



Finance Committee

Municipal Office Building
127 Elm Street, Millbury, MA 01527

Michael O'Connor, Chairman
Stephen Hebert, Vice-Chairman
Donald Gauthier, Clerk
William Hamilton
Albert Kupcinkas
Daniel Girard, Jr.
John Bartosiewicz
Sandra Gaspie, Secretary

May 4, 2010

Dear Millbury Residents:

Thank you for taking the time to participate in our Annual Town Meeting. In this booklet are your Finance Committee recommendations for the coming Fiscal Year 2011, beginning on July 1, 2010.

The municipal government and school departments develop budgets each year that reflect their monetary needs for municipal services and education. Their respective budgets are bundled together for town meeting purposes.

You have given them latitude over the years in spending as long as they did not exceed a level that you set by law which we refer to as the Proposition 2 ½ Levy Limit. If at any time there is a perceived need to exceed your spending constraint, there is an obligation for those involved to ask your permission through an override article on the Annual Town Meeting Warrant.

For the past number of years you have approved budgets that included spending percentages of the total requirement that have remained essentially unchanged. The school departments have spent 60 to 65 percent of every dollar consumed of Millbury's total yearly spending. The municipal services departments have spent between 35 to 40 percent of that yearly amount. Their needs and purpose for existing are different and both parties essentially go about their business somewhat at arm's length from each other.

At last year's Annual Town Meeting you were informed that the levy limit had been reached. Both parties made adjustments to their respective budgets so that a balanced budget could be presented for your review and acceptance. Neither party sought your approval for an override of the levy limit that would have resulted in some increase in your property taxes to fund any additional spending.

All of the above is a preface to understanding where we presently stand for the budget under consideration this evening.

The Finance Committee performed an analysis of the projected deficit after submission of initial budgets ("level service" budgets in this case). The level services budgets submitted for next fiscal year call for the school departments to spend 63.78% and the municipal departments 36.22% of your property tax dollars. The projected deficit for the combined level services budgets presently stands at \$823,668. That will require spending reductions of \$525,335 from the school departments and \$298,333 from the municipal departments.

It needs to be pointed out to you the voter that neither party submitted an override request for permission to spend beyond the levy limit even though both were aware in early March that there would be a deficit condition that required resolution.

The Town Manager has adjusted his spending plans by reducing his level services budget by \$298,333 and is not requesting additional tax dollars through an override for next year. As of April 16, 2010 the School Committee has not provided the Finance Committee with any spending reductions. The Town Manager offered to accept 40% of the projected deficit at his budget presentation to the Board of Selectmen on March 3, 2010. As of April 16, 2010 the School Committee has not offered or agreed to any deficit reduction criteria.

If you who are at Town Meeting this evening approve a budget for the school department that does not reduce their level services budget by \$525,335, it will force additional spending reductions to be made this evening at the expense of the municipal departments in order to have final approval of a balanced budget.

The Finance Committee is prepared to present arguments as necessary to support its request to you that the Millbury Public Schools be required to accept the spending reductions which are included in the Finance Committee's Millbury School Department recommendation.

Respectively,

Millbury Finance Committee

**TOWN OF MILLBURY
COPY OF 2010 ANNUAL TOWN ELECTION AND TOWN
MEETING WARRANT**

WORCESTER, S.S.

To either of the Constables of the Town of Millbury, in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millbury qualified to vote in Elections and Town affairs to meet at their respective voting places to wit: Precinct No.1 at the Memorial High School; Precinct No. 2 at the Memorial High School; Precinct No.3 at the Memorial High School; and Precinct No. 4 at the Memorial High School on Tuesday the 27th day of April, 2010 at 7:00 o'clock in the forenoon until 8:00 P.M. to elect the following offices to wit:

ARTICLE 1. To choose two members of the Board of Selectmen, one Assessor, two members of the School Committee, one member of the Board of Health, one member of the Planning Board, and three members of the Board of Library Trustees all for a term of three years; one member of the Housing Authority and one member of the Re-Development Authority both for a term of five years; and one member of the School Committee for a term of two years.

Question 1

Shall the Town of Millbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the principal and interest on the bonds to be issued in order to purchase a Rescue Squad Fire Apparatus for the fire department?

YES _____

NO _____

Question 2

Shall the Town of Millbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the principal and interest on the bonds to be issued in order to purchase an Aerial Platform Fire Apparatus for the fire department?

YES _____

NO _____

ARTICLE 2: To choose all other necessary Town Officers for the year ensuing and to meet, on Tuesday, May 4, 2010 at 7:00 P.M. in the Memorial High School Auditorium, 12 Martin Street in said Town, to act on the following articles to wit:

ARTICLE 3: To hear the reports of several Town Officers and Committees, or take any action thereon.

ARTICLE 4: To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2011, the period of July 1, 2010 through June 30, 2011, including, but not limited to: the salaries of Town Officers, costs of public education, debt and interest payments, expenses of the Sewer Enterprise Fund, and providing municipal services; or take any other action thereon.

Recommendation for Article 4 begins on page 31.

ARTICLE 5: To see if the Town will vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise or take any action thereon. (Board of Selectmen and Town Manager)

Recommend Article 5 be accepted as written.

(Reason: The approval of the Article 5 will generate an estimated \$150,000 per year in local revenues. The local meals tax will be $\frac{3}{4}$ of 1 percent and all local meals tax receipts will benefit Millbury)

ARTICLE 6: To see if the Town will vote to raise and appropriate \$96,578 for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2011 School Department Budget or take any action thereon. (School Committee)

Recommend that \$96,578 be raised and appropriated for the purposes of Article 6.

(Reason: Medicaid Reimbursements go into the General Fund and this article is necessary to reimburse the School Department for the expenses in administering the program.)

ARTICLE 7: To see if the Town will vote to transfer the sum of Five Hundred Dollars and No Cents (\$500.00) from Account #02.945.5200.0906 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, or take any action thereon. (Town Manager)

Recommend Article 7 be accepted as written.

(Reason: This account must be closed out at the end of this fiscal year as it was set up as the result of action at the fiscal year 2009 Annual Town Meeting. The identified funds will be used for the same purpose as before and will not result in any increase in taxes.)

ARTICLE 8: To see if the Town will vote to transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from account # 02.945.5200.0909 to pay for the disposal of abandoned property, or take any action thereon. (Town Manager)

Recommend Article 8 be accepted as written.

(Reason: This account must be closed out at the end of this fiscal year as it was set up as the result of action at the fiscal year 2009 Annual Town Meeting. The identified funds will be used for the same purpose as before and will not result in any increase in taxes.)

ARTICLE 9: To see if the Town will vote to transfer the sum of Five Hundred Twenty-Five Thousand Eight Hundred Twenty-Six Dollars (\$525,826) from available, certified free cash to reduce or stabilize the Fiscal Year 2011 Tax Rate, or take any action thereon. (Town Manager)

Recommend Article 9 be accepted as written.

(Reason: These funds will be used to reduce the tax rate in order to help stay within the constraints of Proposition 2 ½. Please note that the town moved free cash in the amount of \$1,579,517.39 for FY2010 last year to reduce the rate.)

ARTICLE 10: To see if the Town will vote to authorize payment of a prior year bill in the amount of Three Thousand Two Hundred Fifty-Five Dollars and No Cents (\$3,255.00) for hauling of recyclables said sum to be taken from FY10 fiscal year funds in account # 01.430.5200.0000 Solid Waste Management-Purchase of Services, or take any action thereon (Director of Public Works)

Recommend Article 10 be accepted as written.

(Reason: This payment is for a bill received late and missed.)

ARTICLE 11: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty-One Thousand, Five Hundred Dollars and No Cents (\$51,500.00) to be used by the Board of Assessors to complete a state mandated revaluation for the Fiscal year 2012, or take any action thereon. (Town Manager and Board of Assessors)

Recommend that \$51,500.00 be raised and appropriated for the purposes of Article 11.

(Reason: The Assessor's Office must comply with the state mandated three year revaluation.)

ARTICLE 12: To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2010, or take any action thereon.

| <u>Revolving Funds</u> | <u>Authorized to Spend Fund</u> | <u>Revenue Source</u> | <u>Use of Fund</u> | <u>FY11 Spending Limit</u> |
|------------------------|---------------------------------|-------------------------------|---|----------------------------|
| Composting Bins | Board of Health | Sale of Composting Bins | Expenditures related to carrying out program | 5,000.00 |
| Title V Inspections | Board of Health | Septic System Inspection Fees | Payment for Contractual Services for Septic inspections | 25,000.00 |

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|---|---|--|--|-----------|
| Variances & Permits | Board of Appeals | Filing Fees for Variances and Permits | Part-time Salaries, and Expenses | 20,000.00 |
| MGL 40B | Board of Appeals | Filing Fees Related to MGL Chapter 40B | Part-time Salaries, supplies, and contractual services relating to 40B applications | 30,000.00 |
| Transfer Station | DPW Director | Fees and Charges for disposal of allowable items at Transfer Station | Funding expenses associated with disposal of allowable items | 10,000.00 |
| Sealer of Weights and Measures | Town Manager | Fees received for sealing of weights and measures | Payment of expenses and services related to the sealing of weights and measures | 10,000.00 |
| Police Dept - License to Carry | Chief of Police | Fees received for Firearms cards and License to Carry permits | To make payment due to the Commonwealth of Mass for their portion of the fees | 30,000.00 |
| Asa Waters | Asa Waters Task Force, with Town Manager approval | Fees from Rentals, Donations, and Charges | To fund part-time wages, and expense associated with running the Mansion | 90,000.00 |
| Millbury Housing Partnership/Millbury Housing Trust | Town Manager | Proceeds from Sale of Affordable homes | Payment of Administrative, legal, planning, engineering and related expenses of the affordable housing program | 10,000.00 |
| Earth Removal | Earth Removal Board with Town Manager Approval | Application Fees | Administrative fees, planning, inspection, and engineering expenses related to the removal permit application | 25,000.00 |
| Student Parking Fees | Millbury School Committee | Student Parking Fees | Maintenance and improvement of parking lot | 15,000.00 |

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Recommend Article 12 be accepted as written,

(Reason: These revolving funds are necessary in order to efficiently manage the payment of sundry expenses for various programs as delineated in the Table for Article 12.)

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) 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 (\$1,500.00) 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, or take any action thereon. (Town Manager and Council-On-Aging)

Recommend \$15,000.00 be raised and appropriated for the purposes of Article 13.

(Reason: This has been a very successful program, which benefits both the town and its elderly participants. By contributing their time and expertise as community service for the town, the elderly are able to reduce some of their real estate expenses.)

ARTICLE 14: To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Stabilization Fund for maintenance of currently constructed sewer system; or take any action thereon. (Town Manager and the Board of Sewer Commissioners)

Recommend the sum of \$50,000.00 be appropriated from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Stabilization Fund for the purposes of Article 14.

(Reason: These funds will be used for capital items and maintenance activities on the currently constructed system.)

ARTICLE 15: To see if the Town will vote to transfer from retained earnings from the Sewer Enterprise Fund the sum of Two Hundred Ninety Thousand Dollars and No Cents (\$290,000.00) to be expended by the Board of Sewer Commissioners for the purpose of funding the expenses of Phase II of the Sanitary Sewer System Infiltration and Inflow Study, including but not limited to: administration, engineering, equipment and inspection costs; or take any action thereon. (Town Manager and the Board of Sewer Commissioners)

Recommend that the sum of \$290,000.00 be transferred from retained earnings from the Sewer Enterprise Fund for the purposes of Article 15.

(Reason: These funds are for Phase II of the study requested by the Upper Blackstone Water Pollution Abatement District, when we tied into the system. Phase I was funded at last year's Annual Town Meeting.)

ARTICLE 16: To see if the Town will vote to amend the Millbury General Bylaws Chapter 6, Article I, Section 6-1, as follows:

In Section 6-1(a) by renumbering subsections (5)-(8) as subsections (4)-(7).

or take any action thereon. (Town Manager)

Recommend Article 16 be accepted as written.

(Reason: These changes are housekeeping. Subsection 4 was deleted from action taken in a previous warrant.

ARTICLE 17: To see if the Town will vote to Accept the Provisions of Massachusetts General Law Chapter 32B, Section 20; or take any action thereon (Finance Director)

Recommend Article 17 be accepted as written.

(Reason: As a result of acceptance of this law, the Town will set up a fund, to be known as Other Post Employment Benefits Liability Trust Fund. With this fund set up, the Town would be able to request funds through future town meeting action. Standards issued by the Government Accounting Standards Board are designed to reduce the unfunded actuarial liability of health care and other post-employment benefits.)

ARTICLE 18: To see if the Town will vote to amend the Millbury General Bylaws Chapter 9, Article I, Section 9-1, 9-2, 9-5c, and 9-6, to read as follows:

Delete:

Section 9-1. Storage of Unregistered Motor Vehicles-Limited to Two

No more than two (2) unregistered motor vehicles, assembled or disassembled, shall be kept, stored, or allowed to remain on a parcel of land except by a person duly licensed under General Laws, Chapter 140, sections 57-69 inclusive, and except as provided in Section 9-2 of this Bylaw.

Section 9-2. Storage of Unregistered Motor Vehicles- Prohibited in front or side yards; Exceptions.

No unregistered motor vehicles, assembled or disassembled, or any parts thereof shall be kept, stored or allowed to remain in or on any front or side yard as defined in Article 5 of the Millbury Zoning Bylaw, except by a person duly licensed under General Laws, Chapter 140, Section 58, and except as provided in Section 9-3 of this bylaw.

Section 9-5c

Insert:

Section 9-1. Storage of Unregistered Motor Vehicles-Limited to Two

No more than two (2) unregistered motor vehicles, assembled or disassembled, shall be kept, stored, or allowed to remain on a parcel of land with a permit issued under section 9-3 of this Bylaw except by a person duly licensed under General Laws, Chapter 140, sections 57-69 inclusive, or a person permitted under section 9-3 of this Bylaw, and except as provided in Section 9-2.

Section 9-2. Storage of Unregistered Motor Vehicles- Prohibited in front or side yards; Exceptions.

- a. No unregistered motor vehicles, assembled or disassembled, or any parts thereof shall be kept, stored or allowed to remain in or on any front or side yard as defined in Article 5 of the Millbury Zoning Bylaw, except by a person duly licensed under General Laws, Chapter 140, Section 58, and except as provided in Section 9-3 of this bylaw.
- b. A maximum of two (2) unregistered vehicles may be stored in a front or side yard if there is no physical access to the rear yard and provided that any vehicle stored is complete and intact and they are permitted in accordance with Section 9-3.

And

In **Section 9-6** by deleting the words “fifty dollars (\$50.00)” and replacing them with “one hundred dollars (\$100.00)”, or take any action thereon. (Town Manager)

Defer Article 18 to the Town Manager for the recommendation.

ARTICLE 19: To see if the Town will vote to amend the Millbury Zoning Bylaws by deleting the text with strikethrough and adding the italicized text to take into account the prior re-formatting of the Zoning Bylaws, or take any action thereon:

ARTICLE 1, Section 14.11 (o) Wireless Communications Facilities under Section 26 27.

ARTICLE 1, Section 14.11 (p) Adaptive Reuse Overlay Master Plan under Section 27 28.

ARTICLE 2, Section 27.6.13: A covenant/deed restriction shall restrict future residences within the setback areas described in Section 267.6.2 above.

ARTICLE 2, Section 27.7, sentence 2: Due consideration will be given to the overall functioning of the lot, with particular respect to the items in Section 267.5 and other applicable sections of this bylaw...

ARTICLE 2, Section 27.10: The Planning Board may, by a vote of at least 4 members, each of whom is eligible to participate in the special permit vote, authorize deviation from strict compliance with the provisions of this Section 267...

ARTICLE 4, Section 44.14: The issuance of OSC Site Plan approval allows the applicant to submit a definitive subdivision plan, in conformity with Section 5.23... (Planning Board and Town Manager)

Defer Article 19 to the Planning Board for the recommendation.

ARTICLE 20: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.43 Application and Review Procedures** by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

- (a) Prior to the filing of an application, the applicant shall submit plans to the ~~building inspector~~ *Town Planner* who shall advise the applicant as to the pertinent sections of the zoning by-law ~~and will schedule a pre-application meeting with the Technical Review Committee, if appropriate. Those proposing the construction or exterior expansion of a nonresidential building or structure exceeding 3,000 square feet or the construction of five or more multi-family units shall request a pre-application review with the Technical Review Committee. The Technical Review Committee consists of the Town Planner, Director of Public Works, Building Inspector, Fire Chief, Police Chief, Sewer Superintendent, and representatives from the Planning Board, Conservation Commission, Board of Health, and Water Company overseeing the municipal system. The purpose of the pre-application review is to minimize the applicant's costs of engineering by commencing communication with the Planning Department and other departments, boards and commissions at the earliest possible stage in the design process. In order to facilitate pre-application review, the applicant shall submit a concept drawing of the proposed development.~~

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. (Planning Board and Town Manager)

Defer Article 20 to the Planning Board for the recommendation.

ARTICLE 21: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34.6(4)(A) Real estate signs** by adding the following italicized text, or take any action thereon:

2. Real estate signs advertising the sale of lots *or dwelling units* located within a subdivision *or multi-family development* shall be limited to one sign per entrance to the subdivision *or multi-family development* and each sign shall be no greater than *thirty-two (32)* square feet in area nor ten (10) feet in height. (Planning Board and Town Manager)

Defer Article 21 to the Planning Board for the recommendation.

ARTICLE 22: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 14.11 Planning Board Authority** by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

- (l) ~~Site plan review under Section 12.4~~ Reserved
(q) ~~Small Wind Energy Systems Turbines~~ under Section 50.
(Planning Board and Town Manager)

Defer Article 22 to the Planning Board for the recommendation.

ARTICLE 23: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 2. ESTABLISHMENT OF DISTRICTS** by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

26.12 Permitted Business Uses:

Industrial II only:

- Business or professional offices (~~See Section 25.22~~)
- Printing and publishing (~~See Section 25.22~~)

26.13 Permitted Industrial Uses:

In Industrial I and Industrial II:

- *Manufacturing ~~or processing or research~~, other than asphalt plants, *including alternative and/or renewable energy systems* (~~See Section 25.22~~)
- *Warehousing, wholesale distribution not involving bulk storage (~~See Section 25.22~~)
- *Research and development*

26.22 In Industrial II only, and subject to Environmental analysis procedures of Section 15

- ~~Uses marked * in Sections 25.12 and 25.13~~

(Planning Board and Town Manager)

Defer Article 23 to the Planning Board for the recommendation.

ARTICLE 24: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 5. DEFINITIONS** by adding the following text, or take any action thereon:

Energy, Alternative – Combined Heat and Power (CHP) or electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.

Energy, Renewable – Energy whose supply is replenished through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, solar, wind, hydroelectric, geothermal, and biomass conversion, and excluding those sources of energy used in the fission and fusion processes.

Manufacturing Facility – A use engaged in the processing and manufacturing of materials or the manufacture from previously prepared materials, of finished products or parts, including processing, blending, fabrication, assembly, treatment, packaging, and incidental storage.

Public Utility – Communications or energy facilities operated by a public service corporation and regulated by the Massachusetts Department of Public Utilities.

Research and Development Facility – A facility primarily used for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

(Planning Board and Town Manager)

Defer Article 24 to the Planning Board for the recommendation.

ARTICLE 25: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS, Section 50**, by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

Section 50. *Small Wind Energy Systems Turbines*

50.1 Applicability. ~~The Planning Board may grant a special permit for the erection, construction, installation, and operation, and modification of a Small-Wind Energy System Turbine in any zoning district~~ is subject to the requirements set forth herein. No more than three (3) *Small-Wind Energy Systems Turbines* shall be permitted on a single parcel or contiguous parcel(s) in common ownership. *The Building Inspector may issue a building permit for a Small Wind Energy System in any zoning district. The Planning Board may grant a special permit for a Large Wind Energy System in Business and Industrial Districts, and in Residential and Suburban Districts if the Wind Energy System is located on municipal property or associated with a school or college, agricultural, horticultural or floricultural use, golf course, or public utility.*

50.2 Purpose and Intent. The purpose of this Section is to promote the safe, effective and efficient use of *Small-Wind Energy Systems Turbines* and to provide for their 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 their 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:

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.~~

50.4 Professional and Technical Review. The Planning Board may hire professional and technical consultants to assist in analyzing an *special permit* 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 Energy System Turbine~~ shall be borne by the Applicant.

50.5 General. Proposed ~~Small-Wind Energy Systems 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 Energy System turbine~~ will *may* be connected.

50.6 Application Procedure. Applicants *for a special permit* are required to submit an ~~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 Energy System Turbine~~, and that estimates the amount of energy necessary to serve the on-site uses.
4. Evidence that the utility company *providing service to the site* has been informed of, *and, as necessary, approved* 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 Energy System Turbine~~ will be visible through means of photographs, sketches and/or computer simulations.
8. A proposed maintenance schedule for the ~~Small-Wind Energy System Turbine and related equipment.~~
9. *Emergency shutdown procedures for the Wind Energy System.*

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 Energy Systems Turbines~~ and shall govern the development and design process.

1. Setbacks: A ~~Small-Wind Energy System 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 *or private* roads or right-of-ways shall be located within the setback distance. No part of the ~~Small-Wind Energy System Turbine~~ or Met Tower support structure, including guy wire anchors, *but excluding access roads*, 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 ~~w~~Wind ~~turbine~~ *Energy System* if an abutting property owner(s) provides the Applicant with a recorded easement agreeing to the use limitations.

2. Noise: The ~~Small-Wind Energy System 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 *sixty-four (64) decibels (dba) for Small Wind Energy Systems and seventy (70) decibels (dba) for Large Wind Energy Systems* 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 Energy System 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~~ *may* require the facility to be relocated or removed.
3. Height and Rated Nameplate Capacity: ~~Small-Wind Energy Systems Turbines or Met Tower~~ *are subject to the following height and rated nameplate capacities:*
 - *Small Wind Energy Systems shall not exceed seventy-five (75) feet in height and twenty (20) kW rated nameplate capacity.*
 - *Large Wind Energy Systems shall not exceed two hundred fifty (250) feet in height and six hundred and sixty (660) kW rated nameplate capacity. and must comply with Federal Aviation Administration (FAA) Regulations. The Planning Board may allow this height and rated nameplate capacity to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height and/or rated nameplate capacity is needed and that the additional benefits of the higher tower and/ or rated nameplate capacity outweigh any increased adverse impacts.*
 - *The maximum height of a Met Tower shall be two hundred fifty (250) feet.*
5. Visual Impact: Installation of the ~~Small-Wind Energy System Turbine~~ shall not create a substantially adverse visual impact. The ~~w~~Wind ~~turbine~~ *Energy System* shall be sited in a manner that does not result in significant shadowing or flicker impacts. The ~~w~~Wind ~~turbine~~ *Energy System* shall have a ~~non-~~ low reflective finish of an unobtrusive color. The Planning Board may require the structure to be painted or otherwise camouflaged to minimize visual impact.

9. Electromagnetic Interference: The ~~Small-Wind Energy System Turbine~~ shall cause no disrupting electromagnetic interference. If it is determined that a ~~Small-Wind Energy System 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 *tower* 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:
 - ~~The telecommunications carrier shall be named as co-applicant.~~
11. Signs: No signs shall be erected *on the Wind Energy System* except a sign identifying the ~~Wind Energy System 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 Energy System facility~~.

50.8 Maintenance Requirements and Emergency Shutdown Procedures.

1. At all times the Applicant shall maintain the ~~Small-Wind Energy System 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 *maintenance* record shall be provided to Town officials whenever requested to verify maintenance *or status*.
2. Should the ~~Wind Energy System turbine~~ fall into disrepair, the Applicant shall correct the deficiency within seven (7) days. If the ~~System turbine~~ is producing an unusual emission *or condition*, the Applicant shall address the ~~emission situation~~ within twenty-four (24) hours or ~~leave-render~~ the ~~System turbine~~ inactive until the problem can be remedied.
3. Failure to properly maintain the ~~Small-Wind Energy System Turbine~~ or correct other issues ~~shall may~~ result in revocation of the Special Permit, *if applicable*.
4. *The Applicant shall provide a copy of the site plan and emergency shutdown procedures to the Emergency Management Director, Police Chief and Fire Chief prior to issuance of a Certificate of Completion. Upon request, the Applicant shall cooperate with local emergency services in developing an emergency response plan.*
5. *The Applicant or facility owner shall provide the Building Inspector with the contact information for a person responsible for responding to public inquiries and complaints throughout the life of the project and post this information in a visible location within twenty (20) feet of the tower. This contact information shall be updated as necessary.*

50.9 Removal Requirements.

1. The owner of the ~~Small Wind Energy System Turbine~~ shall submit a letter to the ~~Planning Board Building Inspector~~ in December of each year confirming that the ~~Wind Energy System turbine~~ is still in use and verifying compliance with standards of the bylaw and the Special Permit decision, *if applicable. The owner shall notify the Building Inspector by certified mail of any proposed date of discontinued operations and plans for removal of the Wind Energy System.*
2. *A Wind Energy System that is not used for twelve (12) successive months, or that has reached the end of its useful life, shall be deemed discontinued, and shall be removed by the owner. Upon a Notice of Discontinuance issued by the Building Inspector, the owner will have thirty (30) days to provide sufficient evidence that the system has not been discontinued. Failure to provide such evidence to the Building Inspector within the time allowed shall be conclusive evidence that the Wind Energy System operation has been discontinued.*
3. ~~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.~~
4. ~~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. If the owner fails to remove the Wind Energy System in accordance with the requirements of this bylaw, the Town shall have the right, to the extent otherwise duly authorized by law, to enter the property and remove the Wind Energy System at the expense of its owner and the owner(s) of the site on which the system is located.~~
5. *A Special Permit issued in accordance with this bylaw shall automatically expire if the Wind Energy System is discontinued or the System installation is not completed and commissioned within twelve (12) months of the date that construction was initiated.*

50.10 Performance Guarantee For Large Wind Energy Systems. (Planning Board and Town Manager)

Defer Article 25 to the Planning Board for the recommendation.

ARTICLE 26: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS, Section 47**, by deleting existing text in its entirety and replacing it with the following, or take any action thereon:

Section 47. Aquifer and Watershed Protection Overlay District

47.1 Purpose and Intent. The purpose of this Aquifer and Watershed Protection Overlay District is to:

1. Promote the health, safety and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Millbury;
2. Preserve and protect existing and potential sources of drinking water supplies;
3. Conserve the natural resources of the Town of Millbury, and
4. Prevent temporary and permanent contamination of the environment.

47.2 Scope of Authority. The Aquifer and Watershed Protection Overlay District shall be considered as overlaying any other zoning district. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Aquifer and Watershed Protection Overlay District shall additionally comply with the requirements of the Aquifer and Watershed Protection Overlay District Bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer and Watershed Protection Overlay District.

47.3 Definitions.

Aquifer – Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Aquifer and Watershed Protection Overlay District – That area of land defined as such herein and shown on the Town’s zoning map.

CMR – Code of Massachusetts Regulations.

DEP – Massachusetts Department of Environmental Protection

Hazardous Waste – Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, solvents and thinners in quantities greater than normal household use; and all substances defined as hazardous or toxic under M.G.L. c 21C and 21E and 310 CMR 30.00.

Impervious Surface – Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Landfill – A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.00g.

M.G.L. – Massachusetts General Law

Petroleum Product – Petroleum or petroleum by-product including, but not limited to, fuel oil, gasoline, diesel, kerosene, aviation jet fuel, aviation gasoline, lubricating oils, oily sludge, oil refuse, oil mixed with other wastes, crude oils, or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Non-Sanitary Wastewater – Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Code set forth in 310 CMR 15.004(6).

Open Dump – A facility operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)), or state regulations and criteria for solid waste disposal.

Potential Drinking Water Sources – Areas that could provide significant potable water in the future.

Recharge Areas – Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include DEP approved Zone I, Zone II, or Zone III areas.

Septage – The liquid, solid and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material that is hazardous waste as defined by 310 CMR 30.000.

Sludge – The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening or grease and oil which are removed at the head-works of a facility.

Treatment Works – Any and all devices, processes and properties, real or personal, used in the collection, pumping transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal.

Very Small Quantity Generator – Any public or private entity, other than residential, which produces less than twenty-seven (27) gallons (one hundred (100) kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility – A waste oil collection facility for automobile service stations, retail outlets and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste produces in accordance with M.G.L. c.21, s.52A.

Zone I – The DEP designated protective radius around a public water system well or well-field.

Zone II – The DEP approved area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated as defined in 310 CMR 22.00.

Zone III – That area beyond the Zone II from which surface water and groundwater drain into the Zone II, as defined in 310 CMR 22.00.

47.4 Establishment of Aquifer and Watershed Protection Overlay District and District Boundary Disputes.

1. There are hereby established within the Town of Millbury, as delineated on the Zoning Map, certain aquifer and watershed protection areas designated as A and B, consisting of aquifers or recharge areas, which together shall constitute the Aquifer and Watershed Protection Overlay District. The District includes all areas within the District designated by the DEP as “Zone II”, and one area designated as “Zone III”.
2. As necessary, the Building Inspector shall determine, by consulting the Zoning Map, what portion of a particular lot or parcel of land, if any, is located within the District. The Building Inspector’s determination may be appealed to the Board of Appeals in accordance with M.G.L. c.40A, §8.
3. The burden of proof shall be upon the owner disputing the Building Inspector’s determination. In response to such a dispute, the Board of Appeals may engage a professional engineer, registered land surveyor, hydrologist, geologist or soil scientist to confirm the boundaries of the District with respect to individual parcels of land, and may charge the owner(s) for the cost of the investigation.
4. Where the boundary line of the Aquifer and Watershed Protection Overlay District divides a lot or parcel, the requirements established by this bylaw shall apply only to the portion of the lot or parcel located within the District.

47.5 Permitted Uses. All uses expressly permitted in the underlying zoning districts, except as otherwise prohibited herein, are permitted within the Aquifer and Watershed Protection Overlay District, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained.

47.6 Prohibited Uses. The following uses are prohibited within the Aquifer and Watershed Protection Overlay District:

1. Landfills and open dumps as defined in 310 CMR 19.006.
2. Automobile graveyards and junkyards, as defined in M.G.L. c. 140B, s.1.
3. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c. 21 s. 26 through s. 53; M.G.L. c. 111 s. 17; M.G.L. c. 83, s. 6 and s. 7, and regulations promulgated thereunder.

4. Facilities that generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for:
 - (a) Very small quantity generators as defined under 310 CMR 30.000.
 - (b) Household hazardous waste centers and events under 310 CMR 30.390.
 - (c) Waste oil retention facilities required by M.G.L. c. 21, s. 52A.
 - (d) Water remediation treatment works approved by DEP for the treatment of contaminated waters.
5. Petroleum, fuel oil, and heating oil stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquefied petroleum gas.
6. Storage of liquid hazardous materials, as defined in M.G.L. c. 21E and/or liquid petroleum products unless such storage is:
 - (a) Above ground level and on an impervious surface; and
 - (b) Either in container(s) OR above ground tanks(s) within a building OR outdoors in covered container(s) OR above ground tank(s) in an area that has a containment system designed and operated to hold either: ten percent (10%) of the total possible storage capacity of all containers OR one hundred ten percent (110%) of the largest container's storage capacity, whichever is greater.
7. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
8. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
9. Storage of animal manure unless covered or contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
10. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material to within four (4) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavation for building foundations, road or utility works.
11. Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water, except:
 - (a) The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works.

(b) Treatment works approved by the Department designed for the treatment of contaminated ground or surface water and operating in compliance with 3.14 CMR 5.05(3) or 5.05(13), and

(c) Publicly owned treatment works.

12. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district
13. Storage of chemical fertilizers, as defined in M.G.L. c. 128, s 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
14. All other uses not expressly permitted pursuant to this Bylaw, either by right or by special permit.

47.7 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of a special permit by the Board of Appeals under such conditions as they may require:

1. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section 47.6). Such activities shall require a special permit to prevent contamination of groundwater.
2. Any use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot or parcel, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

47.8 Procedures For Issuance of Special Permit.

1. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Board of Appeals. The SPGA may grant a special permit if it determines that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this section.
2. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Millbury Planning Board, Board of Health, Conservation Commission, Department of Public Works, and Water District for review and comment. Failure to respond in writing within thirty-five (35) days of receipt shall indicate approval, or no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.

3. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 47.6 of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:
- (a) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Aquifer and Watershed Protection District.
 - (b) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
 - (c) The applicant shall file ten (10) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and shall be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
 - Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
 - Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - Evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.00.
 - Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

47.9 Dimensional Requirements.

Within Area B of the Overlay District, no lot shall be built upon or changed in size or shape except in conformity with the following:

Minimum Lot Area: 80,000 sf

Minimum Lot Frontage: 200 ft

Minimum Yards:

Front – 25 ft

Sides – 10 ft

Rear – 10 ft

Maximum Lot Coverage: 30%

Maximum Bldg Height: 30 ft

47.10 Enforcement.

1. Written notice of any violations of this bylaw shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
2. A copy of such notice shall be submitted to the Town of Millbury's Board of Appeals, Planning Board, Board of Health, Conservation Commission, Department of Public Works, and Water District. The cost of containment, clean-up or other action of compliance shall be borne by the owner and operator of the premises.

47.11 Severability. A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other provisions thereof, nor shall it invalidate any special permit previously issued thereunder. (Planning Board and Town Manager)

Defer Article 26 to the Planning Board for the recommendation.

ARTICLE 27: To see if the Town will vote to amend the Millbury Zoning Map so as modify the boundaries of the Aquifer and Watershed Protection Overlay District, as shown on file in the Office of the Town Clerk, or take any action thereon. (Planning Board and Town Manager)

Defer Article 27 to the Planning Board for the recommendation.

ARTICLE 28: To see if the Town will vote to establish a Conservation Fund pursuant to G.L. c.40, §8C; or to take any other action relative thereto. (Conservation Commission)

Defer Article 28 to the Conservation Commission for the recommendation.

ARTICLE 29: To see if the Town will vote to amend the Town of Millbury Home Rule Charter Article 2, Legislative Branch, Section 2-2, Presiding Officer, by deleting the following:

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

and inserting the following:

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. In the event of the temporary absence or disability of the moderator, a temporary moderator may be elected by law.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this chapter, by by-law or by other vote of the town meeting.

or take any action thereon. (Charter Review Committee)

Defer Article 29 to the Charter Review Committee for the recommendation.

ARTICLE 30: To see if the Town will vote to amend the Town of Millbury Home Rule Charter Article 2, Legislative Branch, Section 2-7, Initiation of Warrant Articles, by deleting the following:

(c) Inclusion on Warrant - The board of selectmen shall include on the warrant, for a regular town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date.

Whenever a special town meeting is to be called, the board of selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

and inserting the following:

(c) Inclusion on Warrant - The board of selectmen shall include on the warrant, for a regular town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date. The board of selectmen shall close the warrant for the annual town meeting no later than 28 days before the date of the annual town meeting.

Whenever a special town meeting is to be called, the board of selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

or take any action thereon. (Charter Review Committee)

Defer Article 30 to the Charter Review Committee for the recommendation.

ARTICLE 31: To see if the Town will vote:

(1) to amend the Town of Millbury Home Rule Charter Article 3, Elected Officers, Section 3-1, In General, by deleting the following:

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of a Millbury Housing Authority, a Millbury Redevelopment Authority, a Planning Board, a Board of Library Trustees, a Blackstone Valley Regional Vocational School District Committee, a Board of Assessors, a Board of Health and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement shall also be filled by ballot at town elections.

and inserting the following:

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of a Millbury Housing Authority, a Millbury Redevelopment Authority, a Planning Board, a Board of Library Trustees, a Blackstone Valley Regional Vocational School District Committee, a Board of Assessors, and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement shall also be filled by ballot at town elections.

(2) to amend the Town of Millbury Home Rule Charter Article 3, Elected Officers, Section 3-11, Board of Health by deleting the following:

SECTION 3-11: BOARD OF HEALTH

(a) Composition, Term of Office - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and Duties - The board of health may make reasonable health regulations and shall enforce the laws relating to public health, the provisions of the state sanitary code, and all local health regulations. The board shall have all of the other powers and duties which have been given to boards of health by general law, by this charter, by by-laws or by other town meeting vote.

and inserting the following:

SECTION 3-11: OTHER ELECTED OFFICERS

Powers and Duties – All other elected officers shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by other town meeting vote.

and deleting the following section:

SECTION 3-12: OTHER ELECTED OFFICERS

Powers and Duties – All other elected officers shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by other town meeting vote.

or take any action thereon. (Charter Review Committee)

Defer Article 31 to the Charter Review Committee for the recommendation.

ARTICLE 32: To see if the Town will vote to amend the Town of Millbury Home Rule Charter Article 4, Town Manager, Section 4-4, Acting Town Manager, by deleting the following:

- (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen in the manner provided in section 4-1, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.

and inserting the following:

- (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen in the manner provided in section 4-1, but, pending such regular appointment the board of selectmen shall appoint an individual to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.

or take any action thereon. (Charter Review Committee)

Defer Article 32 to the Charter Review Committee for the recommendation.

ARTICLE 33: To see if the Town will vote to amend the Millbury General By-laws, under Chapter 2 Article III-Officers, Division 1, General by adding the following new

Section 2-47, Additional Qualifications Town Manager which shall supersede the provisions of Article 8, Section 8-5(b) of the Town Charter.

Section 2-47 Additional Qualifications Town Manager

The town manager shall, in addition to the qualifications as stated in section 4-1 of the Millbury Town Charter, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, (b) have had major responsibilities in general supervision and management of all administrative agencies of a city or town or executive level management responsibilities in a private or public corporation with the direct involvement in the formulation of budget proposals and the administration of the budget throughout the fiscal year; purchasing; personnel administration; contract negotiation.

As provided in Section 8-5(b) of the Town of Millbury Home Rule Charter regarding the qualifications of the office of Town Manager, the provisions of this Bylaw shall take precedence over Section 8-5(b) of said Charter.

or take any action thereon. (Charter Review Committee)

Defer Article 33 to the Charter Review Committee for the recommendation.

ARTICLE 34: To see if the Town will vote to amend the Millbury General By-laws, under Chapter 2 Article III-Officers, Division 1, General by adding the following new Section 2-48, Screening Committee for Selection of Town Manager which shall supersede the provisions of Article 8, Section 8-5(c) of the Town of Millbury Home Rule Charter.

Section 2-48 Screening Committee for Selection of Town Manager

A screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the finance committee and the personnel board shall each designate one person, and four persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission or committee. Persons chosen by said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not later than thirty days following the date of such vacancy, or pending vacancy, becomes known, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means

qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient. The screening committee may request the board of selectmen engage the services of a professional search firm that will provide a set of qualified candidates for the screening committee to consider.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, restart their search activities in order to provide a new list of qualified candidates to the board of selectmen within a new one hundred and fifty day period.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

A screening committee as above shall be established whenever the office of town manager shall become vacant.

As provided in Section 8-5(c) of the Town of Millbury Home Rule Charter regarding the screening committee for the selection of Town Manager, this Bylaw shall take precedence over Section 8-5(c) of said Charter.

or take any action thereon. (Charter Review Committee)

Defer Article 34 to the Charter Review Committee for the recommendation.

ARTICLE 35: To see if the Town will vote to amend the Town of Millbury Home Rule Charter by deleting Article 8, Transitional Provisions, Section 8-5, Time of Taking Effect, paragraph (d) and re-letter the following; paragraph Section 8-5(e) to Section 8-5(d); paragraph Section 8-5(f) to Section 8-5(e); paragraph Section 8-5(g) to Section 8-5(f).;

or take any action thereon. (Charter Review Committee)

Defer Article 35 to the Charter Review Committee for the recommendation.

ARTICLE 36: To see if the Town will vote to amend the Town of Millbury Home Rule Charter by deleting Article 8, Transitional Provisions, Section 8-5, Time of Taking Effect, paragraph (h);

or take any action thereon. (Charter Review Committee)

Defer Article 36 to the Charter Review Committee for the recommendation.

ARTICLE 37: To see if the Town will vote to amend the Town of Millbury Home Rule Charter by deleting Article 8, Transitional Provisions, Section 8-5, Time of Taking Effect, paragraph (i);

or take any action thereon. (Charter Review Committee)

Defer Article 37 to the Charter Review Committee for the recommendation.

ARTICLE 38: To see if the Town will vote to appropriate a sum of money to buy a Rescue Squad Fire Apparatus and to meet said appropriation by authorizing the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow a sum of money; to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C, so-called Proposition 2 ½, amounts required to pay the principal of and interest on the borrowing authorized by this vote; or take any action thereon. (Board of Fire Engineers and Town Manager)

Recommendation will be made at Annual Town Meeting.

(Reason: The Rescue Squad Fire apparatus vehicle currently in use by the Millbury Fire Department is 29 years old. The town will be retiring non-excluded debt at the end of Fiscal Year 2011 that will allow for principal and interest payments for this vehicle and not increase property taxes.)

ARTICLE 39: To see if the Town will vote to appropriate a sum of money to buy a Aerial Platform Fire Apparatus and to meet said appropriation by authorizing the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow a sum of money; to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes; provided, however, that this vote shall not take effect until the Town

votes to exempt from the limitations on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C, so-called Proposition 2 ½, amounts required to pay the principal of and interest on the borrowing authorized by this vote; or take any action thereon. (Board of Fire Engineers and Town Manager)

Recommendation will be made at Annual Town Meeting.

(Reason: The Aerial Platform Fire apparatus vehicle currently in use by the Millbury Fire Department is 33 years old. The town will be retiring non-excluded debt at the end of Fiscal Year 2011 that will allow for principal and interest payments for this vehicle and not increase property taxes.)

ARTICLE 40: To see if the Town will vote to authorize the Board of Selectmen to instruct its representatives in the General Court to file a home rule petition to read as follows; provided that the General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition;

AN ACT AUTHORIZING THE TOWN OF MILLBURY TO PAY CERTAIN UNPAID BILLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The town treasurer of the town of Millbury is hereby authorized to pay from the appropriation for fiscal year 2009 for the Millbury School Department to Earl G. Morrill Electrical Contractor, Inc., the sum of \$51,400.00 for the installation of light poles and fixtures at Windle Field, notwithstanding the failure of the town to comply with the appropriate provisions of law relative to procurement and competitive bidding.

SECTION 2. This act shall take effect upon passage.

or to take any action relative thereon. (School Committee)

Defer Article 40 to the School Committee for the recommendation.

ARTICLE 41: To petition the town to re-open Tainter Hill Rd. to allow access to the mall and Rte 146 From Greenwood St. and appropriate Funds to perform said work (Citizen Petition)

Recommend Article 41 be indefinitely postponed.

ARTICLE 42: To see if the Town will vote to transfer from account # 84.000.3291.0002 Sewer Stabilization Fund for Debt Service Costs the sum of Three Hundred Fifty

Thousand Dollars and No Cents (\$350,000.00) to be expended by the Board of Sewer Commissioners for the purpose of funding the non-SRF eligible costs of the Sewer Expansion Project; or take any action thereon. (Town Manager and the Board of Sewer Commissioners)

Recommend the transfer of \$350,000.00 from the Sewer Stabilization Fund for Debt Service Costs for the purposes of Article 42.

(Reason: The original estimate for non-SRF costs for the Millbury Sewer Expansion Project was approximately \$1,000,000. That original amount would have been paid through medium to long term borrowing. The fact that the total non-SRF costs came in at the \$350,000 figure allows for this item to be paid off with current funds in the Sewer Stabilization Fund for Debt Service Costs.)

ARTICLE 43: To see if the Town will vote to direct the Board of Selectmen to petition the Legislature to seek legislation granting the Board of Selectmen the authority to issue one (1) additional license for the sale of Alcoholic beverages to be drunk off premises; or take any action thereon. (Board of Selectmen)

Recommend Article 43 be accepted as written.

(Reason: The granting of this petition by the Legislature will allow for the issuance of one additional liquor (wine) store license.)

ARTICLE 44: To see if the Town will vote to direct the Board of Selectmen to petition the Legislature to seek legislation granting the Board of Selectmen the authority to issue two (2) additional licenses for the sale of Alcoholic beverages to be drunk on the premises; or take any action thereon. (Board of Selectmen and Town Manager)

Recommend Article 44 be accepted as written.

(Reason: The granting of this petition by the Legislature will allow for the issuance of two additional bar/restaurant serving licenses to be issued.)

ARTICLE 45: To see if the Town will transfer the sum of Seven Thousand Dollars and No Cents (\$7,000.00) from account # 01.914.5171.0000 to pay for a required update to our OPEB liability; or take any action thereon. (Town Manager and Finance Director)

Recommend the transfer of \$7,000.00 from account #01.914.5171.0000 for the purposes of Article 45.

(Reason: A study was performed in FY2008 as required by GASB45. The initial study is required to be updated every two years.)

ARTICLE 46: To see if the Town will vote to authorize the Director of Public Works to expend up to the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from account # 84.491.5200.0013 perpetual care dividends account; or take any action thereon. (Town Manager and Director of Public Works)

Recommend the spending up to the sum of \$18,000.00 for the purposes of Article 46.

(Reason: Town Meeting authorization is required to spend funds from the perpetual care dividends account.)

Given under our Hands this day of Two Thousand Ten.

And you are directed to serve this Warrant by posting up an attested copy thereof at the Post Office, Library, and Senior Center in said Town and in addition at available public places in West Millbury, Bramanville, Dorothy Pond and East Millbury fourteen days at least before the time of holding said meeting.

**A TRUE COPY ATTEST:
TOWN CLERK**

CONSTABLE OF MILLBURY

BOARD OF SELECTMEN

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|---|------------|----------------|----------------|----------------------------|---------------------------|-------------------------------|----------|
| GENERAL GOVERNMENT | | | | | | | |
| Town Moderator | | | | | | | |
| Salaries and Wages (All) | | | | | | | |
| 1 | Total | 200 | 200 | 200 | 200 | - | 0.0% |
| Board of Selectmen | | | | | | | |
| Salaries and Wages (All) | | | | | | | |
| General Expenses | | | | | | | |
| Capital Outlay | | | | | | | |
| 2 | Total | 15,550 | 16,800 | 16,800 | 16,800 | - | 0.0% |
| | | 1,191 | 1,250 | 1,250 | 1,250 | - | 0.0% |
| | | 16,741 | 18,050 | 18,050 | 18,050 | - | 0.0% |
| Town Manager | | | | | | | |
| Salaries and Wages (All) | | | | | | | |
| General Expenses | | | | | | | |
| Capital Outlay | | | | | | | |
| 3 | Total | 180,284 | 184,262 | 172,707 | 172,707 | (11,555) | -6.3% |
| | | 11,090 | 14,950 | 14,800 | 14,800 | (150) | -1.0% |
| | | 191,375 | 199,212 | 187,507 | 187,507 | (11,705) | -5.9% |
| Finance Committee | | | | | | | |
| Salaries and Wages (All) | | | | | | | |
| General Expenses | | | | | | | |
| 4 | Total | 739 | 1,263 | 1,100 | 1,100 | (163) | -12.9% |
| | | 393 | 400 | 400 | 400 | - | 0.0% |
| | | 1,132 | 1,663 | 1,500 | 1,500 | (163) | -9.8% |
| Reserve Fund | | | | | | | |
| Reserve Fund | | | | | | | |
| 5 | Total | - | 75,000 | 75,000 | 75,000 | - | 0.0% |
| | | - | 75,000 | 75,000 | 75,000 | - | 0.0% |
| Finance Director / Town Accountant | | | | | | | |
| Salaries and Wages (All) | | | | | | | |
| General Expenses | | | | | | | |
| Capital Outlay | | | | | | | |
| 6 | Total | 175,020 | 149,183 | 123,500 | 123,500 | (25,683) | -17.2% |
| | | 1,536 | 4,295 | 4,295 | 4,295 | - | 0.0% |
| | | 176,556 | 153,478 | 127,795 | 127,795 | (25,683) | -16.7% |
| Town Audit | | | | | | | |
| General Expenses | | | | | | | |
| 7 | Total | 25,000 | 27,500 | 27,500 | 27,500 | - | 0.0% |
| | | 25,000 | 27,500 | 27,500 | 27,500 | - | 0.0% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--------------------------------------|--------------------------|----------------|----------------|----------------------------|---------------------------|-------------------------------|--------------|
| Board of Assessors | | | | | | | |
| 8 | Salaries and Wages (All) | 118,414 | 119,827 | 119,827 | 119,827 | - | 0.0% |
| | General Expenses | 4,170 | 9,767 | 8,777 | 8,777 | (990) | -10.1% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 122,584 | 129,594 | 128,604 | 128,604 | (990) | -0.8% |
| Treasurer/Tax Collector | | | | | | | |
| 9 | Salaries and Wages (All) | 144,683 | 148,654 | 153,778 | 153,778 | 5,124 | 3.4% |
| | General Expenses | 47,691 | 60,003 | 60,003 | 60,003 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 192,374 | 208,657 | 213,781 | 213,781 | 5,124 | 2.5% |
| Town Counsel | | | | | | | |
| 10 | General Expenses | 82,546 | 120,000 | 110,000 | 110,000 | (10,000) | -8.3% |
| | Total | 82,546 | 120,000 | 110,000 | 110,000 | (10,000) | -8.3% |
| Town Hall Computer Operations | | | | | | | |
| 11 | General Expenses | 68,730 | 101,350 | 112,406 | 112,406 | 11,056 | 10.9% |
| | Capital Outlay | 7,027 | 6,000 | 51,000 | 51,000 | 45,000 | 750.0% |
| | Total | 75,757 | 107,350 | 163,406 | 163,406 | 56,056 | 52.2% |
| Town Clerk | | | | | | | |
| 12 | Salaries and Wages (All) | 129,454 | 130,222 | 113,988 | 113,988 | (16,234) | -12.5% |
| | General Expenses | 32,703 | 33,354 | 34,000 | 34,000 | 646 | 1.9% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 162,157 | 163,576 | 147,988 | 147,988 | (15,588) | -9.5% |
| Elections and Registrars | | | | | | | |
| 13 | Salaries and Wages (All) | 9,088 | 5,173 | 13,198 | 13,198 | 8,025 | 155.1% |
| | General Expenses | 11,272 | 7,887 | 16,536 | 16,536 | 8,649 | 109.7% |
| | Capital Outlay | 8,975 | 5,300 | - | - | (5,300) | -100.0% |
| | Total | 29,335 | 18,360 | 29,734 | 29,734 | 11,374 | 61.9% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--------------------------------|--------------------------|----------------|----------------|----------------------------|---------------------------|-------------------------------|----------|
| Conservation Commission | | | | | | | |
| 14 | Salaries and Wages (All) | 24,980 | 25,933 | 25,528 | 25,528 | (405) | -1.6% |
| | General Expenses | 888 | 1,775 | 1,775 | 1,775 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 25,868 | 27,708 | 27,303 | 27,303 | (405) | -1.5% |
| Planning Board | | | | | | | |
| 15 | Salaries and Wages (All) | 35,371 | 36,206 | 36,206 | 36,206 | - | 0.0% |
| | General Expenses | 1,721 | 2,250 | 2,250 | 2,250 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 37,091 | 38,456 | 38,456 | 38,456 | - | 0.0% |
| Board of Appeals | | | | | | | |
| 16 | Salaries and Wages (All) | - | - | - | - | - | - |
| | General Expenses | - | 1 | 1 | 1 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | - | 1 | 1 | 1 | - | 0.0% |
| Town Planner | | | | | | | |
| 17 | Salaries and Wages (All) | 60,319 | 60,319 | 60,319 | 60,319 | - | 0.0% |
| | General Expenses | 1,288 | 1,800 | 1,800 | 1,800 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 61,607 | 62,119 | 62,119 | 62,119 | - | 0.0% |
| Redevelopment Authority | | | | | | | |
| 18 | General Expenses | - | 1 | 1 | 1 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | - | 1 | 1 | 1 | - | 0.0% |
| Town Hall | | | | | | | |
| 19 | Salaries and Wages (All) | 66,321 | 43,241 | 43,241 | 43,241 | - | 0.0% |
| | General Expenses | 86,780 | 98,750 | 97,750 | 97,750 | (1,000) | -1.0% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 153,101 | 141,991 | 140,991 | 140,991 | (1,000) | -0.7% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|---------------------------------|------------------|----------------|----------------|----------------------------|---------------------------|-------------------------------|----------|
| Town Report | | | | | | | |
| | General Expenses | 2,191 | 2,800 | 2,800 | 2,800 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| 20 | Total | 2,191 | 2,800 | 2,800 | 2,800 | - | 0.0% |
| Total General Government | | | | | | | |
| | | 1,355,614 | 1,495,716 | 1,502,736 | 1,502,736 | 7,020 | 0.5% |

PUBLIC SAFETY

| | | | | | | | |
|---------------------------|--------------------------|-----------|-----------|-----------|-----------|-----------|--------|
| PUBLIC SAFETY | | | | | | | |
| Police Department | | | | | | | |
| | Salaries and Wages (All) | | | | | | |
| | General Expenses | 1,766,120 | 1,902,916 | 1,808,369 | 1,808,369 | (94,547) | -5.0% |
| | Capital Outlay | 64,955 | 99,191 | 73,463 | 73,463 | (25,728) | -25.9% |
| | | 52,119 | 66,500 | 34,500 | 65,635 | (865) | -1.3% |
| 21 | Total | 1,883,194 | 2,068,607 | 1,916,332 | 1,947,467 | (121,140) | -5.9% |
| Fire Department | | | | | | | |
| | Salaries and Wages (All) | | | | | | |
| | General Expenses | 302,097 | 321,692 | 321,692 | 321,692 | - | 0.0% |
| | Capital Outlay | 94,847 | 98,190 | 98,190 | 98,190 | - | 0.0% |
| | | 4,975 | 20,000 | 27,300 | 27,300 | 7,300 | 36.5% |
| | Fire Hydrant Expenses | 154,789 | 173,000 | 173,000 | 173,000 | - | 0.0% |
| 22 | Total | 556,708 | 612,882 | 620,182 | 620,182 | 7,300 | 1.2% |
| Ambulance Services | | | | | | | |
| | General Expenses | 76,470 | 76,470 | 78,000 | 78,000 | 1,530 | 2.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| 23 | Total | 76,470 | 76,470 | 78,000 | 78,000 | 1,530 | 2.0% |
| Building Inspector | | | | | | | |
| | Salaries and Wages (All) | | | | | | |
| | General Expenses | 99,188 | 102,856 | 66,900 | 66,900 | (35,956) | -35.0% |
| | Capital Outlay | 2,671 | 1,000 | 2,500 | 2,500 | 1,500 | 150.0% |
| 24 | Total | 101,859 | 103,856 | 69,400 | 69,400 | (34,456) | -33.2% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|---------------------------------------|--------------------------|------------------|------------------|----------------------------|---------------------------|-------------------------------|--------------|
| Plumbing/Gas Inspector | | | | | | | |
| 25 | Salaries and Wages (All) | 19,534 | 18,334 | 18,334 | 18,334 | - | 0.0% |
| | General Expenses | 836 | 500 | 500 | 500 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | 20,370 | 18,834 | 18,834 | 18,834 | - | 0.0% |
| Scaler of Weights and Measures | | | | | | | |
| 26 | Salaries and Wages (All) | - | - | - | - | - | 0.0% |
| | General Expenses | - | 1 | 1 | 1 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | - | 1 | 1 | 1 | - | 0.0% |
| Electrical Inspector | | | | | | | |
| 27 | Salaries and Wages (All) | 17,690 | 16,490 | 16,490 | 16,490 | - | 0.0% |
| | General Expenses | 860 | 900 | 900 | 900 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | 18,550 | 17,390 | 17,390 | 17,390 | - | 0.0% |
| Emergency Management | | | | | | | |
| 28 | Salaries and Wages (All) | 1,500 | - | - | - | - | 0.0% |
| | General Expenses | 4,401 | 4,000 | 4,000 | 4,000 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | 5,901 | 4,000 | 4,000 | 4,000 | - | 0.0% |
| Animal Control Officer | | | | | | | |
| 29 | Salaries and Wages (All) | - | - | - | - | - | 0.0% |
| | General Expenses | 22,827 | 27,000 | 27,000 | 27,000 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | 22,827 | 27,000 | 27,000 | 27,000 | - | 0.0% |
| Tree Warden | | | | | | | |
| 30 | Salaries and Wages (All) | 5,000 | 5,000 | 5,000 | 5,000 | - | 0.0% |
| | General Expenses | 22,466 | 23,500 | 23,500 | 23,500 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| | Total | 27,466 | 28,500 | 28,500 | 28,500 | - | 0.0% |
| TOTAL PUBLIC SAFETY | | | | | | | |
| | | 2,713,345 | 2,957,540 | 2,779,639 | 2,810,774 | (146,766) | -5.0% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|---|--|-------------------|-------------------|----------------------------|---------------------------|-------------------------------|--------------|
| PUBLIC EDUCATION | | | | | | | |
| Millbury School Department | | | | | | | |
| | Salaries (Elected) | 10,224 | 10,224 | 10,224 | | | |
| | Administration | 541,338 | 466,012 | 473,062 | | | |
| | Instruction | 11,776,493 | 12,303,370 | 12,269,805 | | | |
| | Other Services | 934,429 | 1,524,372 | 1,542,678 | | | |
| | Operations and Maintenance | 2,068,609 | 1,847,408 | 1,828,083 | | | |
| | Fixed Charges | - | - | - | | | |
| | Tuition and Programs with Other Districts | 965,563 | 1,002,140 | 1,148,074 | | | |
| | Community Service | - | 10,000 | - | | | |
| | Athletics Expenses | 107,499 | 106,790 | 106,790 | | | |
| | Windle Field Expenses | 67,872 | 6,450 | 6,450 | | | |
| | Capital Outlay | 11,544 | - | 4,200 | | | |
| | School Deficit Reduction | - | - | - | | | |
| 31 | Total Millbury Public School Department | 16,483,571 | 17,276,766 | 16,895,166 | 16,864,031 | (412,735) | -2.4% |
| Blackstone Valley Regional Vocational H.S. | | | | | | | |
| | Annual Operating Assessment | 715,818 | 710,525 | 721,381 | 721,381 | 10,856 | 1.5% |
| | Debt Excluded Capital Expenses | 54,709 | 53,725 | 52,659 | 52,659 | (1,066) | -2.0% |
| | Salaries (elected) | 1,928 | 1,928 | 1,928 | 1,928 | - | 0.0% |
| | General Expenses | 500 | 500 | 500 | 500 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| 32 | Total Blackstone Valley Voc-Tec H.S. | 772,955 | 766,678 | 776,468 | 776,468 | 9,790 | 1.3% |
| TOTAL PUBLIC EDUCATION | | | | | | | |
| | | 17,256,526 | 18,043,444 | 17,671,634 | 17,640,499 | (402,945) | -2.2% |

PUBLIC WORKS

| | | | | | | | |
|------------------------------------|--------------------------|----------------|----------------|----------------|----------------|----------------|--------------|
| PUBLIC WORKS | | | | | | | |
| Public Works Administration | | | | | | | |
| | Salaries and Wages (All) | 118,558 | 117,144 | 116,856 | 116,856 | (288) | -0.2% |
| | General Expenses | 2,943 | 6,890 | 5,330 | 5,330 | (1,560) | -22.6% |
| | Capital Outlay | - | - | - | - | - | - |
| 33 | Total | 121,501 | 124,034 | 122,186 | 122,186 | (1,848) | -1.5% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--|---|------------------|------------------|----------------------------|---------------------------|-------------------------------|---------------|
| Public Works Maintenance and Operations | | | | | | | |
| 34 | Salaries and Wages (All) | 524,253 | 527,777 | 539,277 | 539,277 | 11,500 | 2.2% |
| | General Expenses | 7,561 | 9,605 | 9,604 | 9,604 | (1) | 0.0% |
| | Capital Outlay | 1,833 | 2,000 | 1,000 | 1,000 | (1,000) | -50.0% |
| | Total | 533,647 | 539,382 | 549,881 | 549,881 | 10,499 | 1.9% |
| Highway | | | | | | | |
| 35 | General Expenses | 174,889 | 190,500 | 192,000 | 192,000 | 1,500 | 0.8% |
| | Capital Outlay | 22,000 | 130,000 | 140,000 | 140,000 | 10,000 | 7.7% |
| | Total | 196,889 | 320,500 | 332,000 | 332,000 | 11,500 | 3.6% |
| Snow and Ice Removal | | | | | | | |
| 36 | Salaries and Wages (All) | 85,975 | 55,000 | 55,000 | 55,000 | - | 0.0% |
| | General Expenses | 244,690 | 105,000 | 105,000 | 105,000 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| 37 | Total | 330,665 | 160,000 | 160,000 | 160,000 | - | 0.0% |
| | Street Lighting | | | | | | |
| 38 | General Expenses | 82,518 | 89,000 | 92,000 | 92,000 | 3,000 | 3.4% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 82,518 | 89,000 | 92,000 | 92,000 | 3,000 | 3.4% |
| Solid Waste Management | | | | | | | |
| 39 | Salaries and Wages (All) | - | - | - | - | - | - |
| | General Expenses | 46,471 | 86,400 | 77,100 | 77,100 | (9,300) | -10.8% |
| | Capital Outlay | 5,266 | - | 2,000 | 2,000 | 2,000 | - |
| | Total | 51,737 | 86,400 | 79,100 | 79,100 | (7,300) | -8.4% |
| Highway, Cemeteries, Parks & Fields Maintenance | | | | | | | |
| 40 | Salaries and Wages (All) | 17,434 | 17,400 | 17,400 | 17,400 | - | 0.0% |
| | General Expenses | 35,567 | 40,200 | 40,200 | 40,200 | - | 0.0% |
| | Capital Outlay | 5,000 | 14,165 | 14,000 | 14,000 | (165) | -1.2% |
| | Total | 58,001 | 71,765 | 71,600 | 71,600 | (165) | -0.2% |
| Cemeteries | | | | | | | |
| 41 | Salaries and Wages (All) | 17,127 | 17,260 | 17,260 | 17,260 | - | 0.0% |
| | General Expenses | 4,397 | 10,100 | 7,150 | 7,150 | (2,950) | -29.2% |
| | Capital Outlay | - | - | - | - | - | - |
| 42 | Total | 21,524 | 27,360 | 24,410 | 24,410 | (2,950) | -10.8% |
| | Municipal Gasoline and Diesel Fuel | | | | | | |
| 43 | General Expenses | 125,499 | 145,500 | 125,000 | 125,000 | (20,500) | -14.1% |
| | Capital Outlay | - | - | - | - | - | - |
| | Total | 125,499 | 145,500 | 125,000 | 125,000 | (20,500) | -14.1% |
| TOTAL PUBLIC WORKS | | | | | | | |
| | | 1,521,981 | 1,563,941 | 1,556,177 | 1,556,177 | (7,764) | -0.5% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FV2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|---|--------------------------|----------------|----------------|----------------------------|---------------------------|-------------------------------|----------|
| PUBLIC HEALTH AND HUMAN SERVICES | | | | | | | |
| Board of Health | | | | | | | |
| | Salaries and Wages (All) | 68,371 | 69,976 | 69,976 | 69,976 | - | 0.0% |
| | General Expenses | 26,696 | 11,800 | 11,500 | 11,500 | (300) | -2.5% |
| | Capital Outlay | - | - | - | - | - | - |
| 42 | Total | 95,067 | 81,776 | 81,476 | 81,476 | (300) | -0.4% |
| Human Services | | | | | | | |
| | General Expenses | 26,537 | 32,000 | 32,000 | 32,000 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| 43 | Total | 26,537 | 32,000 | 32,000 | 32,000 | - | 0.0% |
| Council-On-Aging | | | | | | | |
| | Salaries and Wages (All) | 95,167 | 99,329 | 99,386 | 99,386 | 57 | 0.1% |
| | General Expenses | 30,241 | 31,834 | 32,320 | 32,320 | 486 | 1.5% |
| | Capital Outlay | - | - | - | - | - | - |
| 44 | Total | 125,408 | 131,163 | 131,706 | 131,706 | 543 | 0.4% |
| Veterans' Services | | | | | | | |
| | Salaries and Wages (All) | 15,038 | 15,369 | 15,369 | 15,369 | - | 0.0% |
| | General Expenses | 62 | - | 62 | 62 | 62 | - |
| | Veterans' Benefits | 135,364 | 126,235 | 120,000 | 120,000 | (6,235) | -4.9% |
| 45 | Total | 150,463 | 141,604 | 135,431 | 135,431 | (6,173) | -4.4% |
| Disability Commission | | | | | | | |
| | General Expenses | - | 500 | 500 | 500 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | - |
| 46 | Total | - | 500 | 500 | 500 | - | 0.0% |
| TOTAL PUBLIC HEALTH AND HUMAN SERVICES | | | | | | | |
| | | 397,476 | 387,043 | 381,113 | 381,113 | (5,930) | -1.5% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY 2011 Manager Recommended | FY 2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--|----------------------------|----------------|----------------|-----------------------------|----------------------------|-------------------------------|----------|
| CULTURE AND RECREATION | | | | | | | |
| Public Library | | | | | | | |
| | Salaries and Wages (All) | 206,340 | 204,249 | 197,595 | 197,595 | (6,654) | -3.3% |
| | General Expenses | 94,207 | 95,110 | 96,840 | 96,840 | 1,730 | 1.8% |
| | Capital Outlay | 61,790 | 61,000 | 61,000 | 61,000 | - | 0.0% |
| 47 | Total | 362,338 | 360,359 | 355,435 | 355,435 | (4,924) | -1.4% |
| Park Commission | | | | | | | |
| | Salaries and Wages (All) | 1,715 | 2,400 | 2,000 | 2,000 | (400) | -16.7% |
| | General Expenses | 516 | 800 | 700 | 700 | (100) | -12.5% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| 48 | Total | 2,231 | 3,200 | 2,700 | 2,700 | (500) | -15.6% |
| Asa Waters Mansion | | | | | | | |
| | Salaries and Wages (All) | 44,029 | 44,029 | 44,029 | 44,029 | - | 0.0% |
| | General Expenses | - | - | - | - | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| 49 | Total | 44,029 | 44,029 | 44,029 | 44,029 | - | 0.0% |
| Historical Commission | | | | | | | |
| | General Expenses | - | 400 | 400 | 400 | - | 0.0% |
| | Capital Outlay | - | - | - | - | - | 0.0% |
| 50 | Total | - | 400 | 400 | 400 | - | 0.0% |
| Memorial Day & Veterans Day Observances | | | | | | | |
| | General Expenses | 450 | 1,000 | 1,000 | 1,000 | - | 0.0% |
| 51 | Total | 450 | 1,000 | 1,000 | 1,000 | - | 0.0% |
| TOTAL CULTURAL AND RECREATION | | | | | | | |
| | | 409,047 | 408,988 | 403,564 | 403,564 | (5,424) | -1.3% |
| DEBT SERVICE | | | | | | | |
| DEBT SERVICE | | | | | | | |
| | Long-Term Debt - Principal | 1,683,441 | 1,829,766 | 1,773,773 | 1,773,773 | (55,993) | -3.1% |
| | Long-Term Debt - Interest | 762,445 | 849,645 | 819,298 | 819,298 | (30,347) | -3.6% |
| | Short-Term Debt - Interest | 37,659 | 20,000 | 20,000 | 20,000 | - | 0.0% |
| 52 | Total | 2,483,545 | 2,699,411 | 2,613,071 | 2,613,071 | (86,340) | -3.2% |
| TOTAL DEBT SERVICE | | | | | | | |
| | | 2,483,545 | 2,699,411 | 2,613,071 | 2,613,071 | (86,340) | -3.2% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--------------------------------|---|------------------|------------------|----------------------------|---------------------------|-------------------------------|-------------|
| EMPLOYEE BENEFITS | | | | | | | |
| | Worcester Regional Retirement System Assessment | 753,024 | 818,384 | 875,376 | 875,376 | 56,992 | 7.0% |
| | State Retirement System Assessment | - | - | - | - | - | - |
| | Workers' Compensation Insurance Expenses | 109,318 | 131,000 | 131,000 | 131,000 | - | 0.0% |
| | Unemployment Insurance Compensation Expenses | 44,484 | 65,000 | 65,000 | 65,000 | - | 0.0% |
| | Group Health and HMO Plan Administration Expenses | 2,453 | 10,000 | 10,000 | 10,000 | - | 0.0% |
| | Health Insurance and HMO Expenses - Town | 919,183 | 959,477 | 987,757 | 987,757 | 28,280 | 2.9% |
| | Health Insurance and HMO Expenses - School | 3,060,721 | 3,166,041 | 3,303,747 | 3,303,747 | 137,706 | 4.3% |
| | Group Life Insurance Insurance Expenses - Town | 1,263 | 1,780 | 1,760 | 1,760 | (20) | -1.1% |
| | Group Life Insurance Insurance Expenses - School | 3,502 | 3,600 | 3,600 | 3,600 | - | 0.0% |
| | Inpatient Trust Fund | 20,000 | 40,000 | 20,000 | 20,000 | (20,000) | -50.0% |
| | Medicare Expenses | 216,144 | 250,000 | 250,000 | 250,000 | - | 0.0% |
| 53 | Total | 5,130,092 | 5,445,282 | 5,648,240 | 5,648,240 | 202,958 | 3.7% |
| TOTAL EMPLOYEE BENEFITS | | 5,130,092 | 5,445,282 | 5,648,240 | 5,648,240 | 202,958 | 3.7% |

GENERAL INSURANCES

| | | | | | | | |
|---|--|-------------------|-------------------|-------------------|-------------------|------------------|--------------|
| GENERAL INSURANCES | | | | | | | |
| General and Liability Insurance Expenses | | | | | | | |
| | General and Liability Insurance Expenses | 312,020 | 325,000 | 325,000 | 325,000 | - | 0.0% |
| 54 | Total | 312,020 | 325,000 | 325,000 | 325,000 | - | 0.0% |
| TOTAL GENERAL INSURANCES | | 312,020 | 325,000 | 325,000 | 325,000 | - | 0.0% |
| TOTAL GENERAL FUND | | 31,579,647 | 33,326,366 | 32,881,174 | 32,881,174 | (445,192) | -1.3% |

Article 4 - Budget Recommendation

| Line Number | Department | FY 2009 Actual | FY 2010 Budget | FY2011 Manager Recommended | FY2011 FinCom Recommended | Change from FINCOM vs. FY2010 | % Change |
|--|--|-------------------|-------------------|----------------------------|---------------------------|-------------------------------|--------------|
| ENTERPRISE FUND | | | | | | | |
| SEWER SYSTEMS OPERATIONS& MAINTENANCE | | | | | | | |
| | Salaries and Wages (All) | 260,656 | 272,917 | 272,830 | 272,830 | (87) | 0.0% |
| | General Expenses | 278,108 | 337,975 | 284,380 | 284,380 | (53,595) | -15.9% |
| | UBWPAD Assessment | 506,552 | 521,042 | 573,147 | 573,147 | 52,105 | 10.0% |
| | Sewer Expansion Project Debt Service Assessment | 463,738 | 50,000 | 50,000 | 50,000 | - | 0.0% |
| | Capital Outlay | 12,000 | 13,704 | 34,204 | 34,204 | 20,500 | 149.6% |
| 55 | Total Sewer Enterprise Fund O & M Costs and Charges | 1,521,053 | 1,195,638 | 1,214,561 | 1,214,561 | 18,923 | 1.6% |
| TOTAL GENERAL & ENTERPRISE FUNDS | | | | | | | |
| | | 33,100,700 | 34,522,004 | 34,095,735 | 34,095,735 | (426,269) | -1.2% |

Total Amount - Article 4

34,095,735

I move that the town will vote to raise the sum of Thirty Four Million Ninety Five Thousand Seven Hundred Thirty Five Dollars (\$34,095,735) necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2011, the period of July 1, 2010 through June 30, 2011, 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 Three Hundred Fifty Four Thousand Two Hundred Forty Dollars (\$2,354,240) from the Fiscal Year 2011 Millbury Sewer Enterprise Fund User Revenue, and to authorize the Board of Sewer Commissioners to raise said Two Million Three Hundred Fifty Four Thousand Two Hundred Forty Dollars (\$2,354,240) for the expenses of the Sewer Department, including indirect and debt services costs, and further to meet said appropriation as follows:

- Raise and appropriate the sum of Thirty One Million Six Hundred Fifty Nine Thousand Nine Hundred Thirty One Dollars (\$31,659,931);
- Transfer the sum of Nine Hundred Thirty Nine Thousand Five Hundred Sixty One Dollars (\$939,561) from the Fiscal Year 2011 Millbury Sewer Enterprise Fund User Revenue Account for the Sewer Department's operating expenses and charges;
- Transfer the sum of One Hundred Eighty Eight Thousand Five Hundred Fifty Dollars (\$188,550) from the Fiscal Year 2011 Millbury Sewer Enterprise Fund User Revenue Account for the indirect costs of the Sewer Department;
- Transfer the sum of One Hundred Twenty One Thousand Nine Hundred Fourteen Dollars (\$121,914) from the Fiscal Year 2011 Millbury Sewer Enterprise Fund User Revenue Account for debt service costs in the General Fund;
- Transfer the sum of Two Hundred Seventy Five Thousand Dollars (\$275,000) from the Millbury Sewer Retained Earnings Account for the Sewer Department's operating expenses and operating charges;
- Transfer the sum of Eight Hundred Twenty Nine Thousand Two Hundred Fifteen Dollars (\$829,215) from the Fiscal Year 2011 Millbury Sewer Enterprise Fund User Revenue Account for debt service costs in the General Fund;
- Transfer the sum of Eighty One Thousand Five Hundred Sixty Four Dollars (\$81,564) from the Reserve for Debt Service Account to the Budget Line #52, Debt Service Account.