 150 members were present, 91 members were absent. A quorum was attained.

All newly elected members were sworn in by Town Clerk, Amy E. Hennessy Neves.

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

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

Town Moderator, Michael Noferi asked if there were any Resolutions to present, none were presented.

Town Moderator asked if there were any Committee Reports to present.

Finance Committee Chairman March Schaen presented a report on behalf of the Finance Committee.  
(Copies can be obtained in the Town Clerk's Office)

Capital Improvement Chairman B. Gregory Johnson presented a report of behalf of the CIC. (Copies can be obtained in the Town Clerk's Office).

**ARTICLE 1:** 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.

(Board of Selectmen)

**It was Moved:** That the Town vote to raise and appropriate the sum of \$18,000 to be utilized for the July 4, 2013 celebration.

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

**ARTICLE 2:** To see if the Town will vote to accept as and for a public way a private way known as Dynasty Drive, with appurtenant easements, or take any other action in relation thereto.

(Board of Selectmen)

*A motion was made to waive the reading of the motion because it is the same as it appears in the report of the Board of Selectmen. Voice vote taken...Carried.*

**It was Moved:** That the Town vote to accept as and for a public was a private way known as Dynasty Drive, with appurtenant easements, as described in the report of the Selectmen dated May 1, 2012 as follows:

Legal Description of Dynasty Drive from Station 0+17.49 to Station 12+41.48, length to be accepted 1,223.99 feet.

Beginning at a concrete bound, said bound being the point where the westerly sideline of Purchase Street intersects the northerly sideline of Dynasty Drive at land of Michael and David Myles Eldridge:

- Thence N 61° 02' 41" E a distance of 129.99 feet along said land of Michael and David Myles Eldridge, to a concrete bound at a point of curvature at Lot 16;
- Thence Northeasterly, and curving to the right along the arc of a curve having a radius of 275.00 feet, a length of 86.78 feet along said Lot 16, to a concrete bound at a point of tangency;
- Thence N 79° 07' 2-9" E a distance of 94.09 feet along said Lot 16 a concrete bound at a point of curvature:
- Thence Northeasterly and southeasterly and curving to the right along the arc of a curve having a radius of 275.00 feet, a length of 407.87 feet along said Lot 16, Lot 15, the southwesterly sideline of Celestial Circle, Lot 11, and Lot 10 to a concrete bound at a point of tangency;
- Thence S 15° 53' 47" E a distance of 13.02 feet along said Lot 10 to a concrete bound at a point of curvature at said Lot 10;
- Thence Southeasterly and southwesterly and curving to the right along the arc of a curve having a radius of 150.00 feet a length of 155.01 feet along said Lot 10 and Lot 9 to a concrete bound at a point of tangency;
- Thence S 43° 18' 42" W a distance of 17.06 feet along said Lot 9 to a concrete bound at a point of curvature;
- Thence Southwesterly and southeasterly and curving to the left along the arc of a curve having a radius of 10.00 feet, a length of 15.71 feet along said Lot 9 to a concrete bound at the northeasterly sideline of Governors Way, a private road;
- Thence S 43° 18' 42" W a distance of 43.14 feet along said Governors Way to a point of curvature;
- Thence Southwesterly and curving to the right along the arc of a curve having a radius of 280.00 feet, a length of 124.50 feet by said Governors Way and Lot 8B to a concrete bound;
- Thence S 13° 51' 14" E a distance of 13.91 feet along said Lot SB to a concrete bound at land of Robert H. and Cheryl A. Knowlton;
- Thence S 76° 08' 38" W a distance of 231.16 feet along said land of Robert H. and Cheryl A. Knowlton, to a concrete bound on the easterly sideline of said Purchase Street;
- Thence N 18° 15' 41" W a distance of 78.13 feet along the easterly sideline of said Purchase Street and the westerly sideline of Dynasty Drive to a concrete bound at a point of curvature at Lot 7;
- Thence Southeasterly and curving to the left along the arc of a curve having a radius of 15.79 feet a length of 24.27 feet by said Lot 7 to a concrete bound at a point of tangency;
- Thence N 73° 38' 58" E a distance of 194.65 feet along said Lot 7 and Lot 6 to a concrete bound at Lot 5 and a point of curvature;
- Thence Northeasterly and curving to the left along the arc of a curve having a radius of 220.00 feet a length of 116.49 feet by said Lot 5 to a concrete bound at a point of tangency;
- Thence N 43° 18' 42" E a distance of 70.20 feet along said Lot 5 and Lot 4 to a concrete bound at a point of curvature;

Thence Northeasterly and northwesterly and curving to the left along the arc of a curve having a radius of 100.00 feet a length of 103.34 feet by said Lot 4 to a concrete bound at a point of tangency;

Thence N 15° 53' 47" W a distance of 13.02 feet along said Lot 4 to a concrete bound at a point of tangency;

Thence Northwesterly and southwesterly and curving to the left along the arc of a curve having a radius of 225.00 feet a length of 331.71 feet by said Lot 4, Lot 3, Lot 2, and Lot 1 to a concrete bound at a point of tangency;

Thence S 79° 07' 29" W a distance of 94.09 feet along said Lot 1 to land of James H. and Donna J. Lambert to a concrete bound at a point of curvature;

Thence Southwesterly and curving to the left along the arc of a curve having a radius of 225.00 feet a length of 71.00 feet along said land of James H. and Donna J. Lambert to a concrete bound at a point of tangency;

Thence. S 61° 02' 41" W a distance of 102.09 feet along said land of James H. and Donna J. Lambert to a concrete bound at a point of curvature;

Thence Southwesterly and curving to the left along the arc of a curve having a radius of 25.00 feet a length of 40.23 feet along land of said James H. and Donna J. Lambert to a railroad spike on the easterly sideline of said Purchase Street;

Thence N 31° 09' 21" W a distance of 76.02 feet along said easterly sideline of Purchase Street and the westerly sideline of Dynasty Drive to the point of beginning.

Said layout of Dynasty Drive to be Variable width and containing an area of 67,212 square feet, more or less, and is more particularly shown on a plan entitled: "Layout Plan of Dynasty Drive in Milford, Mass., By: Board of Selectmen, Owner: Dynasty Residential Realty, LLC, Scale: 30 Feet to an Inch, Date: March 27, 2012, Guerriere & Halnon, Inc. Engineering and Land Surveying 333 West Street, Milford, Mass. 01757."

#### LEGAL DESCRIPTION OF SEWER EASEMENT , MILFORD, MA.

##### Legal Description of Sewer Easement Lots 8C, 22A and 22B.

Beginning at a concrete-bound on the southerly sideline of Dynasty Drive, Lot 8C and land of Robert H. Knowlton and Cheryl A. Knowlton;

Thence N 13° 51' 14" W a distance of 13.91 feet along said southerly sideline of Dynasty Drive to a concrete bound at a point on a curve;

Thence Northeasterly and curving to the left along the arc of a curve having a radius of 280.00 feet a length of 90.00 feet along said Dynasty Drive to a point of reverse curvature at Governors Way, a private way ;

Thence Southeasterly and curving to the right along the arc of a curve having a radius of 20.00 feet a length of 28,95 feet along said Governors Way to a point;

Thence S 46° 41' 17" E a distance of 13.43 feet along said Governors Way to a point;

Thence S 68° 19' 25" W a distance of 68.52 feet through said Lot 8C to a point;

Thence S 21° 27' 53" E a distance of 22.71 feet through said Lot 8C to a point;

Thence S 14° 29' 08" E a distance of 98.97 feet through said Lot 8C to a point in Lot 22B;

Thence S 18° 51' 44" E a distance of 69.08 feet through said Lot 22B to a point in Lot 22A;  
 Thence S 18° 54' 56" E a distance of 198.50 feet through said Lot 22A to a point on the northerly sideline of Pinewood Road:

Thence N 84° 48' 07" W a distance of 32.87 feet along said Pinewood Road to a point at land of Maureen A. Tomaso and Sheila Swanwick:

Thence N 18° 54' 56" W a distance of 185.09 feet along land of said Tomaso and Swanwick to a axel at land of Leah Mercaldo, and others;

Thence N 18° 51' 44" W a distance of 70.24 feet along land of said Mercaldo and others, to a iron pipe at land of said Robert H. Knowlton and Cheryl A. Knowlton;

Thence N 14° 29' 08" W a distance of 98.29 feet along land of said Robert H. Knowlton and - Cheryl A. Knowlton to a point;

Thence N 21° 27' 53" W a distance of 13.11 feet along land of said Robert H. Knowlton and Cheryl A. Knowlton to a point;

Thence S 76° 08' 38" W a distance of 22.09 feet along land of said Robert H. Knowlton and Cheryl A. Knowlton to the point of beginning.

Said easement containing an area of 13,339 square feet, more or less, and is more particularly shown on a plan entitled: "Layout Plan of Dynasty Drive in Milford, Mass., By: Board of Selectmen, Owner: Dynasty Residential Realty, LLC, Scale: 30 Feet to an Inch, Date: March 27, 2012, Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass. 01757."

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

**ARTICLE 3:** To see if the Town will vote to accept as and for a public way a private way known as Celestial Circle, with appurtenant easements, or take any other action in relation thereto.

(Board of Selectmen)

***A motion was made to waive the reading of the motion because it is the same as it appears in the report of the Board of Selectmen. Voice vote taken...Carried.***

**It was Moved:** That the Town vote to accept as and for a public way a private way known as Celestial Circle, with appurtenant easements, as described in the report of the Selectmen dated May 1, 2012 as follows:

Legal Description of Celestial Circle from Station 0+25.00 to Station 3+65.66, length to be accepted 340.66 feet.

Beginning at a concrete bound, said bound being the point where the easterly sideline of Dynasty Drive intersects the westerly sideline of Celestial Circle at Lot 15 and at a point of curvature:

Thence Southeasterly and curving to the left along the arc of a curve having a radius of 20.00 feet a length of 27.98 feet by said Lot 15 to a concrete bound at a point of tangency;  
 Thence N 46° 13' 33" E a distance of 223.78 feet along said Lot 15, Lot 14B, and Lot 13B to a concrete bound at a point of curvature;  
 Thence Northeasterly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 19.47 feet along said Lot 13B to a point of reverse curvature;  
 Thence Northeasterly, southeasterly and southwesterly curving to the right along the arc of a curve having a radius of 60.00 feet a length of 305.30 feet along said Lot 13B, Lot 20A, Lot 19 A, and Lot 18 A to a concrete bound at a point of reverse curvature at Lot 17 A;  
 Thence Northwesterly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 19.47 feet along said Lot 17A to a concrete bound at a point of tangency;  
 Thence S 46° 13' 33" W a distance of 222.14 feet along said Lot 17A, Lot 12B, and Lot 11 to a

concrete bound at a point of curvature;  
 Thence Southwesterly and curving to the left along the arc of a curve having a radius of 20.00 feet, a length of 28.72 feet by said Lot 11 to a concrete bound at a point on a curve on the easterly sideline of said Dynasty Drive;  
 Thence Northwesterly and curving to the left along the arc of a curve having a radius of 275.00 feet a length of 84.24 feet by said easterly sideline of said Dynasty Drive and the westerly sideline of said Celestial Circle to the point of beginning.

Said layout of Celestial Circle to be 50.00 feet wide and containing an area of 23,866 square feet, more or less, and is more particularly shown on a plan entitled: "Layout Plan of Celestial Circle in Milford, Mass., By: Board of Selectmen, Owner: Dynasty Residential Realty, LLC, Scale: 30 Feet to an Inch, Date: March 27, 2012, Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street Milford, Mass. 01757."

#### LEGAL DESCRIPTION OF DRAINAGE EASEMENT , MILFORD, MA

##### Legal Description of Drainage Easement Lots 9, 10, 11, 12B and 17A

Beginning at a point on the southerly sideline of Celestial Circle at Lot 17A, said point being S 46° 13' 33" W a distance of 30.87 from a concrete bound;

Thence S 42° 29' 40" E a distance of 93.81 feet through Lot 17A and along Lot 12B to a point;  
 Thence N30°32' 15" E a distance of 20.82 feet through said Lot 17A a point;  
 Thence S 59° 27' 45" E a distance of 117.50 feet through said Lot 17A to a point at Parcel A;  
 Thence S 58° 35' 14" W a distance of 145.57 feet along said Lot 17A, said Parcel A, and said Lot 12B to a point at Lot 11 and Lot 10;  
 Thence S 08° 41' 32" E a distance of 208.15 feet along said Lot 10, said parcel A, and Lot 9 to a point;  
 Thence N 85° 10' 50" W a distance of 110.13 feet through said Lot 9 to a point;  
 Thence N 04° 43'22" E a distance of 184; 84 feet through said Lot 9 and said Lot 10 to a point at said Lot 11 ;  
 Thence S 78° 58' 30" W a distance of 97.33 feet along said Lot 10 and said Lot 11 to a point on a curve on the easterly sideline of Dynasty Drive;  
 Thence Northwesterly and curving to the left along the arc of a curve having a radius of 275.00 feet a length of 20.53 feet along said Dynasty Drive and said Lot 11 to a point;  
 Thence N 78° 58' 30" E a distance of 118.38 feet through said Lot 11 to a point;  
 Thence N 30° 32' 15" E a distance of 103.51 feet through said Lot 11 and said Lot 12B to a point;  
 Thence N 42° 29' 40" W a distance of 99.46 feet through said Lot 12B and said Lot 17A to a point on the southerly sideline of said Celestial Circle;  
 Thence N 46° 13' 33" E a distance of 20.00 feet along said Celestial Circle and said Lot 17A to the point of beginning.

Said easement containing an area of 32,699 square feet, more or less, and is more particularly shown on a plan entitled: "Layout Plan of Celestial Circle in Milford, Mass., By: Board of Selectmen, Owner: Dynasty Residential Realty, LLC, Scale: 30 Feet to an Inch, Date: March 27,2012, Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass. 01757."

LEGAL DESCRIPTION OF SEWER EASEMENT, MILFORD, MA

Legal Description of 30' Wide Sewer Easement Lots 14B, Lot 13B and 20A

Beginning at a point on the northerly sideline of Celestial Circle at Lot 13B, said point being S 46° 13' 33" W a distance of 14.17 from a concrete bound;

- Thence S 46° 13' 33" W a distance of 30.00 feet along said northerly sideline of Celestial Circle and said Lot 13B to a point;
- Thence N 43° 36' 39" W a distance of 125.30 feet through said Lot 13B and Lot 14B to a point;
- Thence N 06° 00' 05" E a distance of 49.93 feet through said Lot 13B to a point at land of Raymond S. Norris and Ellen Woolf;
- Thence N 60° 14' 10" E a distance of 198.82 feet along said Lot 13B, said land of Raymond S. Norris and Ellen Woolf, Lot 20A and land of Bias A. Cerda and Xochiti Tejada deCerde to a point;
- Thence S 29° 45' 50" E a distance of 30.00 feet through said Lot 20A to a point;
- Thence S 60° 14' 10" W a distance of 183.46 feet through said Lot 20 A and Lot 13B to a point;
- Thence S 06° 00' 05" W a distance of 20.70 feet through said Lot 13B to a point;
- Thence S 43° 36' 39" E a distance of 111.35 feet through said Lot 13B to the point of beginning.

Said easement to be 30.00 feet wide and containing an area of 10,343 square feet, more or less, and is more particularly shown on a plan entitled: "Layout Plan of Celestial Circle in Milford, Mass., By: Board of Selectmen, Owner: Dynasty Residential Realty LLC, Scale: 30 Feet to an Inch, Date: March 27, 2012, Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass. 01757."

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

**ARTICLE 4:** To see if the Town will vote to amend the Zoning Bylaw relating to sheds as follows:

BY DELETING in Section 4.1 Definitions the definition of "Shed".

AND BY DELETING Section 3.2.4 Sheds in its entirety and adopting in lieu thereof the following new Section 3.2.4:

"3.2.4 Setback Reduction – Notwithstanding the above, the required side and rear yard setbacks may be reduced by not more than 50% for an accessory building or structure not exceeding 120 square feet in gross floor area and 10 feet in height."

or take any other action in relation thereto.

(Planning Board)

**It was Moved:** That the Town vote to amend the Zoning Bylaw relating to sheds as follows:

BY DELETING in Section 4.1 Definitions the definition of "Shed".

AND BY DELETING Section 3.2.4 Sheds in its entirety and adopting in lieu thereof the following new Section 3.2.4:

“3.2.4 Setback Reduction – Notwithstanding the above, the required side and rear yard setbacks may be reduced by not more than 50% for an accessory building or structure not exceeding 120 square feet in gross floor area and 10 feet in height.”

Moderator Noferi announced he will take a voice vote unless it is not unanimous, in which he would take a standing vote.

***After discussion, Moderator Noferi announced he will take a Voice Vote unless the voice vote is not unanimous, and in that case a standing 2/3<sup>rd</sup> vote will be taken. A Voice Vote was taken on the Motion as Presented...Voice Vote Unanimous.***

**ARTICLE 5:** To see if the Town will vote to delete the provisions of Article 18 of the General By-Laws entitled “Capital Improvement Committee” and at the same time amend Article 2 of said by-laws entitled “Finance Committee” by inserting a new paragraph within Section 4 thereof which paragraph shall state as follows:

The Finance Committee shall have a permanent sub-committee on Capital Improvements which sub-committee shall evaluate the capital needs of Town and its various departments and shall report and recommend thereon to the full Finance Committee.

or take any other action in relation thereto.

(Finance Committee/Board of Selectmen)

**It was Moved:** That the Town vote to delete the provisions of Article 18 of the General By-Laws entitled “Capital Improvement Committee” and at the same time amend Article 2 of said by-laws entitled “Finance Committee” by inserting a new paragraph within Section 4 thereof which paragraph shall state as follows:

The Finance Committee shall have a permanent sub-committee on Capital Improvements which sub-committee shall evaluate the capital needs of Town and its various departments and shall report and recommend thereon to the full Finance Committee.

***After discussion, a motion was made by precinct member Edward Bertorelli to Move the Question...a standing vote was taken...97 in favor...47 opposed ...Motion to Move the Question Carried.***

***Voice Vote on Motion as Presented...Defeated.***

**ARTICLE 6:** 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 Park Commission to purchase a new lawn tractor/mower, or take any other action in relation thereto.

(Park Commission)

**It was Moved:** That the Town vote to raise and appropriate the sum of \$25,000 to be utilized by the Park Commission to purchase a new lawn tractor/mower.

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

**ARTICLE 7:** To see if the Town will vote to raise and appropriate a sum of money in the amount of \$44,000 to be utilized to increase the fiscal year 2013 appropriation for the Retirement Board to supplement the acceptance of the provisions of Subsection (j) of Section 103 of Chapter 32 of the General Laws as inserted by Section 19 of Chapter 188 of the Acts of 2010, or take any other action in relation thereto.

(Retirement Board)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$44,000 said sum to be added to the Retirement Board Personnel Services Line Item No. 911-5110 as voted under Article 4 of the May 21, 2012 Annual Town Meeting, said sum to be utilized to supplement the acceptance of the provisions of

Subsection (j) of Section 103 of Chapter 32 of the General Laws as inserted by Section 19 of Chapter 188 of the Acts of 2010.

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

**ARTICLE 8:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, said sum to be added to the Legal Department Expense Account for purpose of replacement of items of electronic equipment, or take any other action in relation thereto.

(Legal Department)

**It was Moved:** That the Town vote to raise and appropriate the sum of \$2,700, said sum to be added to the Legal Department Expense Account Line Item Number 151-5300 as voted under Article 4 of the May 21, 2012 Annual Town Meeting for purposes of replacement of items of electronic equipment.

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

**ARTICLE 9:** To see if the Town will vote to amend the Personnel Bylaws of the Town by adding a new Section 5.13 as follows:

**SECTION 5:13 LONGEVITY PAY:**

Longevity Pay shall be granted to eligible personnel in the following positions:

Administrative Assistant to the Town Administrator  
Confidential/Parking Clerk  
Assistant Town Treasurer  
Assistant to Police Chief  
Assistant to Fire Chief  
Legal Assistant  
Legal Secretary  
Community Development Office Program Coordinator  
Milford Youth Center Assistant Director

in accordance with the following schedule:

\$350 per annum, effective years ten through fourteen  
\$450 per annum, effective years fifteen through nineteen  
\$650 per annum, effective years twenty and beyond.

said benefit to be effective as of the employee's 10<sup>th</sup>, 15<sup>th</sup> and 20<sup>th</sup> anniversary dates, and applicable retroactively to July 1, 2012, or take any other action in relation thereto.

(Personnel Board)

**It was Moved:** That the Town vote to amend the Personnel Bylaws of the Town by adding a new Section 5.13 as follows:

**SECTION 5:13 LONGEVITY PAY:**

Longevity Pay shall be granted to eligible personnel in the following positions:

Administrative Assistant to the Town Administrator  
Confidential/Parking Clerk  
Assistant Town Treasurer  
Assistant to Police Chief  
Assistant to Fire Chief  
Legal Assistant



Legal Secretary  
Community Development Office Program Coordinator  
Milford Youth Center Assistant Director

in accordance with the following schedule:

\$350 per annum, effective years ten through fourteen  
\$450 per annum, effective years fifteen through nineteen  
\$650 per annum, effective years twenty and beyond

said benefit to be effective as of the employee's 10<sup>th</sup>, 15<sup>th</sup> and 20<sup>th</sup> anniversary dates, and applicable retroactively to July 1, 2012.

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

**ARTICLE 10:** To see if the Town will vote to amend the Zoning Bylaw relating to Unregistered Vehicles as follows:

BY DELETING Section 3.10 Junk Cars in its entirety and adopting in lieu thereof the following new Section 3.10:

“3.10 Unregistered Vehicles - No person shall permit unregistered motor vehicles or parts thereof to remain on their premises except as provided for herein:

3.10.1 In Residential, Office Residential, Business Park, and Central Commercial Districts: The outdoor placement and/or storage of unregistered motor vehicles or parts thereof is prohibited.

3.10.2 In Neighborhood Commercial, Highway Commercial, and Industrial Districts: Outdoor placement and/or storage of unregistered motor vehicles is prohibited unless a Special Permit for such use is granted by the Zoning Board of Appeals.

3.10.3 Junk Cars: In all Districts the outdoor placement and/or storage of junk motor vehicles or parts thereof is prohibited.

3.10.4 The foregoing shall not apply to motor vehicles or parts thereof stored or garaged entirely inside of a building.”

or take any other action in relation thereto.

(Planning Board)

**It was Moved:** That the Town vote to amend the Zoning Bylaw relating to Unregistered Vehicles as follows:

BY DELETING Section 3.10 Junk Cars in its entirety and adopting in lieu thereof the following new Section 3.10:

“3.10 Unregistered Vehicles - No person shall permit unregistered motor vehicles or parts thereof to remain on their premises except as provided for herein:

3.10.1 In Residential, Office Residential, Business Park, and Central Commercial Districts: The outdoor placement and/or storage of unregistered motor vehicles or parts thereof is prohibited.

3.10.2 In Neighborhood Commercial, Highway Commercial, and Industrial Districts: Outdoor placement and/or storage of unregistered motor vehicles is prohibited unless a Special Permit for such use is granted by the Zoning Board of Appeals.

3.10.3 Junk Cars: In all Districts the outdoor placement and/or storage of junk motor vehicles or parts thereof is prohibited.

3.10.4 The foregoing shall not apply to motor vehicles or parts thereof stored or garaged entirely inside of a building.”

*A standing 2/3<sup>rd</sup> vote was taken...119 For...22 Against...Motion Carried.*

**ARTICLE 11:** 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 the purchase of a front end loader with a snow plow and patrol wing, or take any other action in relation thereto.

(Highway Surveyor)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$190,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of the purchase of a front end loader with a snow plow and patrol wing.

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

**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$100,000 to fund the Health Insurance Mitigation Plan adopted under G.L. c. 32B §§ 21-23, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$100,000 to fund the Health Insurance Mitigation Plan adopted under G.L. c. 32B §§ 21-23.

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

**ARTICLE 13:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to fund the cost items in the Collective Bargaining Agreement between the Town of Milford and the Milford Firefighters' Association, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$77,093, said sum to be added to the Fire Department Personal Services Account no. 220-5110 as voted under Article 4 of the May 21,2012 Annual Town Meeting, said sum to be utilized to fund the cost items in a Collective Bargaining Agreement between the Town of Milford and the Milford Firefighters' Association.

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

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money, to be utilized to dredge a portion of Milford Pond to re-establish deep water habitat for aquatic species and provide recreational fishing and boating benefits, such dredging to consist of an area of approximately 20 acres in the southern portion of the pond to a depth of approximately 12 feet using hydraulic dredging systems; 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.

(Milford Pond Restoration Committee)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$1,800,000, said sum to be utilized to dredge a portion of Milford Pond to re-establish deep water habitat for aquatic species and provide recreational fishing and boating benefits, such dredging to consist of an area of approximately 20 acres in the southern portion of the pond to a depth of approximately 12 feet using hydraulic dredging systems.

*After discussion, a motion was made by precinct member Michael Visconti to amend the motion to delete the words “of \$1,800,000” and replace them with “of \$500,000”.*

*After further discussion a motion was made to Move the Question, requiring a 2/3<sup>rd</sup> vote. The precincts were polled, 138 in favor...7 opposed to moving the question. Motion to Move the Question...carried.*

*A motion was then made to vote to accept the amendment to the original motion...Voice Vote taken...Amendment to Motion Defeated.*

*After further discussion on the original motion continued, precinct member Joseph DiAntonio motioned to Move the Question, requiring a 2/3<sup>rd</sup> vote. The precincts were polled, 147 in favor...3 opposed to moving the question.*

*Voice Vote taken on original motion as presented...Carried.*

**ARTICLE 15:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$35,000 to be spent under the jurisdiction of the Park Commission for the purpose of purchase of a new truck, or take any other action in relation thereto.

(Park Commission)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$35,000 to be spent under the jurisdiction of the Park Commission for the purpose of purchase of a new truck.

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

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing and equipping a new fire engine to replace Engine 5; 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.

(Fire Chief)

**It was Moved:** That the Town vote to transfer the sum of \$450,000 from the Excess and Deficiency Account said sum to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing and equipping a new fire engine to replace Engine 5.

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

**ARTICLE 17:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the installation of new windows in Milford Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to transfer the sum of \$480,000 from the Excess and Deficiency Account said sum to be utilized for the installation of new windows in Milford Town Hall.

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

**ARTICLE 18:** To see if the Town will vote to amend Section 4.1 Definitions of the Zoning Bylaw as follows:

BY DELETING the definition of the following words/phrases: “Building”; “Structure”; “Yard, Front”; “Yard, Rear” and, “Yard, Side”

AND ADOPTING in lieu thereof the following new definitions:

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Structure – That which is built or constructed, except a border wall or fence or a retaining wall.

Yard, Front - The required yard extending between side property lines across the front of a lot adjoining a street. In the case of corner lots and through lots, front yards shall be required at all frontages of the lot. The depth of a required front yard shall be measured at right angles to the front property line. The required front yard line shall be parallel to the front property line.

Yard, Rear - The required yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured at right angles to the rear property line. The required rear yard line shall be parallel to the rear property line.

Yard, Side - The required yard extending from the rear line of the required front yard to the rear property line. In the case of through lots, side yard shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards. The depth of a required side yard shall be measured at right angles to the side property line. The required side yard line shall be parallel to the side property line.

or take any other action in relation thereto.

(Planning Board)

***A motion was made to waive the reading of the motion because it is the same as it appears in the warrant. Voice vote taken...Carried.***

**It was Moved:** That the Town vote to amend Section 4.1 Definitions of the Zoning Bylaw as follows:

BY DELETING the definition of the following words/phrases: “Building”; “Structure”; “Yard, Front”; “Yard, Rear” and, “Yard, Side”

AND ADOPTING in lieu thereof the following new definitions:

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Structure – That which is built or constructed, except a border wall or fence or a retaining wall.

Yard, Front - The required yard extending between side property lines across the front of a lot adjoining a street. In the case of corner lots and through lots, front yards shall be required at all frontages of the lot. The depth of a required front yard shall be measured at right angles to the front property line. The required front yard line shall be parallel to the front property line.

Yard, Rear - The required yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured at right angles to the rear property line. The required rear yard line shall be parallel to the rear property line.

Yard, Side - The required yard extending from the rear line of the required front yard to the rear property line. In the case of through lots, side yard shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards. The depth of a required side yard shall be measured at right angles to the side property line. The required side yard line shall be parallel to the side property line.

***A motion was made by precinct member Michael Visconti to amend the motion to read after the word “Building” the phrase “any permanently attached structure to a concrete foundation”.***

***Voice vote taken on accepting the amendment to the original motion...Voice Vote Defeated.***

*A standing vote 2/3<sup>rd</sup> was taken on the original motion as presented...123 for....4 opposed to the original motion. Motion Carried.*

**ARTICLE 19:** To see if the Town will vote to transfer the sum of \$78,709 from the Tree Warden Expense Budget Line Item No. 5300 and add said sum to the Highway Department Expense Budget Line Item No. 5300, both as voted under Article 4 of the May 21, 2012 Annual Town Meeting, or take any other action in relation thereto.

(Finance Committee)

*A motion was made by precinct member and Finance Committee chairman Marc Schaen to pass over the article.*

*Voice Vote Taken on Motion to Pass Over....Carried Unanimous....Article 19 Passed Over.*

**ARTICLE 20:** 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 and the Legal Department for review and expert witness services in relation to any Milford Water Company applications to the Department of Public Utilities to increase rates for water in Milford, or take any other action in relation thereto.

(Board of Selectmen/Legal Department)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$35,000, said sum to be utilized by the Board of Selectmen and the Legal Department for review and expert witness services in relation to any Milford Water Company applications to the Department of Public Utilities seeking to increase rates for water in Milford.

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

**ARTICLE 21:** To see if the Town will vote to transfer the sum of \$32,000 to the School Department fiscal year 2013 budget which sum represents the town general government share of the IT Director's salary, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to transfer the sum of \$32,000 from the Selectmen's General Expense Account No. 148-5300 to the School Department Personal Services Account No. 300-5110, both as voted under Art. 4 of the May 21, 2012 Annual Town Meeting which sum represents the general government share of the IT Director's salary.

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

**ARTICLE 22:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized to purchase a new van for the Milford Animal Control Department, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$25,000 to be utilized to purchase a new van for the Milford Animal Control Department.

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

**ARTICLE 23:** 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 Health to purchase a pickup truck to be used at the transfer facility and for other purposes deemed necessary by the Board of Health, or take any other action in relation thereto.

(Board of Health)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$25,000 to be spent under the jurisdiction of the Board of Health to purchase a pickup truck to be used at the transfer facility and for other purposes deemed necessary by the Board of Health.

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

**ARTICLE 24:** To see if the Town will vote to appropriate a sum of money to be utilized to repair/replace the roof of the Milford Police Station; 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.

(Board of Selectmen)

**It was Moved:** That the Town vote to transfer the sum of \$385,000 from the Excess and Deficiency Account , said sum to be utilized to repair/replace the roof of the Milford Police Station.

*A motion was made by precinct member and Finance Committee Chairman Marc Schaen to amend the motion to read as “raise and appropriate the sum of \$385,000” instead of “transfer the sum of \$385,000 from the Excess and Deficiency Account”.*

*A voice vote was taken to accept the motion as amended...carried.*

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 25:** To see if the Town will vote to amend the Zoning Bylaw to provide for solar energy systems as follows:

BY ADDING the following to Section 2.3 Use Regulation Schedule:

<u>DISTRICT</u>	RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>ACTIVITY OR USE</u>												
OTHER PRINCIPAL USES												
Large Scale Solar Energy System <sup>1,22</sup>	O	O	O	O	O	O	O	O	O	P	P	P
ACCESSORY USES												
Small Scale Solar Energy System <sup>1,22</sup>	P	P	P	P	P	P	P	P	P	P	P	P
Large Scale Solar Energy System <sup>1,22</sup>	O	O	O	O	O	P	O	O	O	P	P	P

<sup>22</sup> Solar Energy System subject to the requirements of Section 3.15 herein. ”

AND BY ADDING the following new Section 3.15 Solar Energy Systems:

**3.15 Solar Energy Systems** – It is the purpose and intent of this Section 3.15 to provide for Solar Energy Systems by establishing standards for the placement, design, construction, operation, monitoring, modification and removal of such systems to address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of certain such systems.

3.15.1 Small-Scale Solar Energy Systems as provided for in Section 2.3 Use Regulation Schedule of this By-Law may be installed as roof/building-mounted or as ground-mounted systems subject to the following development standards:

3.15.1.1 Capacity - Small-Scale Solar Energy Systems shall have a maximum rated nameplate capacity of less than 25 kW DC. For the purposes of this Section 3.15 the rated nameplate capacity shall mean the maximum rated output of electric power production of the solar energy system in Direct Current (DC).

3.15.1.2 Permit/Site Plan Requirements – A building permit shall be required for the installation of all small-scale roof/building-mounted and ground mounted systems. In addition to a building permit, Site Plan approval must also be received from the Planning Board for small-scale ground-mounted systems, however Site Plan approval is not required for small-scale roof/building-mounted systems.

3.15.1.3 Dimensional Requirements - Small-Scale Solar Energy Systems shall comply with all requirements of Section 2.5 Intensity of Use Standards of this bylaw except that there shall be no reduction in yard requirements as applies to certain accessory structures; except that the maximum height for a ground-mounted system shall be six (6') feet; and further, that such ground-mounted systems shall be included in the calculation of required Minimum Open Space.

3.15.1.4 Installation – Small-Scale Solar Energy Systems shall be permanently structurally mounted on either the ground or on a building.

3.15.2 Large-Scale Solar Energy Systems as provided for in Section 2.3 Use Regulation Schedule of this By-Law may be installed as roof/building-mounted or as ground-mounted systems subject to the following development standards:

3.15.2.1 Capacity - Large-Scale Solar Energy Systems are those systems that have a minimum rated nameplate capacity of at least 25 kW DC. For the purposes of this Section 3.15 the rated nameplate capacity shall mean the maximum rated output of electric power production of the solar energy system in Direct Current (DC).

3.15.2.2 Permit/Site Plan Requirements - A building permit shall be required for the installation of all large-scale roof/building-mounted and ground mounted systems. In addition to a building permit, Site Plan approval must also be received from the Planning Board for all large-scale roof/building-mounted and ground mounted systems.

3.15.2.3 Dimensional Requirements - Large-Scale Solar Energy Systems shall comply with all requirements of Section 2.5 Intensity of Use Standards of this bylaw, except that there shall be no reduction in yard requirements for a ground-mounted system as applies to certain accessory structures. Further, such ground-mounted systems shall be included in the calculation of required Minimum Open Space unless installed above paved off-street parking spaces sufficiently elevated so-as not to obstruct the use of and access to such parking spaces. The maximum height for a ground-mounted system shall be ten (10') feet, except that elevated installations over parking spaces shall have a maximum height of eighteen and one half (18.5') feet.

3.15.2.4 Installation - The system shall be permanently structurally mounted on the ground or on a building.

3.15.2.5 Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large-scale solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

3.15.2.6 Utility Notification - No large-scale solar energy system shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the system is to be located has been informed of the system owner's or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this utility notification requirement.

3.15.2.7 Abandonment - Any large-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this Section 3.15.2.6 shall be removed. The owner or operator shall physically remove the system no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. For purposes of this Section 3.15.2.6 a large-scale solar energy system shall be considered abandoned

when, absent notice to the Planning Board of a proposed date of decommissioning or written notice of extenuating circumstances, it fails to operate for more than one year without the written consent of the Planning Board.

3.15.2.8 Decommissioning - The decommissioning of a large-scale solar energy system shall include the physical removal of all structures, photovoltaic panels, equipment, security barriers and transmission lines from the site; the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and, the stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.15.2.9 Right of Entry - If the owner or operator of a large-scale solar energy system fails to remove the installation in accordance with the requirements of Sections 3.15.2.6 or 3.15.2.7 herein, the Town may enter the property and physically remove the system.

3.15.2.10 Financial Surety - Proponents of large-scale solar energy systems shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the system and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Such surety will not be required for town-owned or state-owned facilities.

or take any other action in relation thereto.

(Planning Board)

***A motion was made to waive the reading of the motion because it is the same as it is presented in the warrant. Voice vote to waive reading...Carried.***

**It was Moved:** That the Town vote to amend the Zoning Bylaw to provide for solar energy systems as follows:

BY ADDING the following to Section 2.3 Use Regulation Schedule:

<u>DISTRICT</u>		RA	RB	RC	RD	OR	BP	CA	CB	CC	IA	IB	IC
<u>ACTIVITY OR USE</u>													
<u>OTHER PRINCIPAL USES</u>													
Large Scale Solar Energy System <sup>1,22</sup>		O	O	O	O	O	O	O	O	O	P	P	P
<u>ACCESSORY USES</u>													
Small Scale Solar Energy System <sup>1,22</sup>		P	P	P	P	P	P	P	P	P	P	P	P
Large Scale Solar Energy System <sup>1,22</sup>		O	O	O	O	O	P	O	O	O	P	P	P

<sup>22</sup> Solar Energy System subject to the requirements of Section 3.15 herein. ”

AND BY ADDING the following new Section 3.15 Solar Energy Systems:

3.15 Solar Energy Systems – It is the purpose and intent of this Section 3.15 to provide for Solar Energy Systems by establishing standards for the placement, design, construction, operation, monitoring, modification and removal of such systems to address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of certain such systems.

3.15.1 Small-Scale Solar Energy Systems as provided for in Section 2.3 Use Regulation Schedule of this By-Law may be installed as roof/building-mounted or as ground-mounted systems subject to the following development standards:

3.15.1.1 Capacity - Small-Scale Solar Energy Systems shall have a maximum rated nameplate capacity of less than 25 kW DC. For the purposes of this Section 3.15 the rated nameplate capacity shall mean the maximum rated output of electric power production of the solar energy system in Direct Current (DC).



3.15.1.2 Permit/Site Plan Requirements – A building permit shall be required for the installation of all small-scale roof/building-mounted and ground mounted systems. In addition to a building permit, Site Plan approval must also be received from the Planning Board for small-scale ground-mounted systems, however Site Plan approval is not required for small-scale roof/building-mounted systems.

3.15.1.3 Dimensional Requirements - Small-Scale Solar Energy Systems shall comply with all requirements of Section 2.5 Intensity of Use Standards of this bylaw except that there shall be no reduction in yard requirements as applies to certain accessory structures; except that the maximum height for a ground-mounted system shall be six (6') feet; and further, that such ground-mounted systems shall be included in the calculation of required Minimum Open Space.

3.15.1.4 Installation – Small-Scale Solar Energy Systems shall be permanently structurally mounted on either the ground or on a building.

3.15.2 Large-Scale Solar Energy Systems as provided for in Section 2.3 Use Regulation Schedule of this By-Law may be installed as roof/building-mounted or as ground-mounted systems subject to the following development standards:

3.15.2.1 Capacity - Large-Scale Solar Energy Systems are those systems that have a minimum rated nameplate capacity of at least 25 kW DC. For the purposes of this Section 3.15 the rated nameplate capacity shall mean the maximum rated output of electric power production of the solar energy system in Direct Current (DC).

3.15.2.2 Permit/Site Plan Requirements - A building permit shall be required for the installation of all large-scale roof/building-mounted and ground mounted systems. In addition to a building permit, Site Plan approval must also be received from the Planning Board for all large-scale roof/building-mounted and ground mounted systems.

3.15.2.3 Dimensional Requirements - Large-Scale Solar Energy Systems shall comply with all requirements of Section 2.5 Intensity of Use Standards of this bylaw, except that there shall be no reduction in yard requirements for a ground-mounted system as applies to certain accessory structures. Further, such ground-mounted systems shall be included in the calculation of required Minimum Open Space unless installed above paved off-street parking spaces sufficiently elevated so-as not to obstruct the use of and access to such parking spaces. The maximum height for a ground-mounted system shall be ten (10') feet, except that elevated installations over parking spaces shall have a maximum height of eighteen and one half (18.5') feet.

3.15.2.4 Installation - The system shall be permanently structurally mounted on the ground or on a building.

3.15.2.5 Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large-scale solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

3.15.2.6 Utility Notification - No large-scale solar energy system shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the system is to be located has been informed of the system owner's or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this utility notification requirement.

3.15.2.7 Abandonment - Any large-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this Section 3.15.2.6 shall be removed. The owner or operator shall physically remove the system no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. For purposes of this Section 3.15.2.6 a large-scale solar energy system shall be considered abandoned when, absent notice to the Planning Board of a proposed date of decommissioning or written notice of extenuating circumstances, it fails to operate for more than one year without the written consent of the Planning Board.

3.15.2.8 Decommissioning - The decommissioning of a large-scale solar energy system shall include the physical removal of all structures, photovoltaic panels, equipment, security barriers and transmission lines from the site; the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal

regulations; and, the stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.15.2.9 Right of Entry - If the owner or operator of a large-scale solar energy system fails to remove the installation in accordance with the requirements of Sections 3.15.2.6 or 3.15.2.7 herein, the Town may enter the property and physically remove the system.

3.15.2.10 Financial Surety - Proponents of large-scale solar energy systems shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the system and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Such surety will not be required for town-owned or state-owned facilities.

*After discussion, a motion was made by a precinct member to pass over the article, resulting in a standing vote...56 For...66 Opposed to passing over ...Motion to pass over was defeated.*

*After further discussion a Standing 2/3<sup>rd</sup> Vote was taken on the Motion as Presented...92 For...32 Opposed...Motion Carried.*

**ARTICLE 26:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$20,000 to be utilized for maintenance of the Upper Charles Trail by the Park and Highway Departments, or take any other action in relation thereto.

(Park Department/Highway Department)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$20,000 to be utilized for maintenance of the Upper Charles Trail by the Park and Highway Departments, \$12,900 of said sum to be added to the Park Department Salaries and Wages Account Line item No. 650-5110 and \$7,100 of said sum to be added to the Park Department General Expenses Account No: 650-5300 both as voted under Article 4 of the May 21, 2012 Annual Town Meeting.

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 27:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3400 to be utilized to replace fencing at the Milford Senior Center adjacent to the rail trail area, 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 \$3400 to be utilized to replace fencing at the Milford Senior Center adjacent to the rail trail area.

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 28:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money in the amount of \$196,000 said sum to be spent under the jurisdiction of the Highway Surveyor for the purpose of purchasing a sidewalk tractor equipped with snow blower, snowplow, boom flail mower and a 13 foot mowing deck, or take any other action in relation thereto.

(Highway Surveyor)

**It was Moved:** That the Town vote raise and appropriate a sum of money in the amount of \$171,000 said sum to be spent under the jurisdiction of the Highway Surveyor for the purpose of purchasing a sidewalk tractor equipped with snow blower, snowplow, and boom flail mower.

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 29:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$9500 said sum to be utilized to repair the Town Park basketball court, or take any other action in relation thereto.

(Park Commission)

**It was Moved:** That the Town vote raise and appropriate a sum of money in the amount of \$9,500 said sum to be utilized to repair the Town Park basketball court.

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 30:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for purposes of work at Plains Park to include correcting differential settlement issues; funding application to reduce environmental monitoring; and funding replacement and repair to monitoring stations, or take any other action in relation thereto.

(Park Commission)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$125,000 to be utilized for purposes of work at Plains Park to include correcting differential settlement issues; funding application to reduce environmental monitoring; and funding replacement and repair to monitoring stations.

*Voice Vote on Motion as Amended...Carried Unanimous.*

**ARTICLE 31:** To see if the Town will vote to amend Article 18, "Capital Improvement Committee" of the General Bylaws of the Town by replacing the entire article with the following revised language:

## **ARTICLE 18 CAPITAL IMPROVEMENT COMMITTEE**

### **Section One: Establishment of Committee**

- (a) There shall be established a Capital Improvement Committee (hereinafter "Committee") which shall perform the duties set forth in the following sections of this By-Law and shall be governed by the provisions hereof.
- (b) The Committee shall consist of five (5) registered voters of the Town of Milford (hereinafter "Town"), none of whom is a Town employee or Town official (either elected or appointed), and shall be appointed as provided in Section Two. For purposes of this By-Law, no person shall be considered a Town official for serving as a Town Meeting Member or as a Constable or for performing any specific service authorized by Town Meeting.

### **Section Two: Term of Service; Selection of Members; Vacancies**

- (a) Of the five (5) members of the Committee, two (2) shall be appointed by the Town Moderator and three (3) by the Board of Selectmen. Subject to the provisions below, members shall be appointed to terms of five (5) years.

- (b) Upon approval of the provisions of this By-Law, the two (2) most senior incumbent members of the Capital Planning Committee as previously in place, not otherwise in conflict with Section One (b) above, shall continue to serve. Such incumbents shall serve as appointees of the Moderator, one to have a term expiring on June 30, 1997 and the other on June 30, 1999, as the Moderator shall designate. If there are no such incumbents, the Moderator shall otherwise appoint or reappoint such eligible individuals to terms expiring as aforesaid.
- (c) The Board of Selectmen shall appoint three (3) members whose terms shall expire on June 30 of 1996, 1998, and 2000, and shall thereafter upon expiration of each term appoint or reappoint eligible individuals to five (5) year terms.
- (d) Whenever a vacancy occurs on the Committee, it shall be filled by the appointing authority that appointed the member whose position has become vacant. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.

### **Section Three: Committee Resources; Officers & Governance; Compensation**

- (a) The Committee shall be allowed support staff and a budget suitable for staff compensation and general expenses, consistent with established Town policies for personnel and budgeting, subject to Town Meeting approval.
- (b) The Committee shall annually elect from among its members a Chairperson, and such other officers as it shall deem appropriate, and shall adopt such rules and regulations affecting its governance as may be deemed necessary.
- (c) Committee members shall serve without compensation.

### **Section Four: Definitions**

- (a) For the purpose of this By-Law, a "Capital Improvement" is defined as:
  - (1) any acquisition, disposition, lease, or transfer of and; or
  - (2) any acquisition, disposition, lease, or transfer of a motor vehicle; or
  - (3) any acquisition or lease of any single item of equipment, or group of similar or related items of equipment to be used for a common purpose, with a total cost of twenty thousand dollars (\$20,000) or more, and a substantial useful life as determined by the Committee; or
  - (4) any construction, reconstruction, replacement, extension, or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks, or substantially similar public works, or for a facility, structure, or a utility appurtenant to any of the same, with a total costs of twenty thousand (\$20,000) dollars or more.
- (b) For the purpose of this By-Law, a "Capital Expenditure" is defined as any expenditure, financed in whole or in part by Town funds, for a Capital Improvement. However, this does not include Capital Improvements to be paid entirely with funds from departmental budgets.

### **Section Five: Duties of Committee; Submittals & Deliverables; Town Meetings**

- (a) In making its determinations, the Committee shall consult with such officers of the Commonwealth of Massachusetts or of the Town and its various Boards, Commissions, or Committees, as in its discretion it shall deem appropriate and beneficial. The Committee may also consult with any other person, subject to the available funds in its budget, where it comes to hiring experts and expenses related to transportation or other logistics that may be associated with consulting persons outside of the government.
- (b) The Committee shall ascertain annually what Capital Expenditures will be required by the Town during the current fiscal year, plus the subsequent five (5) fiscal years. In addition, the Committee shall ascertain any potentially significant capital expenditures outside the scope of the aforementioned six (6) fiscal years.

Department heads and chairpersons of all boards, commissions, and committees of the Town, whether elected or appointed, shall submit to the Committee, not later than February 15<sup>th</sup> of each year, recommendations and statements of needs and/or proposed plans involving capital expenditure requirements for the subsequent five (5) fiscal years and a Capital Improvement Worksheet for each capital project to be presented to Town Meeting within that current calendar year. The Town Administrator may act on behalf of any department head or chairperson.

- (c) In conjunction with the Finance Committee of the Town, the Committee, shall publish a report and shall include in such report its recommendations for the scheduling of capital expenditures including any advice for the scheduling or financing of such expenditures as in its judgment cannot or should not be paid for entirely from current revenues. The Committee shall assist the Town Meeting with regard to priorities of projects, financing costs, impact of recommended projects to the operating budget, and other related matters, with any assistance from the Finance Committee of the Town that may be required.
- (d) No capital improvement shall be voted upon at any Town Meeting until it has been presented in written form to the Capital Improvement Committee for recommendation. As such, the Committee shall report to the Town Moderator at least two (2) weeks prior to any Town Meeting as to the overall status of all capital improvement articles requiring action by that Town Meeting. If, subsequent to said recommendation, a significant change is made to the scope of any capital improvement, as determined by the Committee, it shall be resubmitted to the Committee for reconsideration prior to Town Meeting action. Any capital request that has not been approved by Town Meeting within two (2) years of its original presentation to the Committee shall be presented to the Committee for reconsideration prior to re-submittal to any future Town Meeting.
- (e) The Committee shall compare all capital improvement proposals to the goals and policies of the most recent Comprehensive Plan for the Town as adopted by the Planning Board. The Committee shall report as to whether each proposed capital improvement is actionable, consistent, inconsistent, or not inconsistent, with said Comprehensive Plan as part of the Committee's evaluation process of Capital Improvement Worksheets and subsequent recommendations to Town Meeting.

or take any other action in relation thereto.

(Capital Improvement Committee)

***A motion was made to pass over Article 31. Voice vote taken on passing over...Voice Vote Unanimous. Article 31 passed over.***

**ARTICLE 32:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$400,000 to be added to the Other Post Employment Benefit Liability Trust Fund, or take any other action in relation thereto.

(Treasurer)

**It was Moved:** That the Town vote to transfer from Excess and Deficiency Fund a sum of money in the amount of \$200,000 to be added to the Other Post Employment Benefit Liability Trust Fund.

***Voice Vote on Motion as Amended...Carried Unanimous.***

**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 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.

(Board of Selectmen)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$81,198, said sum to be added to the Police Department Personal Services Line Item No. 210-5110 as voted under Article 4 of the May 21, 2012 Annual Town Meeting, said sum to be utilized to fund the cost items in a collective bargaining agreement between the Town of Milford and the Milford Police Association.

***Voice Vote on Motion as Amended...Carried Unanimous.***

**ARTICLE 34:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$3,000 to be added to the Treasurer's Professional Services Line Item as voted under Article 4 of the May 21, 2012 Annual Town Meeting as Line Item No. 145-5300, or take any other action in relation thereto.

(Treasurer)

**It was Moved:** That the Town vote raise and appropriate or transfer from available funds a sum of money in the amount of \$3,000 to be added to the Treasurer's Professional Services Line Item as voted under Article 4 of the May 21, 2012 Annual Town Meeting as Line Item No. 145-5300.

***Voice Vote on Motion as Amended...Carried Unanimous.***

**ARTICLE 35:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$17,500, said sum to be expended under the jurisdiction of the Board of Selectmen to be utilized for the design/permitting of a handicapped accessible fishing platform at Louisa Lake, or take any other action in relation thereto.

(Board of Selectmen)

***A Motion was made to Pass Over the Article...Voice Vote to pass over....Carried. Article 35 Passed Over.***

**ARTICLE 36:** 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 utilized for the replacement of worn out furniture and fixtures at the Milford Town Library, or take any other action in relation thereto.

(Board of Library Trustees)

**It was Moved:** That the Town vote raise and appropriate a sum of money in the amount of \$45,000 to be utilized for the replacement of worn out furniture and fixtures at the Milford Town Library.

***A motion was made by precinct member and Finance Committee Chairman Marc Shaen to amend the motion to substitute the dollar amount to "\$38,000" instead of "\$45,000".***

***Susan Edmunds, Library Director asked the body for permission to address the body regarding the article. There were no objections.***

***There was a motion made by Town Counsel to amendment to the previous amendment asking the dollar amount to be "\$39,000".***

***A motion was made to accept the amended amount of \$39,000. Motion Carried.***

***A Voice Vote was taken on the Motion as Amended...Voice Vote Carried Unanimous.***

**ARTICLE 37:** 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 supplement funds previously appropriated for purposes of rebuilding the steps to both entrances to the Town Hall and/or construction of a handicapped accessible ramp at Draper Park, or take any other action in relation thereto.

(Board of Selectmen)

**It was Moved:** That the Town vote to transfer the sum of \$25,000 from those funds appropriated under Article 11 of the October 25, 2010 Special Town Meeting, said sum to be added to those funds appropriated under Article 22 of the October 24, 2011 Special Town Meeting, all of said funds to be used for architectural and engineering services related to the repainting of the exterior of the Milford Town Hall and the re-building of steps to both entrances to Town Hall.

*Voice Vote on the Motion as Presented....Voice Vote Carried Unanimous.*

**ARTICLE 38:** 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.

(Finance Committee)

**It was Moved:** That the Town vote to raise and appropriate a sum of money in the amount of \$500,000 said sum to be added to the Stabilization Fund, established under the G.L. c.40, Section 5B.

*Voice Vote on the Motion as Presented....Voice Vote Carried Unanimous.*

**ARTICLE 39:** 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 2013, or take any other action in relation thereto.

(Finance Committee)

**It was Moved:** That the Town vote to transfer the sum of \$1,000,000 from the Excess and Deficiency Account, said sum to be utilized to off-set operating, capital and debt expenses to fix the tax rate for fiscal year 2013.

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

*Motion made by Joseph DiAntonio to dissolve the warrant...Voice Vote Carried.  
Warrant dissolved at 10:59 p.m.*

*A True Copy of the Record.*

*Attest: Amy E. Hennessy Neves  
Town Clerk*