

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, 12 Martin Street; 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 29th day of April, 2014 at 7:00 o'clock in the forenoon until 8:00 P.M. to elect the following offices to wit:

ARTICLE 1: To choose one member of the Board of Selectmen, one Assessor, one member of the School Committee, one member of the Board of Health, two members of the Planning Board, and two members of the Board of Library Trustees all for a term of three years; one member of the Planning Board for a term of one year; one member of the Housing Authority for a term of five years; one member of the Housing Authority for a term of two years; one member of the Re-Development Authority for a term of five years and one member of the Re-Development Authority 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 its share of the bond issued by the Blackstone Valley Regional School District for the purpose of paying costs of adding to, equipping, reconstructing and making extraordinary repairs to the regional school, including the payment of all other costs incidental and related thereto?

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 repair and replace the HVAC system at the Municipal Office Building, including the payment of all other costs incidental and related thereto?

YES _____

NO _____

Question 3

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 for the Fire Department Self Contained Breathing Apparatus (SCBA), including the payment of all other costs incidental and related thereto?

YES _____

NO _____

Question 4

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 fund for the Department of Public Works repairing and replacing of underground storage tanks and fuel station and associated equipment, including the payment of all other costs incidental and related thereto?

YES _____

NO _____

Question 5

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 fund for the Department of Public Works adding to, equipping, reconstructing and making extraordinary repairs to the transfer station including recycling compactors and associated equipment, including the payment of all other costs incidental and related thereto?

YES _____

NO _____

ARTICLE 2: To choose all other necessary Town Officers for the year ensuing and to meet, on Tuesday, May 6, 2014 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 2015, the period of July 1, 2014 through June 30, 2015, 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.

ARTICLE 5: To see if the Town will vote to transfer the sum of Seven Hundred Eight Thousand Eight Hundred Seventy-Eight Dollars and No Cents (\$708,878.00) from available

certified free cash to reduce or stabilize the Fiscal Year 2015 Tax Rate, or take any action thereon. (Town Manager)

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 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)
2. Raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Chief of Police with the approval of the Town Manager to replace computers in the Police Department patrol vehicles, or take any action thereon. (Chief of Police and Town Manager)
3. Raise and appropriate or transfer from available funds and or borrow the sum of \$60,000 to fund for the School Department districtwide technology equipment, or take any action thereon. (School Committee)

ARTICLE 7: To see if the Town will vote to raise and appropriate \$96,036.00 for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2015 School Department Budget or take any action thereon. (School Committee)

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Ten Thousand Dollars and No Cents (\$10,000.00) to be expended by the Director of Planning and Development with the approval of the Town Manager to cover the initial costs of updating the Town's Master Plan in accordance with M.G.L. Chapter 41, Section 81-D, or take any action thereon. (Director of Planning and Development and Town Manager)

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds 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)

ARTICLE 10: To see if the Town will vote to transfer the sum of Five Hundred Dollars and No Cents (\$500.00) from Account #02.945.5200.02062.2012.560 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)

ARTICLE 11: To see if the Town will vote to transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from account # 02.945.5200.02068.2013.560 to pay for the costs of disposal of abandoned property, or take any action thereon. (Town Manager)

ARTICLE 12: 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)

ARTICLE 13: To see if the Town will vote to approve the \$2,900,000 debt authorized by vote of the Blackstone Valley Regional Vocational School District Committee on April 17, 2014, for costs adding to, equipping, reconstructing and making extraordinary repairs to the regional school, including the payment of all other costs incidental and related thereto, with the Town's apportioned share of debt payments computed in accordance with the Regional Agreement and commencing in fiscal year 2016. The approval of this debt shall be contingent upon a vote of the Town to exclude the Town's allocable share of this debt from the limitations of Chapter 59, Section 21C of the General Laws, also known as Proposition 2 ½, or to take any other action thereon. (Blackstone Valley Tech School Committee)

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)

ARTICLE 15: To see if the Town will vote to rescind the excess borrowing authorization from the 2013, STM article #8 in the amount of \$103,588.00. Original authorization was for \$103,588.00, or take any action thereon. (Finance Director)

ARTICLE 16: To see if the Town will vote to transfer the sum of One Hundred Twenty Two Thousand Eight Hundred Fifteen Dollars and No Cents (\$122,815.00) from account #01.710.5910.00000.0000.571 Retirement of Debt Account to account #37.220.4970.37003.0000.422, Capital Project Account or take any action thereon. (Finance Director)

ARTICLE 17: To see if the Town will vote to transfer the sum of Two Hundred Fourteen Thousand Dollars and No Cents (\$214,000.00) from account #01.710.5910.00000.0000.571 Retirement of Debt Account to account #37.220.4970.37003.0000.422, Capital Project Account or take any action thereon. (Finance Director)

ARTICLE 18: To see if the Town will vote to appropriate from Certified Free Cash the amount of Twenty Two Thousand One Hundred Eighty Five Dollars and No Cents (\$22,185.00) to account #37.220.4970.37003.0000.422, or take any action thereon. (Finance Director)

ARTICLE 19: 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, 2014, or take any action thereon. (Town Manager)

<u>Revolving Funds</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY15 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 of allowable items at Transfer Station	Funding expenses associated with disposal 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 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	25,000.00
Council on Aging	Senior Center Director with Town Manager Approval	Program Fees	To fund expenses associated with running certain programs	20,000.00

ARTICLE 20: To see if the Town will vote to transfer the following sums of money from available funds as outlined in the table below, or take any action thereon. (Town Manager)

Account Number	Description	Transfer From	Transfer To
03.300.5350.00000.0000.520	School Operations & Maint	8,588.00	-
01.914.5172.00000.0000.560	HEALTH INSURANCE	123,740.99	-
01.912.5170.00000.0000.560	Workers Comp	-	61,484.00
01.945.5740.00000.0000.560	General And Liability	-	10,188.44
01.161.5130.00000.0000.500	Town Clerk Overtime	-	1,068.55
01.151.5200.00000.0000.500	Town Counsel	-	50,000.00
01.192.5130.00000.0000.500	Overtime - MOB	-	1,000.00
37.300.5800.37004.0000.520	Capital Projects	-	8,588.00
Total		132,328.99	132,328.99

ARTICLE 21: To see if the Town will vote to authorize payment of prior year wages in the amount of Sixteen Thousand Three Hundred Eighty Nine Dollars and Forty Eight Cents (\$16,389.48) in the DPW Department, said sums to be transferred as outlined below, or take any other action thereon. (Town Manager)

Account Number	Description	Transfer From	Transfer To
02.141.5780.02016.2013.500	Article 6 - FY15 Revaluation	16,389.48	-
02.410.5115.00000.2014.530	FY13 DPW Maint. & OP Full Time	-	12,841.73
02.410.5130.00000.2014.530	FY13 DPW Maint. & OP Overtime	-	3,547.75
Total		16,389.48	16,389.48

ARTICLE 22: To see if the Town will vote to authorize payment of prior year wages in the amount of Four Thousand Eight Hundred Sixty Seven Dollars and Thirty Cents (\$4,867.30) in the Sewer Department, said sums to be transferred as outlined below, or take any other action thereon. (Town Manager)

Account Number	Description	Transfer From	Transfer To
60.440.5200.00000.0000.530	Purchase of Services	4,867.30	-
61.440.5115.00000.2014.530	FY13 Sewer Dept. Full Time Labor	-	3,621.68
61.440.5130.00000.2014.530	FY13 Sewer Dept. Overtime	-	1,245.62
Total		4,867.30	4,867.30

ARTICLE 23: To see if the Town will vote to authorize payment of prior year wages in the amount of Three Thousand Six Hundred Fourteen Dollars and Fifty Seven Cents (\$3,614.57) in the DPW Department, said sums to be paid from Snow and Ice Overtime account #01.423.5130.00000.0000.530, or take any other action thereon. (Finance Director)

ARTICLE 24: To see if the town will vote to transfer the sum of Six Hundred Fifty Thousand Dollars and No Cents (\$650,000.00) from account #37.000.3590.00000.0000.340 Fund Balance Designated Sewer to Account #60.440.4970.00000.0000.400 Sewer Transfer In, or take any action thereon. (Finance Director)

ARTICLE 25: To see if the Town will vote to appropriate a sum of money to repair and/or replace the HVAC system at the municipal office building and to meet said appropriation by authorizing the Town Treasurer/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. (Energy Committee and Town Manager)

ARTICLE 26: To see if the Town will vote to appropriate a sum of money to purchase self-contained breathing apparatus for the Fire Department 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)

ARTICLE 27: To see if the Town will vote to appropriate a sum of money to fund for the Department of Public Works the repairing and replacing of underground storage tanks, fuel station and associated equipment and to meet said appropriation by authorizing the Town Treasurer/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. (DPW Director and Town Manager)

ARTICLE 28: To see if the Town will vote to appropriate a sum of money to fund for the Department of Public Works adding to, equipping, reconstructing and making extraordinary repairs to the transfer station including recycling compactors and associated equipment and to meet said appropriation by authorizing the Town Treasurer/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. (DPW Director and Town Manager)

ARTICLE 29: To see if the Town will vote to transfer from retained earnings of the Sewer Enterprise Fund a sum of money to complete repairs of the Town's sewer system in conjunction with the MassDOT Rt. 146 bridge reconstruction project over W. Main Street, or take any action thereon. (Director of Public Works and Sewer Commission)

ARTICLE 30: To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, or otherwise, for all purposes for which public ways are used in the Town of Millbury and upon such terms and conditions as it deems appropriate, the fee or a lesser interest in all or a part of that certain property located at the intersection of West Main Street and Sutton Road and identified in Exhibit A to that Verified Complaint filed by the Town in Worcester Superior Court as Civil Action No. 14-0356A, a copy of which is on file with the Town Clerk, and to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition; and further to raise and appropriate, transfer, or borrow a sum of money as may be required for such acquisition and the costs associated therewith, or take any action thereon. (Town Manager)

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or borrow under the provisions of MGL c.44, or any other enabling authority, a sum of money not to exceed the sum of \$5,000 for the control of Eurasian Watermilfoil, Fanwort or algae in Lake Singletary, or act of do anything in relation thereto. (Citizen Petition)

ARTICLE 32: To see if the Town will vote to accept as a public way the roadway known as Diana Hill Drive, situated southeast of the previous limit of acceptance 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 "Proposed Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised December 10, 2013, that is to be recorded at the Worcester Registry of Deeds herewith and 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 thereon.

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

BEGINNING at a point at the limit of acceptance on the East side of Diana Hill Drive;

THENCE Southerly 58.71 feet along a curve to the right having a radius of 190.00 feet to a granite bound;

THENCE Southerly 22.17 feet along a curve to the left having a radius of 30.00 feet to a granite bound;

THENCE Southerly 295.77 feet along a curve to the right having a radius of 60.00 feet to a granite bound;

THENCE Northerly 36.24 feet along a curve to the left having a radius of 30.00 feet to a granite bound;

THENCE Northerly 21.00 feet along a curve to the left having a radius of 140.00 feet to a point at the limit of acceptance.

THENCE N 48-56'-24" E , 50.00 feet along the limit of acceptance to the point of beginning.

Said Remainder of Diana Hill Drive contains 14,144 square feet of land.
(Planning Board and Board of Selectmen)

ARTICLE 33: To see if the Town will vote to accept as a public way the roadway known as Oakes Street, situated south of the 1957 limit of acceptance of Oakes Street, in the northeastern section of the Town, as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Road Acceptance Plan" for Oakes Circle, Millbury, MA, prepared by Andrews Survey & Engineering, Inc., dated January 17, 2014, that is to be recorded at the Worcester Registry of Deeds herewith and 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 thereon.

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

BEGINNING at a concrete bound on the westerly sideline of Oakes Street;

THENCE S 75° 24' 13" E, 40.00 feet to a point;
THENCE S 14° 35' 47" W, 173.54 feet passing through an iron pin to a drill hole in a retaining wall;
THENCE southerly by a curve to the left having a radius of 180.00 feet for a distance of 53.87 feet to a concrete bound;
THENCE easterly by a curve to the left having a radius of 16.00 feet for a distance of 19.29 feet to a concrete bound;
THENCE easterly, southerly westerly and northerly by a curve to the right having a radius of 54.00 feet for a distance of 280.21 feet to a concrete bound;
THENCE northerly by a curve to the left having a radius of 16.00 feet for a distance of 14.36 feet to a concrete bound;
THENCE northerly by a curve to the right having a radius of 220.00 feet for a distance of 78.12 feet to a concrete bound;
THENCE N 14° 35' 47" E, 128.78 feet to a drill hole in a rock below grade;
THENCE N 88° 01' 44" W, 1.12 feet to a point;
THENCE N 01° 58' 16" W, 3.77 feet to a point;
THENCE N 14° 35' 47" E, 40.82 feet to the point and place of beginning.

Containing 19,078 square feet of land, more or less.

(Planning Board and Board of Selectmen)

ARTICLE 34: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, for general municipal purposes, the lands depicted as Parcel A and Parcel B on the plan entitled "Plan of Land in Millbury and Sutton, Mass", prepared for Millbury Solar, LLC by Whitman & Bingham Associates, Inc., 510 Mechanic St., Leominster, Massachusetts, dated February 14, 2014, upon such terms and conditions as it shall deem appropriate, and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any action thereon.

(Director of Planning and Development and Town Manager)

ARTICLE 35: To see if the Town will vote to amend the Zoning Map by rezoning to Industrial I that portion of the Suburban II District and Business II District that includes the following lots as shown on the map on file in the Town Clerk's Office, or take any action thereon:

- Assessor's Map 64, Lot 1
- Assessor's Map 64, Lot 2
- Assessor's Map 64, Lot 3
- Assessor's Map 64, Lot 8
- Assessor's Map 64, Lot 9
- Assessor's Map 64, Lot 11
- Assessor's Map 64, Lot 12

(Planning Board)

ARTICLE 36: To see if the Town will vote to amend the Zoning Map by rezoning to Business I that portion of the Industrial I District that includes the following lots as shown on the map on file in the Town Clerk's Office, or take any action thereon:

- Assessor's Map 45, Lot 207A
- Assessor's Map 45, Lot 202
- Assessor's Map 45, Lot 203
- Assessor's Map 45, Lot 204
- Assessor's Map 45, Lot 205
- Assessor's Map 45, Lot 206
- Assessor's Map 46, Lot 142
- Assessor's Map 53, Lot 120
- Assessor's Map 53, Lot 121
- Assessor's Map 53, Lot 122
- Assessor's Map 54, Lot 88
- Assessor's Map 54, Lot 89
- Assessor's Map 54, Lot 136

(Planning Board)

ARTICLE 37: To see if the Town will vote to amend the Zoning Bylaws, Article 2. DISTRICT REGULATIONS, Section 26.3 by deleting the following text with strikethrough and adding the following italicized text, or take any action thereon:

****If abutting a residential or suburban district boundary, increase to one hundred feet (100'), of which ~~forty~~ *fifty* feet (40' *50'*) shall be free of any paving or outdoor storage of materials, and maintained with vegetation. (Planning Board)**

ARTICLE 38: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS** by inserting **Section 52. Registered Marijuana Dispensaries**, or take any action thereon. Section 52 shall contain the following text:

Section 52. Registered Marijuana Dispensaries

52.1 Applicability. Registered Marijuana Dispensaries (RMD) may be allowed in Business II Districts by special permit granted by the Special Permit Granting Authority as provided under Article 1, Section 14 of the Millbury Zoning Bylaws and in the Route 146 Highway Corridor Overlay District by special permit granted by the Planning Board as provided under Article 4, Section 48 of the Millbury Zoning Bylaws in conformance with the following:

1. No Registered Marijuana Dispensary, with or without cultivation operations, shall be located within five hundred feet (500') of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed daycare center, church, library, park, playground, or other RMD. Distance shall be measured in a straight line from property boundary line to property boundary line.
2. No marijuana or marijuana-based products shall be sold or grown or cultivated on a lot used for residential purposes except if a hardship certificate is granted by the Department of Public Health in accordance with 105 CMR 725.035.
3. A RMD shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
4. A RMD shall not have drive-thru service.
5. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the RMD.
6. A RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name. A RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.

(Planning Board)

ARTICLE 39: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS**, Section 25.22 Business II special permit uses, by adding the following italicized text:

- *Registered Marijuana Dispensary in accordance with Section 52;*
or take any action thereon(Planning Board)

ARTICLE 40: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS**, Section 48.3, by adding the following italicized text, or take any action thereon:

48.31 Node Classification I.

Uses Permitted by Special Permit:

Registered Marijuana Dispensary in accordance with Section 52.

48.32 Node Classification II.

Uses Permitted by Special Permit:

Registered Marijuana Dispensary in accordance with Section 52.

(Planning Board)

ARTICLE 41: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE**, Section 12.41(d), by adding the following italicized text, or take any action thereon:

(d) All special permit uses described in Section 14.11, Section 43, Section 46.1, *Section 52*, and the following uses:

(Planning Board)

ARTICLE 42: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 5. DEFINITIONS** by inserting the following definition, or take any action thereon:

Registered Marijuana Dispensary (RMD) – A not-for-profit entity registered under 105 CMR 725.100 also known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. (Planning Board)

ARTICLE 43: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS** by striking **Section 37. Temporary Moratorium on Medical Marijuana Treatment Centers** in its entirety, or take any action thereon. (Planning Board)

ARTICLE 44: To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land, as specified below and shown on maps on file in the Town Clerk’s Office, as Priority Development Sites, pursuant to M.G.L. Chapter 43D, and to authorize the Board of Selectmen to take such action as may be necessary to effectuate the vote taken hereunder, or take any action thereon:

Route 122A Priority Development Site

- Assessor’s Map 64, Lot 1
- Assessor’s Map 64, Lot 2
- Assessor’s Map 64, Lot 8
- Assessor’s Map 64, Lot 9

Route 146 Priority Development Site

- Assessor's Map 71, Lot 1
- Assessor's Map 71, Lot 18
- Assessor's Map 71, Lot 19
- Assessor's Map 71, Lot 20
- Assessor's Map 71, Lot 21
- Assessor's Map 71, Lot 21A
- Assessor's Map 71, Lot 57
- Assessor's Map 71, Lot 60
- Assessor's Map 71, Lot 67
- Assessor's Map 71, Lot 68
- Assessor's Map 71, Lot 69
- Assessor's Map 80, Lot 16
- Assessor's Map 80, Lot 17
- Assessor's Map 80, Lot 19
- Assessor's Map 80, Lot 24
- Assessor's Map 80, Lot 27

(Planning Board)

ARTICLE 45: To see if the Town will vote to rescind and abolish a so called Grave Opening \$200.00 fee established by the Millbury Cemetery Commission on December 10, 2012 as recorded in the Millbury Cemetery Commission Meeting Minutes filed with the Millbury Town Clerk on August 13, 2013 or take any other action relative thereto. (Citizen Petition)

ARTICLE 46: To see if the Town will vote to amend Article 16 of the May 17, 2013 Annual Town Meeting, so as to limit the sum of money to be borrowed and/or expended for the repairs on Ramshorn Pond Dam to \$1,560,000.00, which sum provides for the completion of all necessary repairs as set forth in the "Schematic Design Report" prepared by Pare Corporation for the Town of Millbury, dated November 2013, to include the regarding of the upstream slope for stabilization purposes rather than the construction of a sheet pile wall; and which sum is consistent with the proposition two and one-half override vote (so-called) cast by the voters of the Town of Millbury on April 30, 2013 and the vote of the Town Meeting on Article 16 at the May 7, 2013 Annual Town Meeting both of which authorized the expenditure of monies for the repairs of Ramshorn Pond Dam and nothing more; or take any action related thereto. (Citizen Petition)

ARTICLE 47: To see if the Town will vote to authorize payment of a prior year bill in the amount of One Thousand Four Hundred Seventy-Five Dollars and Thirty Eight Cents (\$1,475.38) for asphalt road repairs said sum to be taken from FY14 fiscal year funds in account #01.420.5800.00000.0000.530 Highway-Capital Outlay, or take any action thereon (Director of Public Works)

ARTICLE 48: To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain and upon such terms and conditions as the Board of Selectmen shall deem appropriate, the fee or a lesser interest in all or a part of the land and improvements thereon known as the Brierly Pond Dam, together with all appurtenances thereto, which land supports in part West Main Street and is shown on a plan on file in the office of Town Clerk, and the fee or lesser interest in all or a part of the land and improvements thereon comprising and containing a further dam and spillway affecting Brierly Pond, and all rights and appurtenances related thereto, as described and reserved in the deed recorded with the Worcester District Registry of Deeds in Book 2551, Page 145 and believed to be located on Assessors' Map 70, Lots 1 and 2, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisitions; and further to raise and appropriate, transfer, or borrow a sum of money as may be required for such acquisitions and the costs associated therewith, or take any action thereon. (Town Manager)

Given under our Hands this 8th day of April Two Thousand Fourteen.

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**

Jayne Marie Davolio

CONSTABLE OF MILLBURY

John E. [Signature]

BOARD OF SELECTMEN

E. Bernard [Signature]
Frances B. [Signature]
Brian Ashmuth [Signature]

Mary Thum [Signature]