

**PROCEEDINGS OF THE SPECIAL TOWN MEETING
NOVEMBER 15, 2022**

Start Time: 7:00 PM

End Time: 8:17 PM

Pledge of Allegiance: Jayne Marie Davolio, Town Clerk

Town Clerk read the Return of the warrant: Constable Todd Army posted the warrant November 1, 2022

Opening Remarks: None

ARTICLE 1: To see if the Town will vote to appropriate and transfer from available Special Revenue funds, or otherwise provide the sum of \$2,302 for the purpose of maintaining roadways and bridges in Millbury or take any other action relative thereon. (Board of Selectmen) (Required Vote: Simple Majority)

***Rationale:** Each year the Town receives funds from the state based on the rideshare programs. This is the last year in which the funds must be transferred and authorized at Town Meeting, per Massachusetts General Law. In the future (MGL update St 2022, c176 sec27), the funds will automatically be used for this same purpose.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 1: Vote passes to transfer from available Special Revenue funds and appropriate the sum of \$2,302 for the purpose of maintaining roadways and bridges in Millbury.

ARTICLE 2: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$3,296 to refund a permit fee for a canceled permit deposited in a prior year or take any other action relative thereon. (Board of Selectmen) (Required Vote: Simple Majority)

***Rationale:** The permit was opened in November 2021 and paid in full. However, there were several ZBA, Conservation, and Planning Board approvals necessary that delayed work until June 2022. Because of the delays, costs became prohibitive for building and the applicant has decided to abort the project. Free Cash is the proposed funding source for this appropriation.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 2: Vote passes to transfer from free cash the sum of \$3,296 to refund a permit fee for a canceled permit deposited in a prior year.

ARTICLE 3: To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, Section 5B, to establish a Community Opioid Demand Reduction Stabilization Fund to accept all funds received from the National Opioid Manufacturer Settlement Agreement and any surplus funds from the Distributor Settlement Agreement or take any other action thereon. (Board of Selectmen) (Required Vote: 2/3 Majority)

***Rationale:** As a result of Millbury's participation in a national class action lawsuit against opioid **manufacturer** Johnson & Johnson, the Town will receive approximately \$92,000 over 10 years to be used for approved opioid demand reduction/treatment activities. This Stabilization fund will be available for appropriation at a future Town Meeting.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 3: Voted 2/3 called by the moderator pursuant to Massachusetts General Laws Chapter 40, Section 5B, to establish a Community Opioid Demand Reduction Stabilization Fund to accept all funds received from the National Opioid Manufacturer Settlement Agreement and any surplus funds from the Distributor Settlement Agreement.

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$17,500 to fund an increase in the Board of Health budget for increased Public Health services and supplies for Fiscal Year 2023 or take any other action thereon. (Board of Selectmen) (Required Vote: Simple Majority)

***Rationale:** As a result of Millbury's participation in a national class action lawsuit against three major opioid **distributors**, the Town will receive approximately \$400,000 over 18 years to be used for approved opioid demand reduction/treatment activities. Annual payments will range from approximately \$17,500 to approximately \$25,000. We expect to expend the bulk of the annual proceeds from the Distributor Settlement Agreement through the Board of Health; therefore, this proposed budget adjustment will be completely offset by those settlement proceeds for the next 18 years. Additionally, a transfer from Professional Services and the Emergency Management budget will offset the total necessary funds to update the increased operations of the department. Any Distributor Settlement funds not programmed/appropriated for use by the Board of Health will be General Fund revenues which will be transferred annually into the Stabilization Fund created in Article 3 of this warrant.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 4: Vote passes to raise and appropriate the sum of \$17,500 to fund an increase in the Board of Health budget for increased Public Health services and supplies for Fiscal Year 2023.

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$37,800 to fund the purchase of equipment for the Police Department or take any other action relative thereon. (Board of Selectmen) (Required Vote: Simple Majority)

***Rationale:** The Police Department has identified the need for enhanced/updated equipment to protect themselves and others in an active shooter situation. These funds would outfit each full-time officer in the entire department with a full set of gear each so that every officer could be called upon to aid our community's safety. Free Cash is the proposed funding source for this appropriation.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 5: Vote passes to appropriate the sum of \$37,800 from free cash to fund the purchase of equipment for the Police Department.

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$300,000 to fund upgrades/replacement of the tennis courts and basketball court at Windle Field or take any other action relative thereon. (Board of Selectmen) (Required Vote: Simple Majority)

***Rationale:** The current tennis courts and basketball courts are badly in need of rehabilitation. These funds, coupled with \$200,000 in supplemental donations from community partners would enable the Town to reclaim/install two tennis courts, one hybrid tennis-pickleball court, and two pickleball courts; the court area will also be enclosed by new fencing. The three tennis courts would allow for the use of those courts by the Millbury public schools, should there be demand for a tennis team at the high school. Additionally, the basketball court will be reclaimed and resurfaced and new hoops installed. The construction timeline, if approved at this fall Town Meeting, would allow for activities to resume onsite in late summer. Additional fieldwork, parking upgrades, lighting, etc. are not included, but are being considered in future plans. Free Cash is the proposed funding source for this appropriation.*

***Recommendation:** The Finance Committee recommends approval of this article as written*

ARTICLE 6: Vote passes to appropriate the sum of \$300,000 from free cash to fund upgrades/replacement of the tennis courts and basketball court at Windle Field.

ARTICLE 7: To see if the Town will vote to amend the Zoning Bylaws Article 5 Definitions by amending the definition of “Dwelling, multifamily or apartment” by striking the word “two” and inserting the word “three” or other action relative thereon. (Planning Board) (Required Vote: 2/3 Majority)

Rationale: Definition update: Dwelling, multifamily or apartment – Premises containing ~~two~~ three or more dwelling units, irrespective of ownership or tenure. This amendment will recognize the Planning Board’s opinion that two-dwelling applicants should enjoy a less rigorous approval process than applicants that propose larger developments/projects.

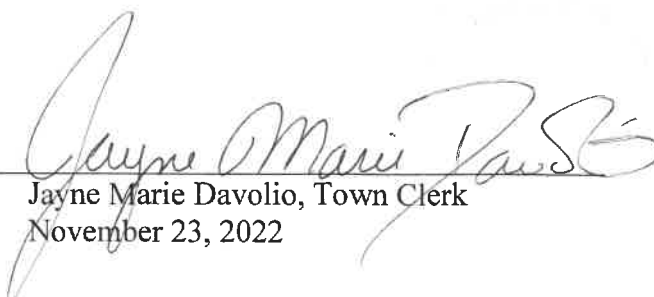
Finance Committee recommendation: The Finance Committee defers recommendation to the Planning Board

Planning Board recommendation: The Planning Board recommends approval of this article as written

ARTICLE 7: Voted 2/3 called by the Moderator to amend the Zoning Bylaws Article 5 Definitions by amending the definition of “Dwelling, multifamily or apartment” by striking the word “two” and inserting the word “three”.

Motion to dissolve the Special Town Meeting. @ 8:17 PM

A TRUE COPY ATTEST:


Jayne Marie Davolio, Town Clerk
November 23, 2022