

**TOWN OF MILLBURY**  
**COPY OF 2012 ANNUAL 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 24th day of April, 2012 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, two members of the Planning Board, two members of the Board of Library Trustees and one Town Moderator all for a term of three years; and one member of the Re- Development Authority for a term of five years:

**ARTICLE 2.** To choose all other necessary Town Officers for the year ensuing and to meet, on Tuesday, May 1, 2012 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 2013, the period of July 1, 2012 through June 30, 2013, 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 26.**

**ARTICLE 5:** To see if the Town will vote to transfer the sum of One Million One Hundred Eleven Thousand One Hundred Fifty-Four Dollars and No Cents (\$1,111,154.00) from available certified free cash to reduce or stabilize the Fiscal Year 2013 Tax Rate, or take any action thereon. (Town Manager)

**Recommend Article 5 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 1/2.)*

**ARTICLE 6:** To see if the Town will vote to authorize any or all of the following capital improvement projects and purchases as follows:

1. Raise and appropriate or transfer from available funds One Hundred Five Thousand Dollars and No Cents (\$105,000.00) to fund for the School Department for district wide technology equipment including domain and file servers, or take any action thereon. (School Committee)

**Recommend that \$105,000.00 be raised and appropriated for the purposes of Article 6.1.**

*(Reason: This expenditure will allow for additional technology equipment for the Millbury School Department.)*

2. Raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to fund for the School Department one new 20 passenger school mini-bus, or take any action thereon. (School Committee)

**Recommend that \$50,000.00 be raised and appropriated for the purposes of Article 6.2.**

*(Reason: This expenditure will allow for purchase of a new school mini-bus for the Millbury School Department.)*

3. Raise and appropriate or transfer from available funds the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to supplement Chapter 90 funds for repairs to sidewalks and road repairs, or take any action thereon. (Director of Public Works and Town Manager)

**Recommend that \$100,000.00 be raised and appropriated for the purposes of Article 6.3.**

*(Reason: The \$100K will complement approximately \$450K in expected Chapter 90 funds in FY2013 for town road repairs.)*

4. Raise and appropriate or transfer from available funds the sum of Seventy Thousand Dollars and No Cents (\$70,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to replace the roof and make repairs to the Highway Barn on Providence Street, or take any action thereon. (Director of Public Works and Town Manager)

**Recommend that \$70,000.00 be raised and appropriated for the purposes of Article 6.4.**

*(Reason: This expenditure is in addition to \$115,000 that was voted at last year's Annual Town Meeting for roof repairs at the Highway Barn on Providence Street. The additional authorization is required as the previous estimates did not adequately allow for proper*

*repair to the structure. The roof has been in a state of disrepair for some years and if not completed in a timely fashion, the main electrical switchgear for the building could be significantly damaged.)*

5. Raise and appropriate or transfer from available funds the sum of One Hundred Sixty-Six Thousand Nine Hundred Dollars and No Cents (\$166,900.00) to be expended by the Director of Public Works with the approval of the Town Manager to purchase a street sweeper, or take any action thereon. (Director of Public Works and Town Manager)

**Recommend that \$166,900.00 be raised and appropriated for the purposes of Article 6.5.**

*(Reason: This expenditure will allow for purchase of a new street sweeper. The Highway Department has only one sweeper at present that is a significant number of years past its normal service life and would cost tens of thousands of dollars to bring it back into service.)*

**ARTICLE 7:** To see if the Town will vote to raise and appropriate the sum of Ninety Six Thousand Five Hundred Seventy Eight Dollars and No Cents (\$96,578.00) for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2013 School Department Budget or take any action thereon. (School Committee)

**Recommend that \$96,578.00 be raised and appropriated for the purposes of Article 7.**

*(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 8:** To see if the Town will vote to transfer the sum of Five Hundred Dollars and No Cents (\$500.00) from Account #02.945.5200.02062.2011.560 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 that \$500.00 be transferred from Account #02.945.5200.02062.2011.560 for the purposes of Article 8.**

*(Reason: These funds will be available to settle incidental claims.)*

**ARTICLE 9:** To see if the Town will vote to transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from account # 02.945.5200.02068.2011.560 to pay for the disposal of abandoned property, or take any action thereon. (Town Manager)

**Recommend that \$5,000.00 be transferred from Account #02.945.5200.02068.2011.560 for the purposes of Article 9.**

*(Reason: These funds will be available to pay for disposal of abandoned property.)*

**ARTICLE 10:** 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, 2012, 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>FY13 Spending Limit</u>
Title V Inspections	Board of Health	Septic System Inspection Fees	Payment for Contractual Services for Septic inspections	25,000.00
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 and recycling of allowable items at Transfer Station	Funding expenses associated with disposal and recycling of allowable items at Transfer Station	20,000.00
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	20,000.00
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 expenses associated with running the Mansion	90,000.00
Millbury Housing Partnership	Town Manager	Proceeds from Sale of Affordable homes	Payment of Administrative, legal, planning, engineering and related expenses of	10,000.00

			the affordable housing program	
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

**Recommend Article 10 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 10.)*

**ARTICLE 11:** To see if the Town will vote to appropriate from available funds the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to FY12 Police Department Salary and Wages (All) and the sum of Twenty-Eight Thousand Dollars and No Cents (\$28,000.00) to FY12 Unemployment Insurance account # 01.913.5170.00000.0000.560, or take any action thereon. (Town Manager)

**Recommend the amounts of \$50,000.00 and \$28,000.00 be appropriated from available funds for the purposes of Article 11.**

*(Reason: The amount of \$50,000.00 will cover additional retirement, overtime and stipend costs in the Police Department. The amount of \$28,000.00 will help cover a schools budget shortfall.)*

**ARTICLE 12:** To see if the Town will vote to appropriate the sum of Eight Thousand Dollars and No Cents (\$8,000.00) from available funds to pay for a required update of our OPEB liability, or take any action thereon. (Finance Director)

**Recommend the sum of \$8,000.00 be appropriated from available funds for the purposes of Article 12.**

*(Reason: This amount will support the update of the town's **Other Post-Employee Benefits** liability.)*

**ARTICLE 13:** To see if the Town will vote to appropriate the sum of Twenty-One Thousand Nine Hundred Thirty-Six Dollars and No Cents (\$21,936.00) from available funds to pay for FY12 tuition for a Norfolk Agricultural High School student, or take any action thereon. (Finance Director)

**Recommend the sum of \$21,936.00 be appropriated from available funds for the purposes of Article 13.**

*(Reason: These funds will be used for tuition to Norfolk Agricultural High School for a Millbury student for the current fiscal year. Millbury Public Schools and Blackstone Valley Tech do not offer this course of study.)*

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money to complete repairs on Brierly Pond in accordance with a plan by Tighe and Bond 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; or take any action thereon. (Ponds and Lakes Commission)

**Recommend that Article 14 be indefinitely postponed.**

*(Reason: The current administration has not prioritized or identified sources of funding for this project for FY2013.)*

**ARTICLE 15:** To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) 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. (Board of Selectmen and Council-On-Aging)

**Recommend that \$20,000.00 be raised and appropriated for the purposes of Article 15.**

*(Reason: This continues to be a 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 16:** 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 16.**

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

**ARTICLE 17:** To see if the Town will vote to transfer the sum of One Hundred Forty-Four Thousand Dollars and No Cents (\$144,000.00) from account # 01.710.5910.00000.0000.571 Debt Service Principal and the sum of Eight Thousand Two Hundred Fifty Dollars and No Cents (\$8,250.00) from account # 01.710.5915.00000.0000.572 Debt Service Interest Account to account # 37.220.4970.37003.0000.422 Capital Project Account; or take any action thereon. (Finance Director)

**Recommend the sum of \$144,000.00 be transferred from the Debt Service Principal Account and \$8,250.00 transferred from the Debt Service Interest Account, both amounts to the Capital Project Account for the purposes of Article 17.**

*(Reason: These funds will be used for debt payment and short term borrowing costs for the Rescue Squad. The long term bonding will be completed when the Ariel Scope is delivered and combined as bond issuance costs are substantial.)*

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purpose of renovating the Washington Street Playground, otherwise known as Woolie World, located on the property described in Worcester Registry of Deeds Book 4404, Page 404 and consisting of 4.97 acres, more or less and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes as may be necessary to fund such renovation, as authorized in G.L. c.44 or any other enabling authority; and further to authorize the Board of Selectmen or its designee to seek and to file on behalf of the Town any and all applications for grants and/or reimbursements to make up the cost of such renovation, including those made under the Urban Self-Help Act (301 CMR 5.00), and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said renovation, or take any action related thereon. (Parks Commission)

**Recommendation for Article 18 will be made at Annual Town Meeting.**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$99,902.00 or any other sum sufficient for the purpose of completing the work shown on a plan entitled “Oakes Circle, a Condominium Community in the Town of Millbury”, prepared by Heritage Design Group, dated September 18, 2002, and last revised February 10, 2003, or take any action relative thereon. (Planning Board)

**Recommend that an amount not to exceed \$99,902.00 be raised and appropriated for the purposes of Article 19.**

*(Reason: These funds will be used towards work shown on a plan entitled “Oakes Circle, a Condominium Community in the Town of Millbury”).*

**ARTICLE 20:** To see if the Town will vote to accept as a public way the roadway known as Cronin Brook Way, situated northwest of Braney Road in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled “Roadway Acceptance Plan, Cronin Brook Way & Braney Road, Millbury, Massachusetts” prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk’s Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the westerly side of Braney Road;  
THENCE N 26-06’-13” E, 94.53 feet to a granite bound, being known as the starting Point;  
THENCE Northerly 36.03 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE N 42-42’-36” W, 34.35 feet to a granite bound;  
THENCE Northerly 47.69 feet along a curve to the right having a radius 175 .00 feet to a granite bound;  
THENCE N 27-05’-40” W, 295.18 feet to a granite bound;  
THENCE Westerly 385.64 feet along a curve to the left having a radius of 150.00 feet to a granite bound;  
THENCE S 05-36’-13” W, 101.95 feet to a granite bound;  
THENCE Southerly 199.63 feet along a curve to the left having a radius of 375.00 feet to a granite bound;  
THENCE S 24-53’-54” E, 23.37 feet to a granite bound;  
THENCE Easterly 27.40 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE Starting Southerly then Northerly 298.10 feet along a Cul-de-Sac curve to the right having a radius of 60.00 feet to a granite bound;  
THENCE Northerly 27.40 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE N 24-53’-54” W, 23.37 feet to a granite bound;  
THENCE Northerly 226.25 feet along a curve to the right having a radius of 425.00



feet to a granite bound;  
 THENCE N 05-36'-13" E, 101.95 feet to a granite bound;  
 THENCE Northwesterly 514.18 feet along a curve to the right having a radius of 200.00 feet to a granite bound;  
 THENCE S 27-05'-40" E, 295.18 feet to a granite bound;  
 THENCE Southerly 20.62 feet along a curve to the left having a radius of 125.00 feet to a granite bound;  
 THENCE Easterly 71.02 feet along a curve to the right having a radius of 30.00 feet to granite bound;  
 THENCE S 7-48'-41" W, 9.87 feet to a point;  
 THENCE S 26-06'-13" W, 119.22 feet to a granite bound;

Said Cronin Brook Way contains 71,126 square feet of land, more or less. (Planning Board)

**Defer Article 20 to the Planning Board for the recommendation.**

**ARTICLE 21:** To see if the Town will vote to accept as a public way the roadway known as Diana Hill Drive, situated north of Cronin Brook Way in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the northerly side of Cronin Brook Way and the southwesterly corner of Diana Hill Drive;  
 THENCE Northerly 36.51 feet along a curve to the left having a radius of 30.00 feet of to a granite bound;  
 THENCE N 8-33'-24" W, 101.82 feet to a drill hole in a retaining wall;  
 THENCE Northerly 80.03 feet along a curve to the right having a radius of 275.00 feet to a drill hole in a retaining wall;  
 THENCE N 8-07'-02" E, 101.18 feet to a granite bound;  
 THENCE Northwesterly 477.39 feet along a curve to the right having a radius of 190 .00 feet to a tie line at the limit of acceptance;  
 THENCE S 48-56'-24" W, 50.00 feet along the tie line to a point;  
 THENCE Westerly 319.66 feet along a curve to the left having a radius of 140.00 feet to a drill hole in a retaining wall;  
 THENCE S 08-07'-02" W, 101.18 feet to a spike in a paved driveway;  
 THENCE Southerly 65.48 feet along a curve to the left having a radius of 225.00 feet to a granite bound;  
 THENCE S 8-33'-24" E, 89.58 feet to a granite bound;

THENCE Easterly 43.16 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE (Tie Line) Westerly 97.20 feet along a curve to the left having a radius of 200.00 feet to a granite bound and point of beginning;

Said Diana Hill Drive contains 33,758 square feet of land, more or less. (Planning Board)

**Defer Article 21 to the Planning Board for the recommendation.**

**ARTICLE 22:** To see if the Town will vote to accept as a public way the roadway known as Taft Circle, situated northwest of Diana Hill Drive in the southeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised November 30, 2010, which plan is on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon.

In accordance with the plan, said roadway is more particularly described as follows:

BEGINNING at a granite bound on the westerly side of Cronin Brook Way and southerly side of Taft Circle;  
THENCE Northerly 42.24 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE N 53-20'-10" W, 102.97 feet to a granite bound;  
THENCE Westerly 29.45 feet along a curve to the left having a radius 30 .00 feet of to a granite bound;  
THENCE Starting Northerly then Southerly 306.31 feet along a Cul-de-Sac curve to the left having a radius of 60.00 feet to a granite bound;  
THENCE Southeasterly 29.45 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE S 53-20'-10" E, 109.66 feet to a granite bound;  
THENCE Southeasterly 38.22 feet along a curve to the left having a radius of 30.00 feet to a granite bound;  
THENCE (TIE LINE) Southwesterly 130.89 feet along a curve to the left having a radius of 190.00 feet to a granite bound;

Said Taft Circle contains 14,109 square feet of land, more or less. (Planning Board)

**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 1. ADMINISTRATION AND PROCEDURE, Section 12.41 Applicability** by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

- (a) Any *new* construction or ~~exterior~~ expansion of a nonresidential building, ~~or~~ structure, or use, or change in use ~~from residential to commercial/industrial~~ in any district which ~~affects results in an increase of~~ at least three thousand (3,000) square feet of floor area or two thousand five hundred (2,500) square feet of land area, whichever is less, within any five (5) year period. *“Change of Use” shall include the introduction of new materials or processes not previously associated with the existing use.*
- (b) Any *new* construction of a multi-family dwelling or ~~exterior~~ expansion, renovation or change of use of an existing ~~a residential~~ building or structure ~~or change of use from commercial/industrial to residential~~ in any district where such construction, expansion, renovation, or change of use will result in the creation of one ~~contain two (2)~~ or more multi-family dwelling ~~apartment~~ units.
- (c) The construction or *expansion of any parking facility* ~~renovation of parking facilities involving~~ resulting in seven (7) or more additional parking spaces for passenger and/or commercial vehicles, or the renovation of any existing parking facility containing seven (7) or more parking spaces for passenger and/or commercial vehicles, with the exception of normal maintenance-
- (d) All special permit uses described in Section 14.11, *Section 43, Section 46.1 and the following uses:*
- *Building tradesmen and contractors;*
  - *Printing and publishing;*
  - *Manufacturing and processing;*
  - *Warehousing and wholesale distribution;*
  - *Research and development;*
  - *Public utility;*
  - *Motel or hotel;*
  - *Heliport;*
  - *Restaurant;*
  - *Retail sales and services of new and used motorized vehicles;*
  - *Veterinary, animal hospital or kennel;*
  - *Large-Scale Ground-Mounted Solar Photovoltaic Installations*

.(Planning Board)

**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 4. SPECIAL REGULATIONS**, Section 46.2 Accessory Dwelling Units by adding the following italicized text and deleting the following text with strikethrough, or take any action thereon:

**46.2.1 Applicability.** The Planning Board may grant a special permit authorizing the construction of an accessory dwelling unit within a new or existing owner-occupied, single-family dwelling or building accessory thereto in any Residential and Suburban District located on a lot fully conforming to all zoning requirements for its district or on a ~~lot containing~~ legal,

pre-existing, nonconforming lot and/or within a legal, pre-existing, nonconforming single family structure, subject to the following regulations and conditions.

46.2.2(4) To ~~add moderately priced rental units to the housing stock to meet the needs of smaller households and~~ make housing units available to moderate income households who might otherwise have difficulty finding housing;

46.2.2(5) To protect the stability, property values, and ~~the character~~ *to ensure that the appearance* of single-family residential neighborhoods *is not negatively impacted*; and

46.2.2(6) To eliminate the ~~continued~~ construction of illegal, unregulated apartment units.

46.2.3(3) The principal dwelling or accessory ~~building or~~ structure to be altered or constructed shall maintain the appearance of a single-family structure or accessory ~~building or~~ structure.

46.2.3(5) The gross floor area of an accessory dwelling unit (~~including any additions~~) shall not exceed ~~six hundred and seventy five (675)~~ *eight hundred (800)* square feet of ~~habitable floor area~~.

*46.2.3(9) In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Planning Board may allow reasonable deviation from the Use and Dimensional Requirements stated herein where necessary to install features that facilitate access and mobility for disabled persons.*

(Planning Board)

**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** by inserting **Section 51. Large-Scale Ground-Mounted Solar Photovoltaic Installations**, or take any action thereon.

Section 51 shall contain the following text:

### **Section 51. Large-Scale Ground-Mounted Solar Photovoltaic Installations**

**51.1 Applicability.** The Planning Board may grant site plan approval for the erection, construction, installation, operation and modification of a Large-Scale Ground-Mounted Solar Photovoltaic Installation in any Zoning District subject to the requirements set forth herein.

**51.2 Purpose and Intent.** The purpose of this Section is to promote the creation of new large-scale, ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

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

**Large-Scale Ground-Mounted Solar Photovoltaic Installation** – A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**Rated Nameplate Capacity** – The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Solar Photovoltaic System** – An electrical system that consists of an array of one or more photovoltaic modules, inverters, electrical components, and one or more electric loads.

**51.4 General.** Large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

**51.5 Application Procedure.** Applicants are required to submit an 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. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
2. One or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code and National Electrical Safety Code compliant disconnects and over current devices;
3. Manufacturers' specifications and installation manuals (if available) of the major system components to be used, including, but not limited to, the PV modules, mounting system, combiner box, disconnects, inverter(s);
4. Operation and Maintenance Plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for periodic inspections and operational maintenance of the installation;
5. Emergency shutdown procedures for the solar photovoltaic installation;
6. Evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the Applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement;
7. Proof of liability insurance.

## **51.6 Design Standards and Siting Requirements**

1. Dimensional Requirements: No part of the large-scale ground-mounted solar photovoltaic installation, including appurtenant structures, shall be located closer to a property line than seventy-five (75) feet. The installation shall be located at least one hundred (100) feet from existing residences. Maximum lot coverage requirements shall be consistent for the district within which the installation is located.
2. Height Requirements: Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twelve (12) feet in height above finished grade.
3. Appurtenant Structures: All appurtenant structures to large-scale ground-mounted solar photovoltaic installations, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts.
4. Fencing: An 8-foot tall, mini-mesh security fence shall be installed around the entire perimeter of the large-scale ground-mounted solar photovoltaic installation.
5. Land Clearing: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws.
6. Screening: Landscaping shall be required to screen the solar photovoltaic installation and accessory structures from roadways and neighboring residences. The width of the landscaped buffer shall be a minimum of twenty-five (25) feet. The Planning Board may waive this requirement if it determines that there is no public benefit from such screening.
7. Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
8. Glare: No solar photovoltaic installation shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
9. Signs: No signs shall be erected on the solar photovoltaic installation except signs identifying the owner, the operator, the manufacturer, an emergency telephone number, safety signage, and warning signage. Special placards and signs shall be installed on all combiner boxes, inverters, transformers, disconnects, and panel feed breakers. This shall include the following placards:

WARNING – SOLAR INVERTER OUTPUT DISCONNECT  
DO NOT RELOCATE  
THIS DEVICE

AC Disconnects located at: (i.e. Rear of maintenance shed)

A permanent sign shall be installed that shows the peak power, current, and voltages of each inverter, in lettering that is legible from a distance of three (3) feet.

All signs shall comply with local utility requirements and Section 34 herein.

10. Network Interconnections and Power Lines: To the extent feasible, all network interconnections and power lines, to and from the facility, shall be located underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### **51.7 Maintenance Requirements and Emergency Shutdown Procedures.**

1. At all times the solar photovoltaic installation shall be maintained in good working condition and regular maintenance shall be performed 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. The owner or operator 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 an occupancy permit. The owner or operator shall cooperate with local emergency services in developing an emergency response plan.
3. The owner or operator 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 at the installation. This contact information shall be updated as necessary.

### **51.8 Removal Requirements.**

1. At least thirty (30) days prior to the date of discontinued operations, the owner of the solar photovoltaic installation shall notify the Building Inspector by certified mail of any proposed date of discontinued operations and plans for removal of the solar photovoltaic installation.
2. A solar photovoltaic installation 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 issuance of a Notice of Discontinuance by the Building Inspector, the owner shall 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 solar photovoltaic installation has been discontinued.

3. The owner shall dismantle and physically remove the solar photovoltaic installation within ninety (90) days from the date of discontinued operations. Removal of the system shall include:
  - a. Physical removal of all large-scale ground-mounted solar photovoltaic installation, structures, equipment, security barriers and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to maintain landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**51.9 Performance Guarantee.** The Planning Board shall require surety, either in the form of a bond or other security, in an amount sufficient to assure satisfactory removal of the system. The cost estimate for removal and re-vegetation shall be prepared by the Planning Board's technical consultant and shall include a twenty-five percent (25%) contingency fee. The Planning Board shall review the amount of the surety at five year intervals to ensure that it is sufficient to guarantee satisfactory removal and re-vegetation. The Planning Board shall have the right, upon determination of discontinuance and failure to remove the installation within the ninety (90) day period identified in Section 51.8(3), but not the obligation, to claim the financial surety, and to the extent duly authorized by law enter the site and remove the facility in accordance with the requirements of this section.

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

**51.11 Modification.** All material modifications to a large-scale solar photovoltaic installation made after issuance of the site plan approval shall require submission of a modified site plan, applied for in accordance with all regulations applicable at the time such application is properly made. (Planning Board)

**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 1. ADMINISTRATION AND PROCEDURE**, Section **12.49 Enforcement of an Approved Site Plan** by adding the following italicized text, or take any action thereon:

*(g) All material modifications to a site made after issuance of the site plan approval shall require submission of a modified site plan, applied for in accordance with all regulations applicable at the time such application is properly made.*  
(Planning Board)

**Defer Article 26 to the Planning Board for the recommendation.**



**ARTICLE 27:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition or to take any other action relative thereto.

AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF MILLBURY FROM THE CIVIL SERVICE LAW AND TO ESTABLISH SUCH POLICE CHIEF AS A SO CALLED “STRONG CHIEF.”

*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. Chapter 2 of the Acts of 1943 is hereby repealed.

SECTION 2. The position of chief of police in the town of Millbury shall be exempt from the provisions of Chapter 31 of the General Laws and the Chief of Police shall be appointed in accordance with the Town Charter.

SECTION 3. Notwithstanding the provisions of the Town Charter adopted May 2, 2000, the Police Chief shall be the appointing authority for the police officers of the Millbury Police Department, subject to M.G.L. c. 31, and shall be authorized to adopt rules and regulations for the Department with notice to the Town Manager and the Board of Selectmen, and shall be in charge of the operations of the Department. The Police Chief shall be subject to administrative oversight of the Town Manager and to general policy determinations of the Board of Selectmen and the by-laws of the Town.

SECTION 4. This act shall take effect upon its passage. (Board of Selectmen)

**Defer Article 27 to the Board of Selectmen for the recommendation.**

**ARTICLE 28:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter to change the date on which elected officials take office, as set forth below; provided however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the public purposes of the petition, or take any other action relative thereon.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF MILLBURY

*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. Notwithstanding the provisions of section 107 of chapter 41 of the general laws, or of any other general or special law to the contrary; the charter of the town of Millbury is hereby amended by inserting a new section, as follows:

Section 3-1(i) Term – Any person duly elected at the annual town election shall take up the duties of the office the day after the adjournment sine die of the annual town meeting held in the same calendar year and shall hold office until the date of the adjournment sine die of the annual town meeting in the year in which their term expires and until another person is qualified in their stead; provided, however, that if such office was vacant at the time of the election, the person so elected shall take up the duties of the office immediately upon qualification.

SECTION 2. The term of elected incumbents holding office as of the effective date of this act shall continue until the adjournment sine die of the annual town meeting in the year in which their term would otherwise expire, and until their successors are elected and qualified, subject to their sooner removal, retirement or resignation.

SECTION 3. This act shall take effect upon passage. (Board of Selectmen)

**Defer Article 28 to the Board of Selectmen for the recommendation.**

**ARTICLE 29:** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for payment in lieu of taxes (PILOT) agreement with Alternate Energy Providers for a period not to exceed twenty years; or to take any other action relative thereon. (Town Manager)

**Recommend that Article 29 be accepted as written.**

*(Reason: Town Meeting approval is required to give the Board of Selectmen the authorization to negotiate and enter into a PILOT Agreement with Alternate Energy Providers.)*

**ARTICLE 30:** To see if the Town will vote to amend the Millbury General By-laws by deleting Section 13-1 in its entirety and adding the following, or take any related action thereon. (Police Chief)

## **Section 13-1 Alarm System By-Law**

### **Section 1. Title and Purpose**

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

### **Section 2. Definitions**

- (A) Chief of Police – The term “Chief of Police” means the Chief of Police of the town of Millbury or his/her designated representative

- (B) Police or Police Department- The term “Police or Police Department” means the Town of Millbury Police Department or any authorized agent thereof.
- (C) Town- The term “Town” means the Town of Millbury
- (D) Alarm Administrator- The term “Alarm Administrator” means the Chief of Police of the Town of Millbury or his/her designated representative.
- (E) Town Manager- The term “Town Manager” means the Town Manager of Millbury or his/her designated representative.
- (F) Board of Selectmen- The term “Board of Selectmen” means the Selectmen of the Town of Millbury.
- (G) Alarm user- The term “Alarm User” means: Any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used, provided that an occupant that expressly accepts responsibility for an alarm device by registration pursuant to: Section 3 (Registration Requirements) of this By-law shall be deemed the alarm user.
- (H) False Alarm- The term “False Alarm” means: (a) the activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his/her employees or agents; (b) any signal or oral communication transmitted to the Millbury Police Department requesting, or requiring, or resulting in a response on the part of the Millbury Police Department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises.
- (I) False Alarm Pattern by Negligence- The term “False Alarm Pattern” shall mean: The activation of an alarm system or device by negligence of the users of an alarm system or his/her designee, employees, or agents that reoccur three or more times within a (24 hour-48 hour) period of time. In cases involving a series of false alarms in a (24 hour-48 hour) period the Chief of Police or his designated representative may classify the series of false alarms as a single incident, depending upon the totality of the circumstances.
- (J) Alarm System- The term “Alarm System” means: An assembly of equipment and devices or a single device which when activated calls for a response by police personnel: (a) transmits a signal to the Millbury Police Department; (b) transmits a signal to a person who relays information to the Millbury Police Department; or (c) produces an audible alarm or visible signal to which police are expected to respond. An alarm system does not include an alarm installed in a vehicle or an alarm designated to alert the inhabitants of a premises that does not have a sound device which can be heard on the exterior of the alarm site.
- (K) Public Nuisance – The term “Public Nuisance” means: Anything which annoys, injure or endangers the comfort, repose, health or safety of any person or of any community or neighborhood.

- (L) Act of Nature/God -The following situations shall not be counted as false alarms: Town power outage, telephone company repair, major storm, natural disaster such as hurricane, act of God.

### **Section 3. Registration Requirements**

- (A) No alarm user shall operate, or cause to be operated, an alarm system without a registration issued in accordance with this By-law. A separate registration is required for each alarm site. The registration form format shall be determined by the Chief of Police and made available at the Police Station.
- (B) An alarm registration form may be mailed to all town residents with their real estate tax bill or Town Census Form or by any other method as determined by the Town.
- (C) An alarm registration form may be mailed to all facilities with their real estate tax bill and/or business licensing permits or by any other method as determined by the Town.
- (D) All alarm registration forms must be completed and returned via mail or in person to the Millbury Police Department within thirty (30) days.
- (E) Any change in emergency contact information shall require the updating of the alarm registration form by authorized person, licensee, and/or owner of the property.
- (F) Failure to comply with this section (3A) shall result in \$100.00 fine.

### **Section 4. Alarm System Operation and Maintenance**

- (A) The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches. The owner/facility shall have their legal street address numbers and name of facility clearly visibly from the street.
- (B) The alarm user shall make every reasonable effort to respond or cause a representative to respond within twenty (20) minutes, when notified to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- (C) Alarm Reset- The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site will sound for no longer than 15 minutes after being activated.
- (D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for duress, hold-up alarm activation before requesting a police response to an alarm signal. In the case of duress or hold up alarm the Millbury Police Department's communications center shall be notified immediately (first call).

(E) Automatic Dialers to the Police Department are prohibited. Any alarm system currently using an automatic dialer must discontinue automatic dialer service by the effective date of this By-law. Failure to comply with this section (6F) shall result in a \$100.00 fine.

(F) Any alarm system which fails to comply with paragraph (C) and emits a continuous signal for more than thirty (30) minutes which can't be shutoff or otherwise curtailed due to absence or unavailability of the alarm user or those persons designated by the alarm user, and which disturbs the peace, comfort or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such continuous uninterrupted signal, the Chief of Police or his designated representative shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user. The police department shall maintain a record of each complaint made.

(G) In the event the Chief of Police or his designated representative is unable to contact the alarm user or those persons designated by the alarm user, or if the aforesaid persons can't or will not curtail the audible signal being emitted by the alarm system, and if the Chief of Police or his designated representative otherwise is unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action to abate the nuisance. This option is to be used after all others means of contacting the alarm user and their family members or other persons designated by the alarm user have failed and even then it is an option that is to be utilized in extreme cases and not without the approval of the Chief of Police.

(H) After an entry upon the property has been made in accordance with this section and the nuisance abated, the Chief of police shall have the property secured, if necessary. The reasonable costs and expense of abating the nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$100.00.

(I) The Police Department shall not serve as alarm monitors.

## **Section 5. Determination of False alarms**

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

## **Section 6. Fines**

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

1. First False Alarm: A written notice will be sent by certified mail to the owner /alarm user of the facility/dwelling for the first false alarm in a calendar year citing the date and time of the violation. The alarm user can and should contact the Chief of Police or his designated representative if they wish to contest the written notification letter informing them of the false alarm and to resolve the issue.
2. Second False Alarm: A written notice will be sent by certified mail to the owner/alarm user of the facility/dwelling for the second false alarm in a calendar year citing the date and time of the violation. The alarm user can and should contact the Chief of Police or his designated representative if they wish to contest the written warning notification letter informing them of the false alarm and to resolve the issue.
3. The third false alarm: A third false alarm in a calendar year will result in a fine as set forth below. A written citation citing the offense (s), location, date and time of the violation as well as the fine amount will be issued. The violation will be sent by certified mail to the owner /alarm user of the facility/dwelling or delivered in hand. Note: In all cases, the OWNER will be responsible for payment of the fine regardless of the type of alarm/protection system.
  - A) Home Owner/Alarm User: \$50.00 fine;
  - B) Facility/Business/Alarm User: \$ 75.00 fine;
4. The fourth false alarm (s) in a calendar year for a home owner/alarm user will be a fine of \$75.00 and for a facility/business the fine will be a \$100.00 penalty.
5. The fifth and subsequent false alarm (s) in a calendar year for a home owner/alarm user will be a fine of \$100.00 and for a facility/business the fine will be a \$150.00 penalty for each offense.
6. Failure to comply with Section (3A), Registration Requirements will be a fine of \$100.00.
7. Failure to comply with Section (6E), automatic dialer will be a fine of \$100.00.
8. All fines shall be paid by check made payable to the Town of Millbury.
9. All fines shall be paid within twenty-one (21) days from the time and date of offense.
10. Failure to pay the fine will result in an order to disconnect from the current alarm system.
11. All facilities/dwellings return to zero (0) alarms on January 1 of the New year.

- (B) Alarm users who violate the Alarm By-law shall be issued a Town of Millbury Civil Disposition Citation violation which shall be enforced in accordance with M.G.L. Chapter 40, Section 21D, which allows the user to either pay the citation fine or contest the citation violation to the District Court or such other appropriate court as is specified in the citation.
- a) Fines may be paid either in person at the Millbury Town Clerk's Office or by mailing a money order, personal check or registered check within twenty-one (21) days of the date of the citation the fine to the Millbury Town Clerk at 127 Elm Street Millbury, MA. 01527. This will operate as a final disposition of the matter, with no resulting criminal record.
  - b) Notwithstanding the user's right under G.L. c.40, §21D to appear and contest the alleged violation before the appropriate court, the alarm user may appeal the citation to the Town Clerk by filing a written request for review within twenty-one (21) days after receipt of the citation with the Millbury Town Clerk at 127 Elm Street Millbury, Ma. 01527. The Town Clerk shall conduct a hearing and upon careful review of relevant testimony from the alarm user and/or the Chief of Police or his designee, shall render a written decision in accordance with the provisions of the Town By-Law within thirty (30) days following receipt of such request for review.
  - c) Nothing in the three proceeding paragraphs shall affect the time limits, penalties, procedures or remedies applicable under the aforementioned non-criminal disposition statute and by-law, the administrative appeal to the Town Clerk being intended to be a separate, additional process, provided that if the Town Clerk should decide in favor of the alarm user the Town shall not proceed any further with the non-criminal disposition procedure and no fine shall be enforced hereunder
  - d) Failure to pay the above fine or to appear as specified may subject the user to court action.
- (C) Non- Registered Alarms- Any persons operating an alarm system without a registration issued in accordance with this By-law shall be subject to an additional fine of \$100.00 for each false alarm dispatch.
- (D) An Alarm dispatch request caused by a criminal offense or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm dispatch. The Chief of Police or his/her designee shall be responsible for making this determination.
- (E) All fines and fees resulting from the enforcement of the provisions of this By-law shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Millbury and should be forwarded to the Millbury Town Clerks Office, 127 Elm Street, Millbury, MA. 01527.

(F) State and municipal entities shall be exempt from the provisions of this By-law.

(G) All fines paid shall be paid within twenty-one (21) days from the date of the offense.

## **Section 7. General Provisions**

(A) Except as otherwise required by law, the information furnished and secured pursuant to this By-law shall be confidential in character and shall not be subject to public inspection.

(B) The Chief of Police or his/her designee shall serve as the alarm administrator to: administer, control and review alarm applications, registrations and alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this By-law.

## **Section 8. Applicability**

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

## **Section 9. Limitation of Liability**

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

## **Section 10. Separability**

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

**Defer Article 30 to the Police Chief for the Recommendation.**



**ARTICLE 31:** To see if the Town will vote to authorize the Board of Selectmen to enter into a solar utility credit purchase agreement for a term not to exceed thirty years, or to take any other action relative thereto. (Town Manager)

**Recommend that Article 31 be accepted as written.**

*(Reason: The Town of Millbury would benefit through substantial savings of energy costs with this type of solar utility credit purchase agreement.)*

Given under our Hands this 3<sup>rd</sup> day of April Two Thousand Twelve.

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**

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**CONSTABLE OF MILLBURY:**

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**BOARD OF SELECTMEN:**

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