

**TOWN OF MILLBURY
ANNUAL TOWN MEETING
MAY 5, 2009
PROCEEDINGS**

TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 5, 2009
APPROPRIATIONS

Article #4 - Budgets			\$ 34,522,004.00
Less Fy10 Sewer Enterprise Fund User Revenue Acct.	\$ 995,638.00	\$	33,526,366.00
Less FY10 Sewer Enterprise Fund User Revenue Acct.	\$ 187,242.00	\$	33,339,124.00
Less FY10 Sewer Enterprise Fund User Revenue Acct.	\$ 121,753.00	\$	33,217,371.00
Less Sewer Retained Earnings Account	\$ 200,000.00	\$	33,017,371.00
Less FY10 Sewer Enterprise Fund User Revenue Acct.	\$ 794,763.00	\$	32,222,608.00
Less Reserve for Debt Service Acct.	\$ 86,644.00	\$	32,135,964.00

Amount raised & appropriated for budgets \$ 32,135,964.00

Article #5 - 1. Engineering/McCracken Road Bridge/Culvert	\$ 40,000.00
Article #6 - Personal property/injury claims	\$ 500.00
Article #9 - Environmental contamination- Waters Mansion	\$ 55,000.00
Article #10 - Deficit in Police Dept. Acct	\$ 60,000.00
Article #21 - Elders Community Service Program	\$ 20,000.00
Article #24 - Medicaid Reimbursement to School Budget	\$ 90,000.00
Article #25 - Veterans Memorial Monument and Plaque	\$ 1,800.00

Amount raised & appropriated for other Articles \$ 267,300.00

AMOUNT FUNDED BY RAISE & APPROPRIATE \$ 32,403,264.00

OTHER FUNDING FY10

Article #7 - Transfer from Free Cash to reduce FY10 Tax Rate	\$ 1,579,517.39	
Article #8 - Transfer from Free Cash to Reserve for Debt Service	\$ 9,032.61	
Article #53- Acquire Parcel D, Old Common Road	\$ 240,000.00	Borrow
Article #54 - Transfer from Sewer Retained Earnings to Sewer Stabilization	\$ 915,666.00	
Article #55 - Transfer from Sewer Retained Earnings for Sewer Study	\$ 195,000.00	
Article #56 - Transfer from Art. 11, 2008 A.T.M. Abandoned Property for Bicentennial Committee	\$ 5,000.00	
Article #57 - Transfer from Sewer Retained Earnings to Short Term Interest	\$ 24,942.50	

Total: \$ 2,969,158.50

OTHER FUNDING FY09

Article #22 - Fund unpaid bills from previous fiscal years

Transfers from FY09

Description	Account#	Transfers To:	Transfers From:
Unifund-Vadar Software	02.155.-5200.0939	\$ 2,750.00	
The Carrel Group-Police Station	02.210.5850.0940	\$ 8,000.00	
The Carrel Group-Fire Station	02.200.5850.0941	\$ 8,000.00	
John Griffin-Fire Dept. Training	02.200.5730.0942	\$ 4,100.00	
Massamont Ins.-deductible	02.945.5740.0943	\$ 3,000.00	
Ricoh Lease payment	02.123.5200.0944	\$ 119.50	
A-10 2008 Fy09 Revaluations	02.141.5200.0810		\$ 21,600.00
A-24 Actuarial Study	02.135.5200.0724		\$ 4,369.50
Total:		\$ 25,969.50	\$ 25,969.50

Article #23 - Fund underfunded accounts.

Transfers from FY09

Description	Account #	Transfers To:	Transfers From:
Veterans Services	01.543.5780.0000	\$ 45,000.00	
Town Hall Computer Ops	01.155.5200.0000	\$ 4,350.00	
Unemployment Insurance	01.913.5170.0000	\$ 35,000.00	
A-24 Actuarial Study	02.135.5200.0724		\$ 6,310.00
Gasoline & Diesel Fuel	01.495.5780.0000		\$ 20,000.00
Elections & Registrars Salaries	01.162.5116.0000		\$ 4,000.00
Police Dept. Salaries	01.210.5130.0000		\$ 31,600.00
Town Manager Salaries	01.123.5130.0000		\$ 2,440.00
DPW Salaries	01.410.5115.0000		\$ 20,000.00
Total:		\$ 84,350.00	84,350.00
		Total FY09: \$	110,319.50

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

ARTICLE #4 BUDGETS

GENERAL GOVERNMENT

<u>LINE NO.</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>TOTAL APPRO.</u>
1	Town Moderator Salaries and Wages (All) Total	200.00	200.00
2	BOARD OF SELECTMEN Salaries and Wages (All) General Expenses Capital Outlay Total	16,800.00 1,250.00 0.00	18,050.00
3	TOWN MANAGER Salaries and Wages (All) General Expenses Capital Outlay Total	174,030.00 14,950.00 0.00	188,980.00
4	FINANCE COMMITTEE Salaries and Wages (All) General Expenses Total	1,263.00 400.00	1,663.00
5	RESERVE FUND Reserve Fund Total	75,000.00	75,000.00
6	FINANCE DIRECTOR /TOWN ACCOUNTANT Salaries and Wages (All) General Expenses Capital Outlay Total	135,838.00 4,295.00 0.00	140,133.00

	TOWN AUDIT		
	General Expenses	27,500.00	
7	Total		27,500.00
	BOARD OF ASSESSORS		
	Salaries and Wages (All)	111,739.00	
	General Expenses	9,767.00	
	Capital Outlay	0.00	
8	Total		121,506.00
	TREASURER/TAX COLLECTOR		
	Salaries and Wages (All)	139,644.00	
	General Expenses	60,003.00	
	Capital Outlay	0.00	
9	Total		199,647.00
	TOWN COUNSEL		
	General Expenses	120,000.00	
10	Total		120,000.00
	TOWN HALL COMPUTER OPERATIONS		
	General Expenses	101,350.00	
	Capital Outlay	6,000.00	
11	Total		107,350.00
	TOWN CLERK		
	Salaries and Wages (All)	119,949.00	
	General Expenses	33,354.00	
	Capital Outlay	0.00	
12	Total		153,303.00

ELECTIONS AND REGISTRARS			
	Salaries and Wages (All)	5,173.00	
	General Expenses	7,887.00	
	Capital Outlay	5,300.00	
13	Total		18,360.00
CONSERVATION COMMISSION			
	Salaries and Wages (All)	25,933.00	
	General Expenses	1,775.00	
	Capital Outlay	0.00	
14	Total		27,708.00
PLANNING BOARD			
	Salaries and Wages (All)	36,206.00	
	General Expenses	2,250.00	
	Capital Outlay	0.00	
15	Total		38,456.00
BOARD OF APPEALS			
	Salaries and Wages (All)	0.00	
	General Expenses	1.00	
	Capital Outlay	0.00	
16	Total		1.00
TOWN PLANNER			
	Salaries and Wages (All)	60,319.00	
	General Expenses	1,800.00	
	Capital Outlay	0.00	
17	Total		62,119.00
REDEVELOPMENT AUTHORITY			
	General Expenses	1.00	
	Capital Outlay	0.00	
18	Total		1.00
TOWN HALL			
	Salaries and Wages (All)	43,241.00	
	General Expenses	98,750.00	
	Capital Outlay		
19	Total	0.00	141,991.00

	TOWN REPORTS		
	General Expenses	2,800.00	
	Capital Outlay	0.00	
20	Total		2,800.00

	Total General Government		1,444,768.00
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	PUBLIC SAFETY		
	POLICE DEPARTMENT		
	Salaries and Wages (All)	1,943,539.00	
	General Expenses	99,191.00	
	Capital Outlay	66,500.00	
21	Total		2,109,230.00

	FIRE DEPARTMENT		
	Salaries and Wages (All)	311,419.00	
	General Expenses	98,190.00	
	Capital Outlay	20,000.00	
	Fire Hydrant Expenses	168,000.00	
22	Total		597,609.00

	AMBULANCE SERVICES		
	General Expenses	76,470.00	
	Capital Outlay	0.00	
23	Total		76,470.00

	BUILDING INSPECTOR		
	Salaries and Wages (All)	66,900.00	
	General Expenses	1,000.00	
	Capital Outlay	0.00	
24	Total		67,900.00

	PLUMBING/GAS INSPECTOR		
	Salaries and Wages (All)	18,334.00	
	General Expenses	500.00	
	Capital Outlay	0.00	
25	Total		18,834.00

SEALER OF WEIGHTS & MEASURES			
	Salaries and Wages (All)	0.00	
	General Expenses	1.00	
	Capital Outlay	0.00	
26	Total		1.00
ELECTRICAL INSPECTOR			
	Salaries and Wages (All)	16,490.00	
	General Expenses	900.00	
	Capital Outlay	0.00	
27	Total		17,390.00
EMERGENCY MANAGEMENT			
	Salaries and Wages (All)	0.00	
	General Expenses	4,000.00	
	Capital Outlay	0.00	
28	Total		4,000.00
ANIMAL CONTROL OFFICER			
	Salaries and Wages (All)	0.00	
	General Expenses	27,000.00	
	Capital Outlay	0.00	
29	Total		27,000.00
TREE WARDEN			
	Salaries and Wages (All)	5,000.00	
	General Expenses	23,500.00	
	Capital Outlay	0.00	
30	Total		28,500.00
	Total Public Safety		2,946,934.00
PUBLIC EDUCATION			
MILLBURY SCHOOL DEPARTMENT			
	Salaries (Elected)	0.00	
	Administration	0.00	
	Instruction	0.00	
	Other Services	0.00	
	Operations & Maintenance	0.00	
	Fixed Charges	0.00	
	Tuition & Programs w/Other Districts	0.00	
	Community Service	0.00	
	Athletic Expenses	0.00	
	Windle Field Expenses	0.00	
	Capital Outlay	0.00	
	Placeholder	0.00	
31	Total		17,102,255.00

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

Annual Operating Assessment	710,525.00
Debt Excluded Capital Expenses	53,725.00
Salaries (Elected)	1,928.00
General Expenses	500.00
Capital Outlay	0.00

32	Total	766,678.00
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Total Public Education	17,868,933.00
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PUBLIC WORKS

Public Works Administration	
Salaries and Wages (All)	106,871.00
General Expenses	6,890.00
Capital Outlay	0.00

33	Total	113,761.00
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**PUBLIC WORKS
MAINTENANCE & OPERATIONS**

Salaries and Wages (All)	527,777.00
General Expenses	9,605.00
Capital Outlay	2,000.00

34	Total	539,382.00
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HIGHWAY

General Expenses	190,500.00
Capital Outlay	130,000.00

35	Total	320,500.00
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SNOW & ICE REMOVAL

Salaries and Wages (All)	55,000.00
General Expenses	105,000.00
Capital Outlay	0.00

36	Total	160,000.00
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STREET LIGHTING

General Expenses	89,000.00
Capital Outlay	0.00

37	Total	89,000.00
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	SOLID WASTE MANAGEMENT		
	Salaries and Wages (All)	0.00	
	General Expenses	86,400.00	
	Capital Outlay	0.00	
38	Total		86,400.00
	HIGHWAY,CEMETERIES, PARKS & FIELDS MAINTENANCE		
	Salaries and Wages (All)	17,400.00	
	General Expenses	40,200.00	
	Capital Outlay	14,165.00	
39	Total		71,765.00
	CEMETERIES		
	Salaries and Wages (All)	17,260.00	
	General Expenses	10,100.00	
	Capital Outlay	0.00	
40	Total		27,360.00
	MUNICIPAL GASOLINE & DIESEL FUEL		
	General Expenses	145,500.00	
	Capital Outlay	19,400.00	
41	Total		164,900.00
	Total Public Works		1,573,068.00
	HEALTH AND HUMAN SERVICES		
	BOARD OF HEALTH		
	Salaries and Wages (All)	59,703.00	
	General Expenses	11,800.00	
	Capital Outlay	0.00	
42	Total		71,503.00
	HUMAN SERVICES		
	General Expenses	32,000.00	
	Capital Outlay	0.00	
43	Total		32,000.00

	COUNCIL- ON- AGING		
	Salaries and Wages (All)	99,329.00	
	General Expenses	31,834.00	
	Capital Outlay	0.00	
44	Total		131,163.00

	VETERANS' SERVICES		
	Salaries and Wages (All)	15,369.00	
	General Expenses	0.00	
	Veterans' Benefits	126,235.00	
45	Total		141,604.00

	DISABILITY COMMISSION		
	General Expenses	500.00	
	Capital Outlay	0.00	
46	Total		500.00

	Total Health and Human Services		376,770.00
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	CULTURE AND RECREATION		
	PUBLIC LIBRARY		
	Salaries and Wages (All)	204,249.00	
	General Expenses	95,110.00	
	Capital Outlay	61,000.00	
47	Total		360,359.00

	PARK COMMISSION		
	Salaries and Wages (All)	2,400.00	
	General Expenses	800.00	
	Capital Outlay	0.00	
48	Total		3,200.00

	ASA WATERS MANSION		
	Salaries and Wages (All)	44,029.00	
	General Expenses	0.00	
	Capital Outlay	0.00	
49	Total		44,029.00

HISTORICAL COMMISSION

General Expenses	400.00	
Capital Outlay	0.00	

50	Total		400.00
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**MEMORIAL DAY AND VETERANS DAY
OBSERVANCES**

General Expenses	1,000.00	
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51	Total		1,000.00
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Total Cultural and Recreation**408,988.00****DEBT SERVICE****DEBT SERVICE**

Long-Term Debt Principal	1,829,766.00	
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Long-Term Debt Interest	849,645.00	
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Short-Term Debt Interest	20,000.00	
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52	Total		2,699,411.00
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Total Debt Service**2,699,411.00****EMPLOYEE BENEFITS**

Worc. Regional Retirement Assess.	818,384.00	
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State Retirement System Assessment	0.00	
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Workers Comp. Insurance Expenses	131,000.00	
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Unemployment Insurance	65,000.00	
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Group Health&HMO Plan-Admin.Exp.	10,000.00	
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Health Insurance - Town	1,022,177.00	
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Health Insurance -School	3,340,552.00	
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Group Life Insurance - Town	1,780.00	
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Group Life Insurance - School	3,600.00	
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Inpatient Trust Fund	40,000.00	
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Medicare Expenses	250,000.00	
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53	Total		5,682,494.00
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Total Employee Benefits**5,682,494.00**

	GENERAL INSURANCES		
	General and Liability Insurance Exp.	325,000.00	
54	Total		325,000.00

	Total General Insurances		325,000.00
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	TOTAL GENERAL FUND		33,326,366.00
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ENTERPRISE FUND
SEWER SYSTEMS OPERATIONS
& MAINTENANCE

	Salaries and Wages (All)	272,917.00	
	General Expenses	337,975.00	
	UBWPAD Assessment	521,042.00	
	Sewer Expansion Debt Ser. Assess.	50,000.00	
	Capital Outlay	13,704.00	
55	Total Sewer Enterprise,O&M Costs and Charges		1,195,638.00

	TOTAL GENERAL & ENTERPRISE FUNDS		34,522,004.00
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ARTICLE 4: Voted unanimously to raise the sum of Thirty Four Million Five Hundred Twenty Two Thousand Four Dollars (\$34,522,004) necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2010, the period of July 1, 2009 through June 30, 2010, 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 Two Million Two Hundred Ninety Nine Thousand Three Hundred Ninety Six Dollars (\$2,299,396) from the Fiscal Year 2010 Millbury Sewer Enterprise Fund User Revenue, and to authorize the Board of Sewer Commissioners to raise said Two Million Two Hundred Ninety Nine Thousand Three Hundred Ninety Six Dollars (\$2,299,396) 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 One Hundred Thirty Five Thousand Nine Hundred Sixty Four Dollars (\$32,135,964);

B. Transfer the sum of Nine Hundred Ninety Five Thousand Six Hundred Thirty Eight Dollars (\$995,638) from the Fiscal Year 2010 Millbury Sewer Enterprise Fund User Revenue Account for the Sewer Department's operating expenses and charges;

C. Transfer the sum of One Hundred Eighty Seven Thousand Two Hundred Forty Two Dollars (\$187,242) from the Fiscal Year 2010 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 Seven Hundred Fifty Three Dollars (\$121,753) from the Fiscal Year 2010 Millbury Sewer Enterprise Fund User Revenue Account for Debt Service Costs in the General Fund;

E. Transfer the sum of Two Hundred Thousand dollars (\$200,000) from the Millbury Sewer Retained Earnings Account for the Sewer Department's operating expenses and operating charges;

F. Transfer the sum of Seven Hundred Ninety Four Thousand Seven Hundred Sixty Three Dollars (\$794,763) from the Fiscal Year 2010 Millbury Sewer Enterprise Fund User Revenue Account for Debt Service Costs in the General Fund;

G. Transfer the sum of Eighty Six Thousand Six Hundred Forty Four Dollars (\$86,644) from the Reserve for Debt Service Account to the Budget Line Item #52, Debt Service Account;

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

1. Raise and appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to supplement funds for the replacement of the McCracken Road Bridge/Culvert which is near # 59 McCracken.
2. Voted unanimously to indefinitely postpone.
3. Voted unanimously to indefinitely postpone.
4. Voted unanimously to indefinitely postpone.

Raise & Appropriate \$40,000.00

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 One Million, Five Hundred Seventy-Nine Thousand Five Hundred Seventeen Dollars and 39 Cents (\$1,579,517.39) from available, certified free cash to reduce or stabilize the Fiscal Year 2010 Tax Rate.

Transfer \$1,579,517.39

ARTICLE 8: Voted unanimously to transfer the sum of Nine Thousand Thirty-Two Dollars and 61 Cents (\$9,032.61) from available certified free cash to account # 01.030.3120.0000 Reserve for Debt Service.

Transfer \$9,032.61

ARTICLE 9: Voted unanimously to raise and appropriate the sum of Fifty-five Thousand Dollars and No Cents (\$55,000.00) 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 \$55,000.00

ARTICLE 10: Voted unanimously to raise and appropriate the sum of Sixty Thousand Dollars (\$60,000.00), to acct # 27.000.3400.7006 Designated Police Department Fund Balance Account to fund a deficit in that account.

Raise & Appropriate \$60,000.00

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 2010 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 2010 set at Twenty-five Thousand Dollars (\$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 2010 at Twenty Thousand Dollars (\$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 2010 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 2010 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 2010 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 to establish 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 2010 to be Thirty Thousand Dollars (\$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 2010 at Ninety Thousand Dollars (\$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 establishing a Revolving Fund for the Millbury Housing Partnership 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 2010 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 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 2010 set at Twenty-five Thousand Dollars (\$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 Twenty Five Thousand Nine Hundred Sixty Nine Dollars and Fifty Cents (\$25,969.50) from unexpended balances of Fiscal Year 2009 appropriations to pay unpaid bills from previous fiscal Years, as follows:

Description	Account Number	Transfer to:	Transfer From:
Unifund-Vadar interface Software	02.155.5200.0939	2750.00	
The Carrel Group-8/14/07-Police station plans	02.210.5850.0940	8000.00	
The Carrel Group-8/14/07-Fire station plans	02.200.5850.0941	8000.00	
John Griffin-Fire Department Training	02.200.5730.0942	4100.00	
Massamont Insurance-deductible payment	02.945.5740.0943	3000.00	
Ricoh-Lease payment	02.123.5200.0944	119.50	
A-10 2008 FY09 Revaluations	02.141.5200.0810		21600.00
A-24 Actuarial Study	02.135.5200.0724		4369.50
Total		25969.50	25969.50

Transfer \$25,969.50

ARTICLE 23: Voted unanimously to transfer Eighty Four Thousand Three Hundred Fifty Dollars and No Cents (\$84,350.00) from unexpended balances of Fiscal Year 2009 appropriations, hitherto made, to Fiscal Year 2009 appropriation accounts, as follows:

Description	Account Number	Transfer to:	Transfer From:
Veteran Services	01.543.5780.0000	45000.00	
Town Hall Computer Ops	01.155.5200.0000	4350.00	
Unemployment Insurance	01.913.5170.0000	35000.00	
A-24 ACTUARIAL STUDY	02.135.5200.0724		6310.00
Gas and Diesel Fuel	01.495.5780.0000		20000.00
Elections & Registrars Salaries & Wages	01.162.5116.0000		4000.00
Police Department-Salaries & Wages	01.210.5130.0000		31600.00
Town Manager-Salaries all others	01.123.5130.0000		2440.00
DPW Salaries (all Others)	01.410.5115.0000		20000.00
Total		84350.00	84350.00

Transfer \$84,350.00

ARTICLE 24: Voted unanimously to raise and appropriate \$90,000 as reimbursement for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2010 School Department Budget.

Raise & Appropriate \$90,000.00

ARTICLE 25: Voted unanimously to raise and appropriate One Thousand Eight Hundred Dollars (\$1,800.00) to be used for the purchase and installation of a veterans memorial monument and plaque. This memorial will honor Staff Sergeant Bernard F. Devoe, U.S. Army Air Force, a World War II casualty, who on February 22, 1944 was reported missing in action.

Raise & Appropriate \$1,800.00

ARTICLE 26: Voted unanimously to name a proposed location on Grafton Street across from Bellville Lane, the "Bernard F. Devoe Square" in memory of Staff Sergeant Bernard F. Devoe, who gave his life in the service of his country with honor during World War II.

ARTICLE 27: Voted unanimously to indefinitely postpone.

ARTICLE 28: Voted unanimously to indefinitely postpone.

ARTICLE 29: Voted unanimously to indefinitely postpone.

ARTICLE 30: Voted unanimously to indefinitely postpone.

ARTICLE 31: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE I. ADMINISTRATION AND PROCEDURE, Section 12.43 Application and Review** Procedures by inserting the following italicized text:

- (a) Prior to the filing of an application, the applicant shall submit plans to the building inspector who shall advise the applicant as to the pertinent sections of the zoning by-law. The applicant shall then submit ten (10) copies of the application to the Planning Board. *No application for review shall be accepted as a submittal unless and until all information necessary for such review, as described in the Zoning Bylaws, is fully provided unless waivers are requested in writing. At the time of submission, the Board or its Agent shall make a determination, using a checklist, that the submission requirements are either complete or incomplete.*

If the submission has been determined to be incomplete, the application shall be returned to the applicant either in person or by certified mail with a letter indicating that insufficient information has been provided making it impossible for the Planning Board to adequately review the application, or approve the application. Incomplete applications shall not be considered submittals and shall not be considered the start of any time limits within which the Board is required to act under various provisions of Massachusetts General Law, Chapter 40A. If the submission has been determined to be complete, the Applicant shall file the application with the Town Clerk by delivery or by certified mail, postage prepaid. The Town Clerk shall time and date stamp said application to fix the date of submission.

ARTICLE 32: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS, Section 21. Establishment of Districts, Subsection 21.1** by inserting "Floodplain Overlay District" and "Adaptive Reuse Overlay District" between the "Aquifer and Watershed Protection Overlay District" and "Route 146 Highway Corridor Overlay District".

ARTICLE 33: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 33. Parking and Loading Requirements**, Subsection 33.2 by deleting the following underlined text and inserting the following italicized text:

Dwellings: One (1) space per two (2) dwelling units if serving subsidized elderly housing, two (2) spaces per *single-family dwelling unit for all others, and three spaces*(3) per two-bedroom, multi-family dwelling unit. *One (1) additional space per bedroom shall be added for each multi-family dwelling unit containing an excess of two bedrooms.*

ARTICLE 34: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS, Section 41. Home Occupations** by inserting the following italicized text:

Home occupations are permitted if no more than twenty-five percent (25%) of the floor area of the residence is used for the occupation, not more than one person not a member of the household is employed on the premises in the occupation, there is no exterior display or storage or other variations from the residential character of the premises *other than one (1) non-illuminated wall sign or freestanding sign not exceeding two (2) square feet in area*, traffic generated does not exceed that normally expected in a residential neighborhood, and all parking required to service the occupation is provided off-street, other than within a required front yard. *No equipment, process or activity shall be used in such home occupation which creates noise, vibration, glare, noxious odors, and electrical interference or otherwise disrupts the neighborhood integrity.*

ARTICLE 35: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 14.11 Planning Board Authority** by adding the following text:

(q) Small Wind Turbines under Section 50.

ARTICLE 36: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS** by inserting **Section 50** containing the following text:

Section 50. Small Wind Turbines

50.1 Applicability. The Planning Board may grant a special permit for the construction and operation of a Small Wind Turbine in any zoning district subject to the requirements set forth herein. No more than three (3) Small Wind Turbines shall be permitted on a single parcel or contiguous parcel(s) in common ownership.

Wind monitoring or meteorological towers shall be permitted by-right in any zoning district subject to issuance of a building permit for a temporary structure. A permit for a

temporary wind monitoring or meteorological tower shall be valid for a maximum of three (3) years.

50.2 Purpose and Intent. The purpose of this Section is to promote the safe, effective and efficient use of Small Wind Turbines and to provide for the placement, design, construction, monitoring, modification and removal of wind energy systems so as to protect health and safety, control noise levels, prevent electromagnetic interference, and minimize the impacts of Small Wind Turbines on the character of neighborhoods, property values, and the scenic, historic, and environmental resources of the Town.

50.3 Definitions. As used in this Section, the following terms shall have the meanings indicated:

Height – The total height of the wind turbine measured from the land in its natural state, prior to grading or filling, to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity – The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment or specified as a requirement of the type and model number of the wind turbine.

Rotor – The blades and hub of the wind turbine that rotate during turbine operation.

Wind Energy System – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of sixty (60) kW or less.

Wind Monitoring or Meteorological Tower – A temporary tower equipped with devices to measure wind speeds and direction, used to determine the amount of wind power a site can be expected to generate.

Wind Turbine – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a rotor, electric generator, and tower.

50.4 Professional and Technical Review. The Planning Board may hire professional and technical consultants to assist in analyzing an application to ensure compliance with all relevant laws, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application and monitoring or inspecting a project or site for compliance with the Planning Board’s decision or regulation. The expenses for engaging professional and technical assistance and review in connection with a Small Wind Turbine shall be borne by the Applicant.

50.5 General. Proposed Small Wind Turbines shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental, Federal Communications Commission (FCC), and Federal Aviation Administration (FAA) aviation requirements and the requirements of the relevant utility to which the wind turbine will be connected.

50.6 Application Procedure. Applicants are required to submit a special permit application conforming to the requirements of this Bylaw. The application shall include a site plan and associated documents specified under Section 12.4 Site Plan Review, as well as the following additional information:

1. A technical report from a qualified individual attesting that the site is feasible for wind power, that documents wind speed at the proposed site, that anticipates energy that will be created from the Small Wind Turbine, and that estimates the amount of energy necessary to serve the on-site uses.
2. Manufacturers' specifications for the proposed wind turbine, attendant facilities, and all related equipment.
3. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
4. Evidence that the utility company has been informed of the Applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
5. Pre- and post-construction simulation views of the site from at least four locations where the Small Wind Turbine will be visible through means of photographs, sketches and/or computer simulations.
6. Material describing a specific plan for a "balloon" or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in the legal notice for the newspaper and abutters' mailing. The test shall demonstrate the height of the proposed facility.
7. If lighting is required by the FAA, the Applicant shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure. The Applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and twenty-five feet (25') beyond the property lines. The plan shall also indicate the location and types of luminaries proposed.
8. A proposed maintenance schedule for the Small Wind Turbine and related equipment.

50.7 Design Standards and Siting Requirements. In addition to the Design Standards set forth in Section 12.4 Site Plan Review, the following design standards shall apply to all Small Wind Turbines and shall govern the development and design process.

1. Setbacks: A Small Wind Turbine or Met Tower shall not be located closer to a property line than the height of the tower plus the height of the blade in its vertical position plus fifty feet (50'). No inhabited structures, overhead utility lines, public roads or right-of-ways shall be located within the setback distance. No part of the Small Wind Turbine or Met Tower support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for

the zone where the land is located. The Planning Board may reduce the setback distances for the wind turbine if an abutting property owner(s) provides the Applicant with a recorded easement agreeing to the use limitations.

2. Noise: The Small Wind Turbine and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10). Except during short-term events such as high windstorms or utility outages, the sound created by said facility shall not exceed 70 decibels (dba) as measured from the nearest property line. If noise levels are found to exceed allowable limits, the Building Inspector shall notify the owner of the property in writing to correct the violation. The Small Wind Turbine shall remain inactive until the noise violation is remedied. If the owner does not remedy the noise violation within thirty (30) days, the Building Inspector shall require the facility to be relocated or removed.
3. Height: The Small Wind Turbine or Met Tower shall not exceed two hundred (200) feet in height, and must comply with Federal Aviation Administration (FAA) Regulations. The Planning Board may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.
4. Unauthorized Access: The wind energy system shall be designed to prevent unauthorized access. For instance, the base of the tower may be enclosed by a fence and/or shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of twelve (12) feet above the ground.
5. Visual Impact: Installation of the Small Wind Turbine shall not create a substantially adverse visual impact. The wind turbine shall be sited in a manner that does not result in significant shadowing or flicker impacts. The wind turbine shall have a non-reflective finish of an unobtrusive color. The Planning Board may require the structure to be painted or otherwise camouflaged to minimize visual impact.
6. A monopole tower shall be the preferred type of support.
7. Equipment Shelter: All equipment necessary to monitor and operate the wind facility shall be contained within the turbine tower unless technically infeasible, in which case, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure.
8. Lighting: Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

9. Electromagnetic Interference: The Small Wind Turbine shall cause no disrupting electromagnetic interference. If it is determined that a Small Wind Turbine is causing interference, the operator shall take the necessary corrective action to eliminate this interference, subject to the approval of the Building Inspector.
10. Telecommunications: A wind turbine may be used as a wireless communication facility, subject to the requirements of the Federal Communications Commission (FCC), Section 26 herein and the following additional requirements:
 - Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower.
 - All cabling associated with the wireless communication facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.
 - The telecommunications carrier shall be named as co-applicant.
11. Signs: No signs shall be erected except a sign identifying the wind facility, the owner, the operator, and an emergency telephone number, no-trespassing signs, and any signs to warn of danger. All signs shall comply with Section 34 herein.
12. Natural Vegetation: Clearance of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.

50.8 Maintenance Requirements.

1. At all times the Applicant shall maintain the Small Wind Turbine and related equipment in good working condition and perform regular maintenance in accordance with the approved maintenance schedule. A record shall be kept of all maintenance performed, and said record shall be provided to Town officials whenever requested to verify maintenance.
2. Should the turbine fall into disrepair, the Applicant shall correct the deficiency within seven (7) days. If the turbine is producing an unusual emission, the Applicant shall address the emission within twenty-four (24) hours or leave the turbine inactive until the problem can be remedied.
3. Failure to properly maintain the Small Wind Turbine or correct other issues shall result in revocation of the Special Permit.

50.9 Removal Requirements.

1. The owner of the Small Wind Turbine shall submit a letter to the Planning Board in December of each year confirming that the turbine is still in use and verifying compliance with standards of the bylaw and the Special Permit decision.

2. Upon abandonment or discontinuation of use, the owner shall notify the Planning Department by certified mail of the proposed date of discontinued operations and plans for removal. The owner shall dismantle and physically remove the wind energy system within ninety (90) days from the date of discontinued operations. Removal of the system shall include the structure, foundation, transmission equipment, equipment shelter, fencing, and other appurtenances. All solid and hazardous wastes shall be disposed of in accordance with local and state waste disposal regulations. The site shall be re-vegetated to prevent erosion.
3. A wind energy system that is not used for twelve (12) successive months shall be deemed abandoned. Upon a Notice of Abandonment issued by the Building Inspector, the owner will have thirty (30) days to provide sufficient evidence that the system has not been abandoned or the Planning Board shall have the authority to enter the subject property and order the removal of the wind energy system at the owner's expense.

50.10 Performance Guarantee. The Planning Board shall require surety, either in the form of an escrow account or other security, in an amount sufficient to assure satisfactory removal of the system and re-vegetation of the site. The cost estimate for removal and re-vegetation shall be prepared by the Planning Board's technical consultant and shall include a twenty-five percent (25%) contingency fee.

50.11 Waiver Provision. The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained.

50.12.1 Modifications. All material modifications to a wind energy system made after issuance of the special permit shall require submission of a modified special permit, applied for in accordance with all regulations applicable at the time such application is properly made.

ARTICLE 37: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS** by deleting **Section 32.9 Wind Energy Conversion Systems** in its entirety.

ARTICLE 38: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS** by adding **Section 32.9 Accessory Structures**.
Section 32.9 shall contain the following text:

32.9 Accessory Structures: All accessory structures, including swimming pools (in ground, above ground, hot tubs and spas), sheds over one hundred twenty (120) square feet, and decks shall meet all minimum yard setback requirements for the applicable district.

ARTICLE 39: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 5. DEFINITIONS** by inserting the following italicized text:

Temporary Structure or Use – A portable or demountable structure or a use or occupancy of land, in either case to be removed or discontinued within twelve (12) months. *A wind monitoring or meteorological tower as defined in Section 50.3 shall be removed within thirty-six (36) months of installation.*

ARTICLE 40: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 5. DEFINITIONS** by inserting the following text:

Bed and Breakfast – A private, owner-occupied residence with up to six (6) guestrooms. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than ninety (90) days in any one-year period.

Day Care Center – Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parents or legal guardians.

LEED (Leadership in Energy and Environmental Design)-Certified Buildings – LEED-certified buildings have demonstrated energy conservation and addressed concerns for site development, water savings, energy efficiency, materials selection and indoor environmental quality. Certification comes after compliance with the requirements of the LEED Green Building Rating System, a nationally accepted benchmark established by the U.S. Green Building Council. To receive LEED certification, a developer applies to the USGBC, documenting the building's compliance with LEED goals. Depending on the nature and use of the building, it must meet a basic set of prerequisites; to that, numerous credits are added, depending on the building's specific design and construction. Innovation is encouraged.

ARTICLE 41: Voted unanimously to amend the Zoning Map so as to include the Bramanville Village District, as shown on file in the Office of the Town Clerk. The Bramanville District shall contain the following lots, as depicted on the proposed map:

Assessor's Map 79, Lot 29
Assessor's Map 79, Lot 11
Assessor's Map 79, Lot 25
Assessor's Map 79, Lot 26
Assessor's Map 79, Lot 28

Assessor's Map 70, Lot 118
Assessor's Map 70, Lot 117
Assessor's Map 70, Lot 116
Assessor's Map 70, Lot 115
Assessor's Map 70, Lot 114
Assessor's Map 70, Lot 117
Assessor's Map 70, Lot 104
Assessor's Map 70, Lot 103
Assessor's Map 70, Lot 102
Assessor's Map 70, Lot 101
Assessor's Map 70, Lot 99
Assessor's Map 70, Lot 98
Assessor's Map 70, Lot 97
Assessor's Map 70, Lot 95
Assessor's Map 70, Lot 94
Assessor's Map 70, Lot 93
Assessor's Map 70, Lot 92
Assessor's Map 70, Lot 91
Assessor's Map 70, Lot 90
Assessor's Map 70, Lot 89
Assessor's Map 70, Lot 88
Assessor's Map 70, Lot 87
Assessor's Map 71, Lot 83
Assessor's Map 70, Lot 82
Assessor's Map 70, Lot 81
Assessor's Map 70, lot 80
Assessor's Map 70, Lot 78
Assessor's Map 70, Lot 77
Assessor's Map 70, Lot 76
Assessor's Map 70, Lot 75
Assessor's Map 70, Lot 79
Assessor's Map 70, Lot 1
Assessor's Map 70, Lot 2
Assessor's Map 71, Lot 3
Assessor's Map 70, Lot 4
Assessor's Map 70, Lot 5
Assessor's Map 70, lot 31
Assessor's Map 70, Lot 32
Assessor's Map 70, Lot 33
Assessor's Map 71, Lot 34
Assessor's Map 70, Lot 35
Assessor's Map 70, Lot 36
Assessor's Map 70, Lot 37
Assessor's Map 70, Lot 38
Assessor's Map 70, Lot 39
Assessor's Map 70, Lot 40
Assessor's Map 71, Lot 41
Assessor's Map 70, Lot 42
Assessor's Map 70, Lot 43
Assessor's Map 70, Lot 131
Assessor's Map 70, Lot 120

ARTICLE 42: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS, Section 21.1** by inserting "Bramanville Village" on the line between "Suburban IV" and "Business I".

ARTICLE 43: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS**, by adding **Section 24. Bramanville Village District**. The numbering of existing Sections 24, 25, 26, and 27, including all subsections, shall be renumbered as follows: **Section 25. Business Districts, Section 26. Industrial Districts, Section 27. Wireless Communications Facilities** and **Section 28. Adaptive Reuse Overlay District**, not changing any content except references to these numbered sections. **Section 24. Bramanville Village District** shall contain the following text:

Section 24. Bramanville Village District.

The intent of the Bramanville Village District is to enable the redevelopment and in-fill development of the central part of the historical Bramanville area in keeping with the historic development pattern, in order to create a vibrant, pedestrian-friendly village center by allowing high-density residential as well as small-scale commercial uses that serve the residents of the district and adjacent residential districts. This district shall work in concert with the Adaptive Reuse Overlay District bylaw, which enables mixed uses in the mill buildings only. While the encouragement of economic development is desired in this district, the type and scale should not compete with Millbury Center. This district should have its own unique identity on a village scale.

24.1 In the Bramanville Village District, only the following uses are permitted:

24.11 Permitted Residential Uses:

- Boarding, lodging, or tourist home;

24.12 Permitted Community Service Uses:

- School or college;
- Religious, sectarian or denominational buildings or uses;
- Day care center;
- Nursing, convalescent or rest homes;
- Non-profit club or lodge;
- Philanthropic institution;
- Municipal use not elsewhere more specifically cited;

24.13 Permitted Business Uses:

- Business or professional office;
- Bank or other financial institution without drive-thru;
- Retail sales and services, provided that not more than 5,000 square feet of total floor area is devoted to office, sales and storage purposes;

- Any of the following personal service establishments dealing directly with the consumer: dry cleaner, hand or self service laundry, tailor, shoe repair, barber or beauty salon, florist, small appliance repair shop, interior decorating studio, medical or dental laboratory, printing, photocopying or photography shop;
- Shop of plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment, provided that there is no exterior storage or activity, and only on-site repair work;
- Restaurant without drive-thru;
- Bakery or café;
- Tavern or bar;

24.14 Other Permitted Principal Uses:

- Agricultural, horticultural, or floricultural uses;
- Parking to service a permitted use;
- Building containing multi-family dwelling units in combination with stores or other permitted business uses;

24.15 Permitted Accessory Uses:

- Bed and breakfast;
- Home occupation in accordance with Section 41;
- Roadside stand for goods principally produced on the premises;
- Accessory parking;
- Temporary structures to be used only as temporary construction offices in relation to and in conjunction with a current construction project and to be removed in the case of building construction upon the final issuance of all occupancy permits or in the case of other types of construction projects upon the completion of all construction work, in either case the temporary structure shall not remain on the property for more than twenty-four (24) months.
- Other customary accessory uses that are subordinate, customary and incidental to the principal use.

24.2 In the Bramanville Village District, the following uses are permitted if granted a special permit by the Special Permit Granting Authority:

- Multifamily dwelling (not associated with mixed use);
- Assisted living establishment in accordance with Section 42;
- Accessory dwelling in accordance with Section 46.2;
- Liquor store;
- Indoor recreational uses including skateboard park, arcade, bowling alley;
- Health or exercise club;
- Temporary structures or uses not conforming to this by-law;

24.3 In the Bramanville Village District, no lot shall be built upon or changed in size or shape except in conformity with the following:

District	Min. Lot Area	Min. Lot Frontage	Min. Yards Front/Side/Rear	Max. Lot Coverage	Max. Impervious Lot Coverage	Max. Bldg. Height
Bramanville Village	5,000 sf.	60 ft.	*/10/10	50%	25%**	40***

* The front yard setback requirement for a property containing exclusively residential uses shall be a minimum of eighteen feet (18') and a maximum of twenty-five feet (25'). The front yard setback requirement for a property containing non-residential uses or mixed-uses shall be a minimum of zero (0') feet and a maximum of eighteen feet (18').

**The maximum impervious lot coverage calculation is exclusive of lot coverage.

***The maximum building height for all uses shall not exceed forty (40) feet (including rooftop mechanics) and no building shall have more than three (3) stories.

ARTICLE 44: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.4. Site Plan Review, Subsection 12.45 Design Standards**, to add the following text:

(v) Additional Design Standards for Bramanville Village District

(1) Parking:

- a. Off-street parking may be provided by a separate private property owner provided that a current, legally-binding agreement is executed between the two parties. A copy of the agreement shall be given to the Planning Board for their review and approval.
- b. In mixed-use developments, an applicant may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. The Planning Board may waive up to fifty percent (50%) of the requirements for the principal use if the applicant can demonstrate that the peak demands for two uses are not concurrent.

(2) Buildings

- a. All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry;
- b. Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick or high-quality brick face, wood, stone or high-quality stone-face. Vinyl, unfinished metal or fiberglass as a primary finished surface shall not be used;
- c. Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate given the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls;

- d. New retail buildings shall have one of the following features along the front surface at intervals sufficient to provide harmonious design, while providing variety: awning, marquee, arcade and/or colonnade;
- e. Flat roofs may be allowed on multi-story buildings as long as the roofline projects outward from the building surface as a decorative cornice or parapet;
- f. Rooftop mechanical equipment shall not be visible from the street;
- g. Buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations in signage, awnings, marquees, colonnades or arcades.

(3) Signs

- a. Primary signs shall be flat against the façade, or mounted projecting from the façade;
- b. Signs shall be externally lit from the front. Back lighting of signs shall not be permitted;
- c. Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint engraved on façade surface;
- d. Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.

(4) Site Design

- a. Street level frontage shall be devoted to entrances, shop windows or other displays;
- b. Clearly delineated pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district;
- c. Where residential neighborhoods abut commercial, office or mixed-use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;
- d. Primary entrances to buildings shall be situated on pedestrian ways (e.g., sidewalks, plazas or open space) and shall have a minimum width of ten feet (10');
- e. Adequate natural lighting and air circulation for businesses and residents shall be maintained;
- f. New sidewalks shall be composed of cement;
- g. Other pedestrian walkways, courtyards, patios, or similar shall be composed of natural materials (i.e. brick, bluestone, granite, flagstone, or similar);
- h. Pedestrian-scale lighting shall be used on walkways.

- (5) Open Space: Common open space shall have a shape, dimension, character and location suitable to assure its use for park and open space purposes for the public.

ARTICLE 45: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34.3. Exempt Signs**, to include the following text:

8. Construction signs of thirty-two (32) square feet or less.
9. Nameplates of one (1) square foot or less.

ARTICLE 46: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34.6. Specific Sign Requirements, Subsection 4.B Development and construction signs** to delete the following underlined text and add the following italicized text:

1. Such signs on a single residential lot shall be limited to one sign, not greater than 6 four (4) feet in height and sixteen (16) square feet in area and shall be set at least ten (10) feet from the street lot line.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than eight (8) feet in height and thirty-two (32) square feet in area and shall be set back at least ten (10) feet from the street lot line.
3. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed eight (8) feet in height and thirty-two (32) square feet for projects on parcels five (5) acres or less in size, and not to exceed twelve (12) feet in height and one-hundred (100) square feet for projects on parcels larger than five (5) acres and shall be set back at least ten (10) feet from the street lot line.
4. Development and construction signs shall not be displayed until after the issuance of construction permits by the building inspector, and must be removed not later than ten (10) days following issuance of an occupancy permit for all or any portion of the project.

ARTICLE 47: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34.6. Specific Sign Requirements, Table 34.6.01 Signs Permitted by Zone**, to include the following italicized text:

Table 34.6.01						
Signs Permitted by Zone						
Sign Type	Zone					
	R I - III	S I - IV	BV	B I	B II	I I - III
Max Size/ Max Height	s/h	s/h	s/h	s/h	s/h	s/h
Wall Maximum Height	6'	6'	20'	20'	25'	35'
Wall Maximum Size	4 s.f.	4 s.f.	15%/300**	15%/300**	25%/500**	30%/600**
Freestanding Size/Height	6 s.f./6'	6 s.f./8'	Not Permitted	32 s.f./6'*	60 s.f./15'	80 s.f./20'

*Requires a Special Permit from the Planning Board

**Percentage of wall area up to a maximum size

ARTICLE 48: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS, Section 42 Assisted Living Facility**, to include the following italicized text:

Applicability. The Planning Board may grant a special permit for the construction and occupancy of an Assisted Living Facility (ALF), provided that it is served by public water, in a Residential I, Residential II, Residential III, Suburban I, Suburban II, Suburban III, Suburban IV, *Bramanville Village*, Business I, Business II, and Industrial I District subject to the requirements set forth herein. In Residential and Suburban Districts, an ALF shall be located on at least three (3) contiguous acres. In all other eligible districts the minimum lot size shall control.

ARTICLE 49: Voted unanimously to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS** by deleting **Section 45. Swimming Pools** in its entirety.

ARTICLE 50: Voted unanimously to amend the Millbury General Bylaws **Chapter 6, Article I, Section 6-1**, as follows:

Change Section 6-1(a) (3) to read: The third and all subsequent false alarms in a calendar year will result in a fine of three hundred dollars (\$300) for each false alarm, the notice of the fine will be sent by certified mail to the owner of the facility. Note: in all cases, the owner will be responsible for payment of the fine regardless of the type of alarm/protection system.

Change Section 6-1(a) (4) by deleting it.

ARTICLE 51: Voted unanimously to amend the Millbury General Bylaws **Chapter 2, Article I, Section 2-6, Purchases**. as follows:

By deleting the words "ten thousand dollars (\$10,000.00)" and replacing them with "twenty-five thousand dollars (\$25,000)" and also by inserting a new section as follows:

- (a) All United States, Commonwealth and Town of Millbury flags purchased shall be manufactured in the United States.

ARTICLE 52: Voted unanimously to indefinitely postpone.

ARTICLE 53: Voted unanimously to: (1) authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain, and upon such terms and conditions as the Board of Selectmen shall deem appropriate, the property shown as Parcel 'D' on a plan entitled "Plan of Property Old Common Road in Millbury, Massachusetts" prepared by Heritage Design Group, One Main Street, Whitinsville, Massachusetts dated 12/13/04 and recorded in Worcester Deeds Plan Book 823, Plan 27, said property consisting of 14.8694 acres, more or less, to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes; (2) raise and appropriate, transfer, or borrow a sum of money to complete said acquisition, and, to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for this purchase, as authorized by G.L. c.44 or any other enabling authority; (3) authorize the Board of Selectmen or its designee to seek and to file on behalf of the Town any and all applications for grants and/or reimbursements to make up the purchase price, including those made pursuant to Chapter 132A, Section 11, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, provided, however, that such appropriation is, and any agreement to purchase such property shall be, expressly conditional upon the Town receiving grant commitments, reimbursements and/or gifts to make up the full purchase price, and to borrow Two Hundred Forty Thousand Dollars (\$240,000.00).

Authority to Borrow \$240,000.00

ARTICLE 54: Voted unanimously to transfer the sum of Nine Hundred Fifteen Thousand Six Hundred Sixty-Six Dollars and No Cents (\$915,666.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Stabilization Fund for Debt Service Costs.

Transfer \$915,666.00

ARTICLE 55: Voted unanimously to transfer from retained earnings from the Sewer Enterprise Fund the sum of One Hundred Ninety Five Thousand Dollars (\$195,000.00) to be expended by the Board of Sewer Commissioners for the purpose of funding the expenses of a Sanitary Sewer System Infiltration and Inflow Study, including but not limited to: administration, engineering, equipment and inspection costs.

Transfer \$195,000.00

ARTICLE 56: Voted unanimously to appropriate and transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from account # 02.945.5200.0811 ART 11-2008 Disposal Abandon Prop to be seed money for the Town's Bicentennial Committee.

Transfer \$5,000.00

ARTICLE 57: Voted unanimously to transfer the sum of Twenty-four Thousand Nine Hundred Forty-two Dollars and Fifty Cents (\$24,942.50) from the Retained Earnings of the Sewer Enterprise Fund to account #01.710.5925.0000 Short Term Interest.

Transfer \$24,942.50

ARTICLE 58: Voted unanimously to accept the provisions of General Laws Chapter 40, Section 22F and Chapter 60, Section 23B which allows the treasurer collector to adjust fees for Certificate of Liens to reflect actual costs.

A TRUE COPY ATTEST:


Deborah S. Plante, Town Clerk