

SPECIAL TOWN MEETING
October 21, 2013
Milford, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS:

To either Constable of the Town of Milford in said County,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of the Town of Milford, qualified by law to vote in Town Affairs, to meet in the Upper Hall of the Milford Town Hall, 52 Main Street, on the 21st day of October, 2013 A.D. at 7:30 P.M. and then and there to act upon the following articles:

ARTICLE 1: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the July 4, 2014 celebration, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 2: To see if the Town will vote to accept as and for a public way a private way known as Diego Drive, with appurtenant easements, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 3: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized to fund the terms of a collective bargaining agreement between the Town of Milford and the Milford Permanent Firefighters Association, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be spent under the jurisdiction of the Highway Surveyor for consulting services to produce engineering design drawings, plans and specifications associated with the Route 16/Main Street resurfacing project from Water Street to the Hopedale town line, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 5: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Personnel Board to conduct a Classification and Compensation Study of salaried and hourly rated positions under the jurisdiction of the Personnel Board, or take any other action in relation thereto.

(Personnel Board)

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be spent under the jurisdiction of the Board of Library Trustees to replace the roof at the Milford Town Library, or take any other action in relation thereto.

(Board of Library Trustees)

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the construction of a new restroom/concession building and softball field, at the Milford High School athletic facilities, or take any other action in relation thereto.

(Ad Hoc Community Field
Committee)

ARTICLE 8: To see if the Town will vote to amend Article 38 of the General By-Laws, entitled "Sex Offender Restrictions" in the following manner:

1. Amend SECTION 1, Subsections B and C by striking the phrase "person with an intellectual disability" in the last sentences thereof and inserting in place thereof the phrase "person with a physical or intellectual disability";
2. In SECTION 2, DEFINITIONS, strike the definition "CHILD OR CHILDREN;" and replace that definition with the following:

CHILD, CHILDREN, MINOR OR YOUTH;
Person or persons under eighteen (18) years of age.

3. Amend SECTION 2 by deleting the current definition of "LOITERING;" and replace said definition with the following:

To stand, sit or otherwise remain, whether in a vehicle or not, for more than fifteen (15) minutes.

4. Delete from SECTION 2 the definition of "MINOR";
5. Amend the definition of "REGISTERED SEX OFFENDER" within SECTION 2 by striking the phrase "and who is" from the third line; by striking the phrase "who is" from the fourth line and by striking, at the end of the last sentence, the phrase "person with an intellectual disability person" and replacing with the phrase "person with an intellectual or physical disability";
6. Within SECTION 2 delete the definitions of TOWN LIBRARY and YOUTH.
7. Within SECTION 3, Amend Subsection C 1. (b) and (c) by striking the current provisions and replacing them with the following:

(b) Permanent residence was established through a valid, fixed term, written lease or rental agreement, executed prior to the effective date of this by-law, or a renewal thereof, so long as the registered sex offender continues to

reside within and does not move to another location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P; or

(c) Permanent residence was established through a verbal lease or tenant at will rental agreement, or a renewal thereof, so long as the registered sex offender continues to reside within and does not move to another restricted location in the Town of Milford different from the permanent residence established prior to the effective date of this by-law and provided further that the sex offender reported and registered the residence pursuant to M.G.L. c. 6 s. 178C through 178P.

8. Within SECTION 4, Subsection A 5), add at the end thereof the phrase “is present only during the hours of activity related to the participation of the child in the organized youth activity”;
9. Within SECTION 4, Subsections A6) and 7), in each instance strike the phrase “for a period of more than fifteen (15) minutes”;
10. Within SECTION 4, Subsection 8) strike the phrase “prohibited loitering” and replace that phrase with “prohibited from loitering”;
11. Strike SECTION 5 in its entirety and insert in place thereof the following new SECTION 5:

SECTION 5. EXEMPTIONS:

The provisions of this by-law shall not be applicable to:

- 1) Law enforcement or correctional facilities; or
- 2) Facilities for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123; or
- 3) Residences or facilities where the sex offender is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201 s. 6 or a person with an intellectual disability subject to guardianship pursuant to M.G.L. c. 201 s. 6A, residing with his or her guardian; and
- 4) A group residence licensed as a residential program with twenty-four hour a day (24 Hour) staffing and supervision pursuant to M.G.L. c. 19 s. 19 and 104 C.M.R. 28.13 et seq., or M.G.L. c. 19B s. 15 and 115 C.M.R. 8.01 et seq..

12. Within SECTION 7, Subsection A, at the end thereof, insert the following: “(i.e. remaining in a street in violation of a by-law)”; and
13. Within SECTION 7, Subsection C and Subsection D strike the current provision and insert in place thereof the following:

C. LEGAL AND EQUITABLE REMEDIES

The Town may also seek or obtain any or all other legal and equitable remedies to prevent or remove a sex offender who is in violation of this by-law, to include but not be limited to bringing an action in the name of the Town to permanently enjoin such violation as a public nuisance.

D. NOTIFICATION TO PAROLE, PROBATION AND/OR THE SEX OFFENDER REGISTRY BOARD

The Town may make notification to the sex offender's parole officer, probation officer, and/or the Massachusetts Sex Offender Registry Board, that the sex offender has violated a Town By-Law,

or take any other action in relation thereto.

(Police Chief)

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be spent under the jurisdiction of the Board of Selectmen to replace the telephone system in the Milford Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized together with funds previously appropriated for purposes of expert and other services in relation to a rate increase or increases sought by the Milford Water Company, or take any other action in relation thereto.

(Legal Department)

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Park Commissioners to purchase a one ton dump truck to replace a 25 year old vehicle, or take any other action in relation thereto.

(Park Commissioners)

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation which would authorize the appointment of a Town Treasurer, and which legislation would provide substantially as follows:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF MILFORD TO APPOINT THE TOWN TREASURER.

SECTION 1.

Notwithstanding the provisions of Chapter 41 of the General Laws or any other general or special law to the contrary, the Board of Selectmen of the Town of Milford may appoint a Town Treasurer for a term of up to five (5) years; and further, notwithstanding Sections 108A and 108C of Chapter 41 of the General Laws, and any by-law adopted thereunder, said Board of Selectmen may establish an employment contract with a Town Treasurer upon the same terms and conditions, and subject to the same limitations as contained in Section 108N of Chapter 41 of the General Laws, applicable to other municipal employees as designated in that section.

SECTION 2.

This Act shall take effect upon its passage,

or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$50,000 to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing a new breathing air compressor and fill station, or take any other action in relation thereto.

(Fire Chief)

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$345,000, said sum to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing and equipping a new brush truck, or take any other action in relation thereto.

(Fire Chief)

ARTICLE 15: To see if the Town will vote to transfer the sum of \$32,000 from Account No. 148-5300 as voted under Article 4 of the May, 2013 Annual Town Meeting, said sum to be transferred to the School Department Account No. 300-5300 as voted under Article 4 at said Town Meeting, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 16: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized by the Board of Selectmen for the purpose of retaining consultants and other expert services to evaluate the possibility of the Town of Milford acquiring the Milford Water Company, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 17: To see if the Town will vote to authorize the Board of Selectmen to amend their agreement with Enfinity Project Company for net metering credit in relation to a solar electric generating facility so that said agreement, now for a term of five (5) years, may be extended for a full term of twenty (20) years, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$190,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of purchasing a new street sweeper, or take any other action in relation thereto.

(Highway Surveyor)

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$45,000 to be spent under the jurisdiction of the Fire Chief for the purpose of purchasing a new four wheel drive pickup with snow plow, or take any other action in relation thereto.

(Fire Chief)

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$25,000 to be spent under the jurisdiction of the Police Chief for the replacement of computers and related equipment at the Police Department, or take any other action in relation thereto.

(Police Chief)

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Vernon Grove Cemetery Trustees to be utilized for the purchase of a zero mower, or take any other action in relation thereto.

(Trustees of the Vernon Grove Cemetery)

ARTICLE 22: To see if the Town will vote to appropriate a sum of money, said sum to be utilized for construction and related activity for full renovations of the Milford Youth Center and its facilities, including handicap accessibility; and further to see how said sum shall be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

(Atty. Brian W. Murray)

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the establishment of an Information Technology (IT) Department for the Town to include sums available for salaries and expenses, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 24: To see if the Town will vote to accept the provisions of Chapter 40, § 13D of the General Laws in order to establish a reserve fund for future payment of accrued liabilities for compensated absences due any employee of the Fire Department or Police Department upon termination of the employee's employment; and further, to see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized as such a reserve fund, or take any other action in relation thereto.

(Fire Chief and Police Chief)

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Capital Projects Stabilization Account, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 26: To see if the Town will vote to transfer a sum of money from available funds to be added to the Town Stabilization Fund, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 27: To see if the Town will vote to appropriate a sum of money from available funds to be utilized to off-set operating, capital and debt expenses to fix the tax rate for fiscal year 2014, or take any other action in relation thereto.

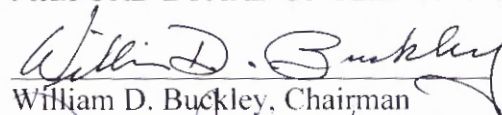
(Finance Committee)

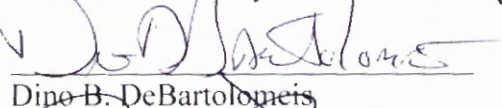
And you are hereby directed to serve this warrant by posting at least fourteen days before said meeting attested copies of this warrant in ten or more public places located in said Milford.


HEREOF, FAIL NOT, and make due return of this warrant with your doings thereon to the Clerk of said Town at the time of said meeting.

Given under our hands at Milford this 27th day of September, 2013

MILFORD BOARD OF SELECTMEN


William D. Buckley, Chairman


Dino B. DeBartolomeis


Atty. Brian W. Murray

A true copy attest:


Thomas J. O'Loughlin, Chief of Police