

**TOWN OF MILLBURY
ANNUAL TOWN MEETING
MAY 6, 2008
APPROPRIATIONS**

TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 6, 2008
APPROPRIATIONS

Article #4 - Budgets		\$ 34,408,357.00
Less	Fy09 Sewer Enterprise Fund User Revenue Acct.	\$ 1,120,759.00
Less	FY09 Sewer Enterprise Fund User Revenue Acct.	\$ 162,642.00
Less	FY09 Sewer Enterprise Fund User Revenue Acct.	\$ 121,597.00
Less	Sewer Enterprise User Revenue Fund	\$ 463,738.00
Less	Reserve for Debt Service Acct.	\$ 71,771.00
Less	Reserve for Debt Service Acct.	\$ 52,915.00

Amount to be raised & appropriated for budgets \$ 32,414,935.00

Article #5 - 1. Highway vehicles and equipment	\$ 125,000.00
2. Highway equipment lift	\$ 25,000.00
3. Fire Headquarters Air Compressor	\$ 40,000.00
4. Police cruiser laptop computers	\$ 30,000.00
Article #6 - Personal property/injury claims	\$ 500.00
Article #8 - Stabilization Fund	\$ 375,000.00
Article #9 - Disposal Abandoned Property	\$ 5,000.00
Article #10 - Emergency Operating Center - Butler Farm	\$ 14,000.00
Article #21 - Elders Community Service Program	\$ 20,000.00
Article #26 - Medicaid Reimbursement to School Budget	\$ 90,000.00
Article #27 - Shaw School Parking Lot/Basketball Courts at Elmwood and Shaw	\$ 185,000.00
Article #28 - Shaw & Elmwood-Handicap Accessible Playgrounds	\$ 40,000.00
Article #32 - Deweed Lake Singletary	\$ 5,000.00
Article #38 - DEP required Soil & Water Testing - Asa Waters Mansion	\$ 50,000.00

Amount to raise & appropriate for other Articles \$ 1,004,500.00

Amount to be funded by raise & appropriate \$ 33,419,435.00

Other Funding

Article #7 - Transfer from Free Cash to reduce FY09 Tax Rate	\$ 2,111,862.00
Article #22 - Transfer from Sewer Enterprise Fund User Revenue for Sewer Infiltration and Inflow Program	\$ 30,000.00
Article #23 - Transfer from Sewer Enterprise Fund User Revenue replacing backup grinder at the main pump station.	\$ 55,000.00
Article #24 - Transfer from Retained Earnings of Sewer Enterprise Fund to Stabilization Fund for Debt Service Costs	\$ 902,824.00

Total: \$ 3,099,686.00

Article #25 - Fund "underfunded" accounts FY08

Transfers from FY08

Description	Transfers To:	Transfers From:
Town Mgr./Salaries Admin.	\$ 6,875.00	
Town Counsel - Legal	\$ 45,000.00	
MOB Salary/All Others	\$ 1,000.00	
MOB General Expenses	\$ 1,000.00	

Police Dept - General Expenses	\$	7,000.00	
DPW Maintenance-Oper/Salaries	\$	17,360.00	
Snow & Ice - Salaries	\$	30,000.00	
Snow & Ice - General Expenses	\$	120,000.00	
Health Dept. - General Expenses	\$	1,700.00	
Medicare	\$	20,065.00	
F.B.Reserve for Overlay Surplus			\$ 250,000.00
Veterans Benefits	\$	13,000.00	
Parks Ops & Maint. Supplies	\$	10,000.00	
Public Works - Salary Admin.			19,000.00
Street Lighting - General Expenses			4,000.00
Total FY08	\$		273,000.00

Revolving Funds	Maximum Expenditure
Art. 11 - Board of Health-Composting Bins	\$ 5,000.00
Art. 12 - Board of Health - Engineering/Consultant	\$ 25,000.00
Art. 13 - Board of Appeals - Consultants/Wages	\$ 20,000.00
Art. 14 - Board of Appeals - Comprehensive Permits	\$ 30,000.00
Art. 15 - DPW - Hazardous Waste - Transfer Station	\$ 10,000.00
Art. 16 - Sealer of Weights and Measures	\$ 10,000.00
Art. 17 - Police Department - Firearms Record Bureau	\$ 30,000.00
Art. 18 - Asa Waters Mansion - Rental Deposits/Wages	\$ 90,000.00
Art. 19 - Housing Partnership - Related Expenses	\$ 10,000.00
Art. 20 - Earth Removal Board - Related Expenses	\$ 25,000.00
Potential Receipts and Expenditures from Revolving funds.	\$ 255,000.00

PROCEEDINGS OF THE ANNUAL TOWN MEETING, MAY 6, 2008

ARTICLE 4: Voted unanimously to raise the sum of Thirty Four Million Four Hundred Eight Thousand, Three Hundred Fifty Seven Dollars (\$34,408,357) necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2009, the period of July 1, 2008 through June 30, 2009, including the salaries of Town Officers, costs of public education, debt and interest payments, and providing municipal services; and to authorize the Board of Sewer Commissioners to appropriate the sum of One Million Eight Hundred Sixty Eight Thousand Seven Hundred Thirty Six Dollars (\$1,868,736) from the Fiscal Year 2009 Millbury Sewer Enterprise Fund User Revenue, and to authorize the Board of Sewer Commissioners to raise said One Million Eight Hundred Sixty Eight Thousand Seven Hundred Thirty Six Dollars (\$1,868,736) for the expenses of the Sewer Department, including indirect and debt services costs, and further to meet said appropriation as follows:

- A. Raise and appropriate the sum of Thirty-two Million Four Hundred Fourteen Thousand Nine Hundred Thirty-Five Dollars (\$32,414,935);
- B. Transfer the sum of One Million One Hundred Twenty Thousand Seven Hundred Fifty Nine Dollars (\$1,120,759) from the Fiscal Year 2009 Millbury Sewer Enterprise Fund User Revenue Account for the Sewer Department's operating expenses and charges;
- C. Transfer the sum of One Hundred Sixty Two Thousand Six Hundred Forty Two Dollars (\$162,642) from the Fiscal Year 2009 Millbury Sewer Enterprise Fund User Revenue Account for the indirect costs of the Sewer Department;
- D. Transfer the sum of One Hundred Twenty One Thousand Five Hundred Ninety Seven Dollars (\$121,597) from the Fiscal Year 2009 Millbury Sewer Enterprise Fund User Revenue Account for Debt Service Costs in the General Fund;
- E. Transfer the sum of Four Hundred Sixty Three Thousand Seven Hundred Thirty Eight Dollars (\$463,738) from the Millbury Sewer Enterprise User Revenue Fund, for Debt Service Costs in the General Fund;
- F. Transfer the sum of Seventy One Thousand Seven Hundred Seventy One Dollars (\$71,771) from the Reserve for Debt Service Account to Budget Line Item #52, Debt Service Account and;
- G. Transfer the sum of Fifty Two Thousand Nine Hundred Fifteen Dollars (\$52,915) from the Reserve for Debt Service Account to the Blackstone Valley Regional Vocational High School Budget, Budget Line Item #32 for Debt Service Costs;

ARTICLE #4 BUDGETS

<u>LINE NO.</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>TOTAL APPRO.</u>
1	Town Moderator Salaries (Elected) Total	200.00	200.00
2	BOARD OF SELECTMEN Salaries (Elected) Salaries and Wages (All Others) General Expenses Capital Outlay Total	16,800.00 1,250.00	18,050.00
3	TOWN MANAGER Salaries (Administrative) Salaries & Wages (All Others) General Expenses Capital Outlay Total	111,650.00 73,825.00 15,200.00	200,675.00
4	FINANCE COMMITTEE Salaries & Wages (All Others) General Expenses Total	2,200.00 850.00	3,050.00
5	RESERVE FUND Reserve Fund Total	75,000.00	75,000.00
6	FINANCE DIRECTOR /TOWN ACCOUNTANT Salaries (Administrative) Salaries & Wages (All Others) General Expenses Capital Outlay Total	118,700.00 36,890.00 4,800.00	160,390.00

	TOWN AUDIT		
	General Expenses	27,500.00	
7	Total		27,500.00
	BOARD OF ASSESSORS		
	Salaries (Elected)	7,560.00	
	Salaries (Administrative)	56,661.00	
	Salaries & Wages (All Others)	54,445.00	
	General Expenses	5,473.00	
	Capital Outlay		
8	Total		124,139.00
	TREASURER/TAX COLLECTOR		
	Salaries (Administrative)	50,904.00	
	Salaries & Wages (All Others)	93,761.00	
	General Expenses	64,390.00	
	Capital Outlay		
9	Total		209,055.00
	TOWN COUNSEL		
	General Expenses	120,000.00	
10	Total		120,000.00
	TOWN HALL COMPUTER OPERATIONS		
	General Expenses	83,645.00	
	Capital Outlay	8,500.00	
11	Total		92,145.00
	TOWN CLERK		
	Salaries (Administrative)	93,116.00	
	Salaries & Wages (All Others)	36,839.00	
	General Expenses	34,554.00	
	Capital Outlay		
12	Total		164,509.00

ELECTIONS AND REGISTRARS			
	Salaries & Wages (All Others)	13,089.00	
	General Expenses	13,053.00	
	Capital Outlay	8,975.00	
13	Total		35,117.00
CONSERVATION COMMISSION			
	Salaries & Wages (All Others)	24,980.00	
	General Expenses	1,875.00	
14	Total		26,855.00
PLANNING BOARD			
	Salaries & Wages (All Others)	35,438.00	
	General Expenses	3,050.00	
15	Total		38,488.00
BOARD OF APPEALS			
	Salaries & Wages (All Others)	1.00	
	General Expenses		
	Capital Outlay		
16	Total		1.00
TOWN PLANNER			
	Salaries (Administrative)	58,381.00	
	General Expenses	1,800.00	
	Capital Outlay	130.00	
17	Total		60,311.00
REDEVELOPMENT AUTHORITY			
	General Expenses	1.00	
	Capital Outlay		
18	Total		1.00
TOWN HALL			
	Salaries & Wages (All Others)	61,099.00	
	General Expenses	100,400.00	
	Capital Outlay		
19	Total		161,499.00

	TOWN REPORTS		
	General Expenses	3,200.00	
	Capital Outlay		
20	Total		3,200.00

	POLICE DEPARTMENT		
	Salaries (Administrative)	110,000.00	
	Salaries & Wages (All Others)	1,837,816.00	
	General Expenses	102,091.00	
	Capital Outlay	74,500.00	
21	Total		2,124,407.00

	FIRE DEPARTMENT		
	Salaries (Administrative)	52,622.00	
	Salaries & Wages (All Others)	262,180.00	
	General Expenses	95,590.00	
	Capital Outlay	31,408.00	
	Fire Hydrant Expenses	155,000.00	
22	Total		596,800.00

	AMBULANCE SERVICES		
	General Expenses	76,470.00	
	Capital Outlay		
23	Total		76,470.00

	BUILDING INSPECTOR		
	Salaries (Inspector)	68,000.00	
	Salaries (Assistant Inspector)	2,500.00	
	Salaries & Wages (All Others)	35,439.00	
	General Expenses	2,500.00	
	Capital Outlay		
24	Total		108,439.00

	PLUMBING/GAS INSPECTOR		
	Salaries & Wages (Inspector & Asst.)	19,534.00	
	General Expenses	1,500.00	
	Capital Outlay		
25	Total		21,034.00

	SEALER OF WEIGHTS & MEASURES		
	Salaries & Wages (All Others)		
	General Expenses	1.00	
	Capital Outlay		
26	Total		1.00
	ELECTRICAL INSPECTOR		
	Salaries & Wages (Inspector & Asst.)	17,690.00	
	General Expenses	900.00	
	Capital Outlay		
27	Total		18,590.00
	EMERGENCY MANAGEMENT		
	Salaries & Wages (All Others)	1,500.00	
	General Expenses	4,500.00	
	Capital Outlay		
28	Total		6,000.00
	ANIMAL CONTROL OFFICER		
	Salaries & Wages (All Others)		
	General Expenses	27,000.00	
	Capital Outlay		
29	Total		27,000.00
	TREE WARDEN		
	Salaries (Administrative)	5,000.00	
	Salaries & Wages (All Others)		
	General Expenses	23,500.00	
	Capital Outlay		
30	Total		28,500.00
	MILLBURY SCHOOL DEPARTMENT		
	Salaries (Elected)	10,224.00	
	Administration	468,479.00	
	Instruction	12,307,247.00	
	Other Services	1,452,993.00	
	Operations & Maintenance	1,891,980.00	
	Fixed Charges	15,000.00	
	Tuition & Programs w/Other Districts	947,735.00	
	Community Service	10,000.00	
	Athletic Expenses	107,522.00	
	Windle Field Expenses	16,250.00	
	Capital Outlay	11,600.00	
31	Total		17,239,030.00

**BLACKSTONE VALLEY
REGIONAL VOCATIONAL H.S.**

	Annual Operating Assessment	715,818.00	
	Debt Excluded Capital Expenses	54,709.00	
	Salaries (Elected)	1,928.00	
	General Expenses	500.00	
	Capital Outlay		
32	Total		772,955.00

DEPARTMENT OF PUBLIC WORKS

	Salaries (Administrative)	87,500.00	
	Salaries & Wages (All Others)	36,589.00	
	General Expenses	6,050.00	
	Capital Outlay		
33	Total		130,139.00

**PUBLIC WORKS
MAINTENANCE & OPERATIONS**

	Salaries & Wages (All Others)	559,763.00	
	General Expenses	10,031.00	
	Capital Outlay	2,000.00	
34	Total		571,794.00

HIGHWAY

	General Expenses	184,000.00	
	Capital Outlay	22,000.00	
35	Total		206,000.00

SNOW & ICE REMOVAL

	Salaries & Wages (All Others)	55,000.00	
	General Expenses	105,000.00	
	Capital Outlay		
36	Total		160,000.00

STREET LIGHTING

	General Expenses	91,000.00	
	Capital Outlay		
37	Total		91,000.00

	SOLID WASTE MANAGEMENT		
	Salaries & Wages (All Others)		
	General Expenses	52,700.00	
	Capital Outlay	6,000.00	
38	Total		58,700.00

	HIGHWAY, CEMETERIES, PARKS & FIELDS MAINTENANCE		
	Salaries & Wages (Seasonal)	17,400.00	
	General Expenses	37,500.00	
	Capital Outlay	5,000.00	
39	Total		59,900.00

	CEMETERIES		
	Salaries (Administrative)	4,300.00	
	Salaries & Wages (Seasonal)	12,960.00	
	General Expenses	5,050.00	
	Capital Outlay	2,000.00	
40	Total		24,310.00

	GASOLINE & DIESEL FUEL		
	General Expenses	145,500.00	
41	Total		145,500.00

	BOARD OF HEALTH		
	Salaries (Elected)	7,560.00	
	Salaries (Administrative)	23,750.00	
	Salaries & Wages (All Others)	37,900.00	
	General Expenses	30,954.00	
	Capital Outlay		
42	Total		100,164.00

	HUMAN SERVICES		
	General Expenses	32,000.00	
	Capital Outlay		
43	Total		32,000.00

	COUNCIL ON AGING		
	Salaries (Administrative)	55,329.00	
	Salaries & Wages (All Others)	48,756.00	
	General Expenses	32,790.00	
	Capital Outlay		
44	Total		136,875.00

	VETERANS' SERVICES		
	Salaries (Administrative)	15,038.00	
	General Expenses	150.00	
	Veterans' Benefits	83,035.00	
45	Total		98,223.00

	DISABILITY COMMISSION		
	General Expenses	500.00	
	Capital Outlay		
46	Total		500.00

	PUBLIC LIBRARY		
	Salaries (Administrative)	77,750.00	
	Salaries & Wages (All Others)	162,987.00	
	General Expenses	94,998.00	
	Capital Outlay	64,300.00	
47	Total		400,035.00

	PARK COMMISSION		
	Salaries & Wages (All Others)		
	Salaries & Wages (PT & Seasonal)	2,400.00	
	General Expenses	1,000.00	
	Capital Outlay		
48	Total		3,400.00

	ASA WATERS MANSION		
	Salaries (Administrative)	44,029.00	
	Salaries & Wages (All Others)		
	General Expenses		
	Capital Outlay		
49	Total		44,029.00

	HISTORICAL COMMISSION		
	General Expenses	500.00	
	Capital Outlay		
50	Total		500.00

	MEMORIAL DAY AND VETERANS DAY		
	General Expenses	1,000.00	
51	Total		1,000.00

	DEBT SERVICE		
	Long-Term Debt Principal	1,683,726.00	
	Long-Term Debt Interest	762,567.00	
	Short-Term Debt Interest	20,000.00	
52	Total		2,466,293.00

	EMPLOYEE BENEFITS		
	Worc. Regional Retirement Assess.	753,025.00	
	State Retirement System Assessment		
	Workers Compensation Insurance	131,000.00	
	Unemployment Insurance	25,000.00	
	Group Health&HMO Plan-Admin.Exp.	10,000.00	
	Health Insurance - Town	962,434.00	
	Health Insurance - School	3,082,664.00	
	Group Life Insurance - Town	1,459.00	
	Group Life Insurance - School	3,505.00	
	Inpatient Trust Fund	20,000.00	
	Medicare Expenses	240,000.00	
53	Total		5,229,087.00

	GENERAL INSURANCES		
	General & Liability Insurance	325,000.00	
54	Total		325,000.00

**SEWER SYSTEMS OPERATIONS
& MAINTENANCE**

Salaries (Commissioners)	3,738.00
Salaries (Administrative)	60,925.00
Salaries & Wages (All Others)	196,843.00
General Expenses	291,439.00
UBWPAD Assessment	506,552.00
Sewer Expansion Debt Ser. Assess.	513,000.00
Capital Outlay	12,000.00

55	Total	1,584,497.00
----	-------	--------------

BUDGET TOTAL:	34,408,357.00
---------------	---------------

ARTICLE 5: Voted unanimously to authorize the following capital improvement projects and purchases to be funded through taxation as follows.

- 5.1 Raise and appropriate the sum of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00) to be expended by the Director of Public Works with the approval of the Town Manager for the first year lease payment for the upgrade of the Highway department vehicles and equipment.

Raise & Appropriate \$125,000.00

- 5.2 Raise and appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) to be expended by the Director of Public Works with the approval of the Town Manager for the replacement of the equipment lift at the highway garage.

Raise & Appropriate \$25,000.00

- 5.3 Raise and appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) to be expended by the Board of Fire Engineers with the approval of the Town Manager for replacement of the air compressor at Fire Headquarters that fills individual breathing tanks used by the firefighters.

Raise & Appropriate \$40,000.00

- 5.4 Raise and appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to be expended by the Police Chief with the approval of the Town Manager for the replacement of laptop computers in the cruisers.

Raise & Appropriate \$30,000.00

- 5.5 Voted unanimously to indefinitely postpone the replacement of the telephone system in the Municipal Office Building.

ARTICLE 6: Voted unanimously to raise and appropriate the sum of Five Hundred Dollars and no cents (\$500.00) to be used by the Town Manager to settle claims for personal property damage or incidental personal injury claims that may be brought against the Town.

Raise & Appropriate \$500.00

ARTICLE 7: Voted unanimously to transfer the sum of Two Million, One Hundred Eleven Thousand Eight Hundred Sixty-Two Dollars and No Cents (\$2,111,862.00) from available, certified free cash to reduce or stabilize the Fiscal Year 2009 Tax Rate.

Transfer \$2,111,862.00

ARTICLE 8: Voted unanimously to raise and appropriate Three Hundred Seventy-five Thousand Dollars and No Cents (\$375,000.00) to be added to the Stabilization Fund.

Raise & Appropriate \$375,000.00

ARTICLE 9: Voted unanimously to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) to pay for the disposal of abandoned property.

Raise & Appropriate \$5,000.00

ARTICLE 10: Voted unanimously to raise and appropriate the sum of (\$14,000.00) Fourteen Thousand Dollars, to be expended by the Millbury Emergency Management Agency, and the Director of the Millbury Emergency Management Agency, with the approval of the Town Manager for the purpose of setting up a secondary Emergency Operating Center (EOC) at the Butler Farm complex.

Raise & Appropriate \$14,000.00

ARTICLE 11: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Board of Health. (a) to be the depository for user fees for the continuing purchase of composting bins, (b) this account shall be kept separate and apart from other monies and the special account, including accrued interest, if any, shall be expended by it only in connection with carrying out this program, (c) to have a limit on the total amount which can be expended from the Fund in Fiscal Year 2009 set at Five Thousand Dollars \$5,000; and (d) to have the Board of Health be the only authority empowered to expend monies from this Fund.

Maximum to be expended \$5,000.00

ARTICLE 12: Voted unanimously to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2 for the following purposes and subject to the following conditions: (a) to be the depository for fees derived from plan reviews, inspections and administrative charges for services related to review and approval of on-site septic systems, and housing quality inspections, (b) to pay for the Board of Health consulting inspectors and contracted agents for sanitary code compliance and for percolation and soil testing, septic system design review and installation of septic system review, final septic system inspection, and related engineering services, (c) to have a limit on the total amount which can be expended from the Fund in Fiscal Year 2009 set at \$25,000; and (d) to have the Board of Health be the only authority empowered to expend monies from this Fund.

Maximum to be expended \$25,000.00

ARTICLE 13: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Board of Appeals for the following purposes and subject to the following conditions: (a) to be the depository for filing fees and other fees for applications for variances and permits as allowed by law, under the jurisdiction of the Board of Appeals, (b) to fund expenses associated with the activities of the Board of Appeals, including wages for part-time employees, as well as for consultants, as appropriate, and (c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2009 at \$20,000, and (d) to have the Board of Appeals be the only authority to expend monies from this fund.

Maximum to be expended \$20,000.00

ARTICLE 14: Voted unanimously to establish a Revolving Fund pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ for the Board of Appeals Professional and Technical Review Of Comprehensive Permit Applications submitted in conformity with the requirements of M.G.L, Chapter 40B for the following purposes, and subject to the following conditions: (a) to be the depository for Comprehensive Permit application, filing and review fees, (b) to fund expenses associated with any part-time employee of the Board of Appeals, as well as for the hiring of professional and technical consultants in conformity with the rules and regulations of the Board, to assist the Board in analyzing a project to ensure compliance with all relevant laws, by-laws and regulations; such assistance may include, but not be limited to: analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulation or inspecting a project during construction or implementation, (c) to have a limit on the total amount which may be spent from this fund in Fiscal Year 2009 at \$30,000 and (d) the Board of Appeals shall be the only authority to expend monies from this fund.

Maximum to be expended \$30,000.00

ARTICLE 15: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Department of Public Works for the following purposes and subject to the following conditions: (a) to be the depository for fees and charges collected by the Department of Public Works for the disposal of hazardous and/or specially handled solid wastes, such as heavy metals and large appliances accepted for disposal at the Transfer Station, (b) to fund expenses associated with the disposal of hazardous and/or specially handled solid wastes such as heavy metals and large appliances accepted for disposal at the Transfer Station, (c) to authorize the maximum amount to be expended from this fund in Fiscal Year 2009 to be Ten Thousand Dollars and No Cents (\$10,000.00), and (d) to authorize the Director of Public Works to expend monies from this fund.

Maximum to be expended \$10,000.00

ARTICLE 16: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Sealer of Weights and Measures for the following purposes and subject to the following conditions: (a) to be the depository for fees received for sealing of weights and measures; (b) for paying the expenses and services of the Sealer of Weights and Measures; (c) to authorize the maximum amount to be expended from this fund in Fiscal Year 2009 to be Ten Thousand Dollars and No Cents (\$10,000.00), and (d) to authorize the Town Manager to expend monies from this fund.

Maximum to be expended \$10,000.00

ARTICLE 17: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ establishing a Revolving Fund for the Police Department for the following purposes and subject to the following conditions: (a) to be the depository for fees received for Licenses to Carry Firearms and Firearms Identification Cards; (b) to make payments due to the Firearms Record Bureau of the Commonwealth of Massachusetts for their portion of the receipts; (c) to authorize the maximum amount to be expended from this fund in Fiscal Year 2009 to be \$30,000.00, and the remainder of receipts are to be placed into the General Fund of the Town of Millbury; (d) to authorize the Police Chief to expend monies from this fund.

Maximum to be expended \$30,000.00

ARTICLE 18: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Asa Waters Mansion for the following purposes and subject to the following conditions: (a) to be the depository for rental deposits and other fees, donations and charges, for use of the Asa Waters Mansion, (b) to fund expenses associated with the use and operation of the Asa Waters Mansion, including wages for part-time employees, and (c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2009 at \$90,000, and (d) to have the Asa Waters Task Force with the approval of the Town Manager be the only authority to expend monies from this fund.

Maximum to be expended \$90,000.00

ARTICLE 19: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Millbury Housing Partnership for Fiscal Year 2009 for the following purposes and subject to the following conditions: (a) to be the depository for funds received from the sale of affordable homes (b) for the purpose of paying the administrative, legal, planning, engineering and related expenses of the Millbury Housing Partnership's affordable housing programs; (c) to authorize the maximum amount to be expended from this fund in Fiscal Year 2009 to be Ten Thousand Dollars and No Cents (\$10,000.00), and (d) to authorize the Town Manager to expend monies from this fund.

Maximum to be expended \$10,000.00

ARTICLE 20: Voted unanimously pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to establish a Revolving Fund for the Fiscal Year 2009 for the Earth Removal Board for the following purposes and subject to the following conditions: (a) to be the depository for funds received for application fees, as well as plan reviews, inspections and administrative charges for services related to the administration of the Earth Removal Bylaw, Chapter 14, Section 21 of the General Bylaws; (b) to fund the administrative expenses of the Earth Removal Board, as well as planning, inspection and engineering expenses related to the Removal Permit application and permit granting process; (c) to have a limit on the total amount which can be expended from the Fund in Fiscal Year 2009 set at \$25,000; (d) to authorize the Earth Removal Board with the approval of the Town Manager to expend monies from this fund.

Maximum to be expended \$25,000.00

ARTICLE 21: Voted unanimously to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000) to fund an Elders Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides; said program shall be subject to the following conditions, in addition to any and all eligibility requirements promulgated by the Board of Selectmen, after receiving the recommendations of the Council-On-Aging: (a) participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town; (b) program participants shall receive compensation at a rate of \$7.50 an hour for each hour of service rendered for a total not to exceed One Thousand Five Hundred Dollars and NO Cents (\$1,500) in any calendar year; (c) program participants must agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Tax Collector to be applied to the real estate obligations of the participant for the property in which the participant resides; (d) the Treasurer/Tax Collector shall comply with the wage, tax and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants or applying the net amount of wages earned to the real estate tax obligations of the participants; and (e) program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-served basis.

Raise & Appropriate \$20,000.00

ARTICLE 22: Voted unanimously to transfer from the Millbury Sewer Enterprise Fund User Revenue the sum of Thirty Thousand Dollars (\$30,000.00) to be expended by the Board of Sewer Commissioners for the purpose of funding the expenses of a Sanitary Sewer System Infiltration and Inflow Program, including but not limited to: administration, engineering, equipment and inspection costs.

Transfer \$30,000.00

ARTICLE 23: Voted unanimously to transfer from the Millbury Sewer Enterprise Fund User Revenue the sum of Fifty-five Thousand Dollars (\$55,000.00) to be expended by the Board of Sewer Commissioners for the purpose of replacing the backup grinder at the main pump station.

Transfer \$55,000.00

ARTICLE 24: Voted unanimously to transfer the sum of Nine Hundred Two Thousand Eight Hundred Twenty-Four Dollars and No Cents (\$902,824.00) from the Retained Earnings of the Sewer Enterprise Fund to the Stabilization Fund for Debt Service Costs.

Transfer \$902,824.00

ARTICLE 25: Voted unanimously to transfer \$273,000.00 from available funds or from any unexpended balances of Fiscal Year 2008 appropriations, hitherto made, to Fiscal Year 2008 appropriation accounts, as follows:

<u>Description</u>	<u>Transfer To:</u>	<u>Transfer From:</u>
Town Mgr. – Salaries Admin.	6,875.00	
Town Counsel – Legal	45,000.00	
MOB Salary All Other	1,000.00	
MOB General Expenses	1,000.00	
Police Dept. General Expenses	7,000.00	
DPW Maint. & Op Salaries	17,360.00	
Snow & Ice – Salaries	30,000.00	
Snow & Ice – General Expenses	120,000.00	
Health Dept. – General Expenses	1,700.00	
Medicare	20,065.00	
F.B. Reserve For Overlay Surplus		250,000.00
Veterans Benefits	13,000.00	
Parks OPS & Maint Salaries	10,000.00	
Public Works Salary Admin		19,000.00
Street Lighting – General Expenses		4,000.00

Transfer Total: \$273,000.00

ARTICLE 26: Voted unanimously to raise and appropriate \$90,000.00 as reimbursement for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2009 School Department Budget.

Raise & Appropriate \$90,000.00

ARTICLE 27: Voted unanimously to raise and appropriate \$185,000.00 to repave the parking lot at the Raymond E. Shaw Elementary School and the basketball courts at both the Elmwood Street and Shaw Elementary Schools.

Raise & Appropriate \$185,000.00

ARTICLE 28: Voted unanimously to raise and appropriate \$40,000.00 to install appropriate surfacing and equipment to provide ADA accessible playgrounds at both the Elmwood Street and Shaw Elementary Schools.

Raise & Appropriate \$40,000.00

ARTICLE 29: Voted unanimously to indefinitely postpone.

ARTICLE 30: Voted unanimously to indefinitely postpone.

ARTICLE 31: Voted unanimously to indefinitely postpone.

ARTICLE 32: Voted unanimously to raise and appropriate \$5,000.00 for the control of Eurasian Watermilfoil, fanwort or algae in Lake Singletary.

Raise & Appropriate \$5,000.00

ARTICLE 33: Voted unanimously to establish a charter review committee pursuant to Section 7-6 of the Millbury Home Rule Charter.

ARTICLE 34: Voted unanimously to indefinitely postpone.

ARTICLE 35: Voted unanimously to amend the Millbury Zoning Bylaws, **Article 1, Section 12.44 Contents and Scope of Application** by adding the following italicized text.

- Name of project, property address, assessor's map and lot number, the date, north arrow, *datum (NAD 83 and NAVD 88)*, names of abutters, and scale.

ARTICLE 36: Voted unanimously to amend the Millbury Zoning Bylaws, **Article 1, Section 12.44 Contents and Scope of Application, Subsection a.** by adding the following italicized text.

- *At least three property boundary marker locations, remotely separated, shall be indicated with Massachusetts Grid Plane Coordinates. The plan shall identify the elevation and coordinates of these boundary markers.*

ARTICLE 37: Voted unanimously to amend the Millbury Zoning Bylaws, **Article 1, Section 12.49 Enforcement of an Approved Site Plan, Subsection c.** by adding the following italicized text.

- c) "As Built" plans, certified by a registered professional engineer and noting any change from the approved plan, shall be filed with the Building Inspector and the Planning Board before a Certificate of Completion shall be issued. *The Applicant shall also file a CD or DVD containing a level III standard digital file (SDF) of the project, per MassGIS standards for digital plan submittals to municipalities.*

ARTICLE 38: Voted unanimously to raise and appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Town Manager for required soil and water testing and monitoring, environmental and engineering assessments, related reporting required by the state Department of Environmental Protection (DEP) and any other related actions to abate any environmental contamination located on the Asa Waters Mansion Property, 123 Elm Street.

Raise & Appropriate \$50,000.00

ARTICLE 39: Voted unanimously to indefinitely postpone.

ARTICLE 40: Voted unanimously to indefinitely postpone.

ARTICLE 41: Voted unanimously to establish a bicentennial committee appointed by the Town Manager.

ARTICLE 42: Voted unanimously to amend the Millbury General Bylaws Chapter 6, Article I, by inserting the following Section 6-3, to read as follows:

(a) Notwithstanding the provisions of 527 CMR 2.09, the use of pyrotechnic devices, pyrotechnical materials, and pyrotechnic special effects, as defined in 527 CMR 2.03, in the interior of a structure or building is hereby prohibited within the Town of Millbury.

(b) Compliance with this by-law shall be a condition of any license or permit issued by the Town of Millbury for on-premises consumption of alcoholic beverages and/or entertainment.

(c) Any person violating any of the provisions of this by-law shall be subject to a fine of three hundred dollars (\$300.00). Each day shall be considered a separate offense subject to an additional fine. Any violation shall be grounds for suspension or revocation of any license issued by the Town of Millbury referenced in Section 2. In addition to civil or criminal prosecution, this by-law may be enforced by non-criminal disposition, pursuant to G.L. c.40, §21D and Section 1-7 of the Millbury General By-laws. "Enforcing persons" for non-criminal disposition shall include any Millbury police officer.

ARTICLE 43: Voted unanimously to amend the Millbury General Bylaws Chapter 14, Article I, by inserting the following new Section 14-12 Anti-Loitering, to read as follows:

Section 14-12 Anti-Loitering

1-1. Prohibited Conduct and Activities.

A. It shall be unlawful for any person to loiter in any public place, or in or about any building or dwelling or adjacent thereto, in such a manner so as to:

- (1) Obstruct any public street or public place by hindering or impeding or tending to hinder or impede an uninterrupted passage of pedestrians or vehicles.

(2) Commit in or upon any public street or public place any act which is an obstruction or interference to the free and uninterrupted use of any property or with any business being lawfully conducted by anyone in any public place, or which prevents the free and uninterrupted ingress and egress therein, thereon and thereto.

(3) Create or cause to be created any disturbance or annoyance to the discomfort or alarm of any person lawfully going in or going to or from any building, dwelling or public place.

B. "Loitering" shall mean remaining in essentially one location either alone or in concert with others.

C. "Public Place" shall mean any place to which the general public has access and the right to enter in or upon for business, entertainment or other lawful purposes, and shall include the front or immediate area around any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, beaches or parks.

D. When any person or persons causes or commits any of the conditions enumerated in subsection A herein a police officer, or any law enforcement officer, shall order the person or persons to stop causing or committing such conditions, and may, if he deems necessary for the preservation of public peace and safety, order that person or persons to move on and disperse. Any person who fails or refuses to obey any such order shall be guilty of a violation of this section.

E. This section shall not apply to peaceful picketing, public speaking or other lawful expressions or opinion not in contravention of other Town Ordinances or State and Federal Laws.

2-1. Pedestrians Not To Obstruct traffic; Duty of Officer, etc. to Disperse Offenders

Two or more persons shall not stand together, or near each other, in any street or sidewalk, in such a manner as to obstruct the free passage thereon or there over. It shall be the duty of any police officer, constable, or other authorized agent of the Town to order any person violating the foregoing provision of this section to move on; and if the person does not obey, to arrest and by lawful process cause him to be brought before the District Court.

ARTICLE 44: Voted unanimously to amend the Millbury General Bylaws Chapter 13, Article I, by inserting the following Section 13-1, to read as follows:

Section 13-1 Alarm System Bylaw

Section 1. Title and Purpose

- (A) This By-Law shall be known as the Alarm System By-Law and shall regulate alarms which cause a message to be transmitted to the Police Department
- (B) The purpose of this By-Law is to encourage alarms users to maintain the operational reliability of their alarm systems, to reduce or eliminate false alarm dispatch requests, to establish a system of regulations and fees with respect to alarm systems, and to provide for penalties for violations of this By-Law.

Section 2. Definitions

- (A) Chief of Police – The term “Chief of Police” means the Chief of Police of the Town of Millbury or his/her designated representative.
- (B) Police or Police Department – The term “Police or Police Department” means the Town of Millbury Police Department or any authorized agent thereof.
- (C) Town – The term “Town” means the Town of Millbury
- (D) Alarm Administrator – The term “Alarm Administrator” means the Chief of Police of the Town of Millbury or his /her designated representative.
- (E) Town Manager – The term “Town Manager” means the Town Manager of Millbury or his/her designated representative.
- (F) Board of Selectmen – The term “Board of Selectmen” means the Selectmen of The Town of Millbury
- (G) Alarm User – The term “Alarm User” means: Any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used, provided that an occupant that expressly accepts responsibility for an alarm device by registration pursuant to: Section 3 (Registration Requirements) of this bylaw shall be deemed the alarm user.
- (H) False Alarm – The term “False Alarm” means: (a) the activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his/her employees or agents; (b) any signal or oral communication transmitted to the Millbury Police Department requesting, or requiring, or resulting in a response on the part of the Millbury Police Department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises.

(I) Alarm System – The term “Alarm System” means: An assembly of equipment and devices or a single device which when activated calls for a response by police personnel: (a) transmits a signal to the Millbury Police Department; (b) transmits a signal to a person who relays information to the Millbury Police Department; or (c) produces an audible alarm or visible signal to which police are expected to respond. An alarm system does not include an alarm installed in a vehicle or an alarm designed to alert on the inhabitants of a premises that does not have a sound device which can be heard on the exterior of the alarm site.

Section 3. Registration Requirements

- (A) No alarm user shall operate, or cause to be operated, an alarm system without a registration issued in accordance with this by-law. A separate registration is required for each alarm site. The registration form format shall be determined by the Chief of Police and made available at the Police Station.
- Failure to comply with this section (3A) shall result in a \$100.00 fine.

Section 4. Alarm Systems Operation and Maintenance

- (A) The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches.
- (B) The alarm user shall make every reasonable effort to respond or cause a representative to respond within twenty (20) minutes, when notified to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- (C) Alarm Reset – The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site will sound for no longer than 15 minutes after being activated.
- (D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for duress, hold-up alarm activation before requesting a police response to an alarm signal. In the case of duress or hold up alarm the Millbury Police Department’s Communications center shall be notified immediately (first call).
- (E) Automatic Dialers to the Police Department are prohibited. Any alarm system currently using an automatic dialer must discontinue automatic dialer service by the effective date of this by-law. Failure to comply with this section (6F) shall result in a \$100.00 fine.
- (F) The Police Department shall not serve as alarm monitors.

Section 5. Determination of False Alarms

- (A) The Police Chief or his/her designee shall determine if alarm activation is false. His/her determination shall serve as the basis for the issuing of a false alarm violation.

Section 6. Fines

(A) Effective the effective date of this by-law, an alarm user shall be subject to warnings and fines depending on the number and/or type of false alarms emitted from the alarm system within a twelve month period based upon the following schedule.

1. A written warning will be sent by certified mail to the owner of the facility/dwelling for the first false alarm in a calendar year
2. A written warning will be sent by certified mail to the owner of the facility/dwelling for the second false alarm in a calendar year.
3. The third false alarm in a calendar year will be a fine of \$100.00; the notice of the fine will be sent by certified mail to the owner of the facility/dwelling. Note: In all cases, the OWNER will be responsible for payment of the fine regardless of the type of alarm/protection system.
4. The fourth and subsequent false alarm(s) in a calendar year will be a fine of \$200.00 for each separate offense.
5. Failure to comply with Section 3A, Registration Requirements will be a fine of \$100.00.
6. Failure to comply with Section 6F, Automatic Dialer will be a fine of \$100.00.
7. All fines shall be paid by check made payable to the Town of Millbury
8. All fines shall be paid within 60 days from the time and date of offense.
9. Failure to pay the fine will result in an order to disconnect from the current alarm system.
10. All facilities/dwellings return to zero (0) alarms on January 1 of the New Year.

(B) Non-Registered Alarms – Any persons operating an alarm system without a registration issued in accordance with this by-law shall be subject to an additional fine of \$100.00 for each false alarm dispatch.

(C) An alarm dispatch request caused by a criminal offense or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm dispatch. The Chief of Police or his/her designee shall be responsible for making this determination.

- (D) All fines and fees resulting from the enforcement of the provisions of this by-law shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Millbury and should be forwarded to the Millbury Police Department, 127 Elm Street, Millbury, ma. 01527.
- (E) State and municipal entities shall be exempt from the provisions of this by-law.
- (F) All fines paid shall be paid within 60 days from time and date of offense.

Section 7. General Provisions

- (A) Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection
- (B) The alarm user may appeal the decision of the alarm administrator to the Town Manager or designee by filing a written request for a review within ten (10) Days after receipt of a non-criminal violation notice. The Town Manager or designee shall conduct a hearing and render a written decision within (30) days. The decision of the Manager or designee shall be final.
- (C) The Chief of Police or his/her designee shall serve as the alarm administrator to: administer, control and review alarm applications, registrations and alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this by-law.

Section 8. Applicability

This By-Law shall be subject to the provisions of M.G.L. Chapter 40, Section 21D for non-criminal enforcement. The enforcing persons for this by-law shall be the Chief of Police or his designee and any Millbury Police Officer.

Section 9. Limitation of Liability

Notwithstanding the provisions of this By-Law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of alarm monitoring facilities. No liability whatsoever is assumed for the failure of such alarm devices for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents, and employees from liability in connection with the alarm user's alarm device.

Section 10. Separability

If any clause, sentence, paragraph, or part of this local by-law or the application thereof to any person or circumstance shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the intent of the Town of Millbury that this enactment would have been adopted had such invalid provision not been included therein.

ARTICLE 45: Voted unanimously to indefinitely postpone.

A TRUE COPY ATTEST:



Deborah S. Plante, Town Clerk