

SPECIAL TOWN MEETING
October 24, 2011
Upper Town Hall
Milford, Massachusetts

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

Town Moderator, Michael J. Noferi called the meeting to order at 7:35 pm. The quorum was set at 122 members.

The Precinct Captains took attendance and reported 156 Present and 88 Absent, a quorum was attained.

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

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

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

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

The Capital Improvement Committee Chairman presented a report on behalf of the C.I.C.

Finance Committee Chairman, presented a report on behalf of the Finance Committee.

(Copies can be obtained of both 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 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. (Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate 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.

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

ARTICLE 2: 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.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$77,500. said sum to be added to the Police Department Personal Services Line Item No. 210-5110 as voted under Article 4 of the May 23, 2011 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 taken on Motion as presented....Voice Vote Carried Unanimous.

ARTICLE 3: 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.

(Board of Library Trustees)

It was Moved: That the Town vote to raise and appropriate 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, and make other HVAC system repairs or replacements.

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

ARTICLE 4: 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" and which shall provide as follows:

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 form 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.

(Board of Selectmen)

It was Moved: That the Town 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” and which shall provide as follows:

31.1 Authority and Purpose

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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.

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See Section 31.3 below.

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- (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
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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 form 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.
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- (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.

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

ARTICLE 5: 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.

(Highway Surveyor)

It was Moved: That the Town vote to raise and appropriate 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.

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

ARTICLE 6: 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.

(Fire Chief)

A Motion was made by Fire Chief Touhey to pass over the article requiring a majority vote. Voice vote was taken on motion to pass over the article...Carried... Article Passed Over.

ARTICLE 7: 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.

(Community Field Committee)

It was Moved: That the Town vote to raise and appropriate the sum of \$150,000, said sum to be spent under the jurisdiction of the AD HOC Community Field Committee for purposes of planning and construction of a concession stand and related facilities at the School/Community Field Facility at 31 West Fountain Street.

After discussion... Joseph Arcudi, Pr. 4 made a motion to Move the Question... Standing Vote...101 For...51 Against Moving the Question...Necessary 2/3rd not obtained...Motion to Move Question Failed and debate continued.

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

Michael Visconti, Pr 6 Stood to Doubt the Vote (along with following 6)...

Richard Heller, Pr. 1

Lynda Heller, Pr. 1

Michael Abbuiso, Pr. 1

Brian Cormier, Pr. 1

Donato Niro, Pr. 5

John Wright, Pr. 6

A Standing Vote was taken on Motion as Presented...112 For...48 Against... Motion Carried.

ARTICLE 8: 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
(Finance Committee)

It was Moved: That the Town vote raise and appropriate the sum of \$8,000 said sum to be utilized by the Finance Committee to conduct an audit of the finances and operations of the Milford Youth Center.

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

ARTICLE 9: 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 \$170,000 to \$120,000, or take any other action in relation thereto.

(Finance Committee)

It was Moved: That the Town 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 \$170,000 to \$120,000.

**Moderator Noferi made a motion to amend the wording to read as “Section 53E ½”...
Voice Vote to Accept amendment as presented...Carried**

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

ARTICLE 10: 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.

(Milford Youth Commission)

It was Moved: That the Town vote to raise and appropriate the sum of \$60,000, said sum to be utilized first, to account for the deficit on the books of the Town caused by Town payment of various bills of the Youth Commission without there having been sufficient funds in the Revolving Account of the Commission established pursuant to G.L. c. 44, Section 53E ½ and secondly, for the purpose of paying currently outstanding bills of the Youth Commission, with any remaining balance to be utilized for the expenses of the Youth Commission in the current fiscal year.

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

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 \$22,500 to be expended to finish the second floor at the Milford Senior Center, 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 \$22,500 said sum to be expended to finish the second floor at the Milford Senior Center.

Voice Vote taken on Motion as presented...Voice Vote 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 \$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.

(Fire Chief)

It was Moved: That the Town vote to raise and appropriate the sum \$40,000 said sum 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.

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

ARTICLE 13: 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.

(David Morganelli, et al)

It was Moved: That the Town 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.

Donato Niro, Pr. 5, made a Motion to Amend the Motion to read “all said collections from this tax will go to offset the Real Estate tax rate” at the end of the original motion.

A Voice Vote was taken to accept the Amendment as Presented...Not Carried, Amendment Defeated.

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

ARTICLE 14: 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.

(Highway Surveyor)

It was Moved: That the Town vote to raise and appropriate the sum of \$53,000, said sum to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing the Godfrey Brook culvert on Church Street.

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

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 \$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.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$26,000, said sum to be utilized for architectural services related to, and the construction of, a handicap accessible ramp at Draper Park.

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

ARTICLE 16: 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 indented 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.

(Board of Selectmen)

Town Counsel Gerry Moody made a motion to pass over the Article..a Voice Vote was taken on motion to pass over...Carried...Article Passed Over.

ARTICLE 17: 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.

(School Committee)

It was Moved: That the Town vote to raise and appropriate the sum of \$350,000 to be spent under the jurisdiction of the School Committee for the purchase and installation of modular classrooms at the Woodland Elementary School.

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

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

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$70,000, said sum 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.

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

ARTICLE 19: 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.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$30,000, said sum to be utilized to demolish the structure(s) at 8 Blanchard Road.

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

ARTICLE 20: 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.

(Fire Chief)

It was Moved: That the Town vote to raise and appropriate the sum 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.

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

ARTICLE 21: 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.

(Board of Selectmen)

It was Moved: That the Town 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 School Department Line Item 300-5110, Personal Services, as voted at said meeting.

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

ARTICLE 22: 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.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$38,000, said sum 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.

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

ARTICLE 23: 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.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum 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.

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

ARTICLE 24: 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.
(Board of Park Commissioners)

It was Moved: That the Town vote to raise and appropriate the sum 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.

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

ARTICLE 25: 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.
(Highway Surveyor)

It was Moved: That the Town vote to raise and appropriate the sum of \$18,000, said sum 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.

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

ARTICLE 26: 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.
(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$24,950 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.

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

ARTICLE 27: 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.

(Geriatric Authority)

It was Moved: That the Town 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 to meet that appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$6,200,000 under Section 10A of Chapter 76 of the Acts of 1982, as amended, or any other enabling authority; and that the Board of Selectmen is authorized to enter into an agreement with the Geriatric Authority and to take any other action necessary in connection with this project.

A necessary 2/3rd vote is required..Moderator Noferi directed he would take a Voice Vote unless the Voice Vote was not unanimous, and then he would have the precincts take a standing vote.

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

ARTICLE 28: 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.

(Town Treasurer)

It was Moved: That the Town vote to raise and appropriate the sum of \$200,000 said sum to be added to the Other Post Employment Benefit Liability Trust Fund.

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

ARTICLE 29: To see if the Town will vote to transfer additional funds to the Sewer Stabilization Fund, or take any other action in relation thereto.

(Town Treasurer)

It was Moved: That the Town vote to transfer \$2,500,000 from Account No. 6000-3190, the Sewer Department Reserves Retained Earnings, said sum to be added to the Sewer Department Stabilization Fund.

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

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

(Town Treasurer)

It was Moved: That the Town vote to transfer the sum of \$350,000 from the Excess and Deficiency Account said sum to be added to the Stabilization Fund as established under G.L. c. 40, Section 5B.

A Standing 2/3rd vote was taken... 135 For...5 Against...Necessary 2/3rd was acquired...Motion Carried.

ARTICLE 31: 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.

(Finance Committee)

It was Moved: That the Town vote to transfer the sum of \$400,000 from the Excess and Deficiency Account, said sum to be utilized to off-set operating, capital or debt expenses to fix the tax rate for fiscal year 2012.

Joseph Arcudi, Pr. 4, presented an amendment to the motion to change the amount of \$400,000 to \$1,000,000.

Voice Vote was taken to accept the amendment as presented...Not Carried...Amendment Defeated.

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

*Motion made by Joseph DiAntonio, Pr. 2 to dissolve the warrant...Voice Vote Carried.
Warrant dissolved at 10:30 pm.*

A True Copy of the Record.

*Attest: Amy E. Hennessy Neves
Town Clerk*