

# TOWN OF MILTON 2012



## Special Town Meeting

Monday, January 30, 2012

Milton High School Auditorium  
7:30 p.m.

# WARRANT

INCLUDING THE REPORT OF THE WARRANT COMMITTEE  
AND RECOMMENDATIONS ON ARTICLES  
as required by Chapter 3, Section 4, of the General Bylaws of the Town

2012

**SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts) SS.  
County of Norfolk

To any of the Constables of the Town of Milton in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium on Gile Road, in said Milton on Monday, the thirtieth day of January next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1 through 8

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the thirtieth day of January and leaving printed copies thereof at the dwelling houses of said Town at least fourteen days before the date.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before said thirtieth day of January, next.

Given under our hands at Milton this twenty-first day of December, two thousand and eleven.

Robert C. Sweeney  
John Michael Shields  
J. Thomas Hurley

A True Copy: Attest

Stephen Freeman  
CONSTABLE OF MILTON

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**WARRANT ARTICLES AND RECOMMENDATIONS**

**ARTICLE**

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**In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The January 2012 Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.**

**Should you need assistance, please notify the Board of Selectmen at 617-898-4843 or 617-696-5199 TTY.**

**Smoking and other tobacco use is prohibited in school facilities and outside on school grounds by MGL Chapter 71, Section 37H, “An Act Establishing the Education Act of 1993.” This law applies to any individual at any time.**

**REPORT OF THE WARRANT COMMITTEE  
FOR THE JANUARY 30, 2012 SPECIAL TOWN MEETING**

The Special Town Meeting convening on Monday, January 30, 2012, will act on eight articles. Three articles are for supplementary FY2012 appropriations for the Consolidated Facilities Department, Veterans Benefits and the Stabilization Funds. The others cover the creation of a new revolving fund for the former East Milton Library, a petition to rescind acceptance of the Civil Service statute, a petition to continue the Town's borrowing authorization for the costs of medical expenses of a former firefighter injured in the line of duty, a citizens petition to establish a government study committee and acceptance of a twenty-five year lease on the Ulin Rink.

The basis for our recommendation and background on the articles is discussed below and/or in the comments to the articles.

**I. Background**

On October 27, 2011, Governor Deval Patrick signed a \$169 million supplemental budget bill that provided for \$65 million to be distributed as local aid to Massachusetts cities and towns. The Town of Milton's share of these monies was \$196,505. Article 1 recommends the appropriation of \$54,414 to the new Consolidated Facilities Department budget; Article 2 recommends appropriating \$58,895 towards the Veterans Benefits budget and Article 3 recommends appropriating the remainder of \$83,196 to the Town's Stabilization Funds.

**II. Consolidated Facilities Department**

The need for the consolidation of Town and School facilities under one department has been historically supported by the Town. Over the last several years, much effort was put into the creation of the Consolidated Facilities Department (CFD). In January, 2008, the Consolidated Facilities Exploratory Committee (CFEC) was formed by the Board of Selectmen to investigate the possibility of creating a new Town of Milton Facilities Department by combining existing and anticipated maintenance of the Town and School Departments. That committee urged the implementation of a new Consolidated Facilities Department as the "best opportunity for the most efficient use of the town's limited financial resources and for the planning and prioritization necessary for the long-term use and preservation of the town's building assets".

The May 2009 Annual Town Meeting approved Article 50 authorizing the Town to begin the process to establish a consolidation of Town and School properties. This was followed in December 2009 by the release of the *Town*

*of Milton Joint Town-School Consolidated Facilities Study and Recommendation* report. The report agreed with the recommendation of the CFEC that a joint facilities organization would be beneficial for the Town, recommended a building assessment study to identify and prioritize major repairs and needed renovations, and proposed an outline for the organizational structure of a new Consolidated Facilities Department.

The May 2010 Annual Town Meeting voted to approve Article 28 which recommended the consolidation of maintenance of the Milton Public Schools, including maintenance of buildings and grounds, with maintenance functions of the Town of Milton.

In November, 2010 a Memorandum of Agreement (MOA) was signed by the Board of Selectmen, Town Administrator, School Committee and Superintendent of Schools creating a joint municipal and school facilities department. The goals of the Department, as outlined in Article 1 of the MOA, were to coordinate for each Town and School building custodial care/cleaning, maintenance and repairs, landscaping and pedestrian snow removal, and capital improvements. The MOA further required that the Director develop a work order system, create an operating budget, identify capital items and equipment, and design a capital plan.

The May 2011 Annual Town Meeting appropriated under Article 28 an initial \$138,402 salary line funding for the new department, with the expectation that a supplemental appropriation would follow. Following the hiring of the Director for the department, a subcommittee consisting of a member of the Warrant Committee, a member of the Board of Selectmen, a member of the School Committee, the Director of the Library, the Chair of the CFEC and the Assistant Town Administrator (representing the Personnel Board) was formed to help the Director establish an initial operating budget for FY2012, craft a budget for FY2013 and forecast the department budget for the next several years. A summary of the operating budget is presented in the comment section of Article 1 of this warrant. The comment details the department's salaries and wages, general expenses and funding for fiscal years 2012, 2013 and 2014.

### **III. Veteran's Benefits**

At the May 2011 Annual Town Meeting, \$8,500 was appropriated to fund Town of Milton Veterans' Benefits for FY2012. Consistent with prior years, any additional funding necessary would come through Reserve Fund Transfer (RFT) requests. The budget was based on assistance to six veterans for such items as cash for basic living necessities, medical costs, medical copayments

and insurance premiums. The Town receives a 75% reimbursement on the costs during subsequent fiscal years.

Subsequent to the budget being finalized and at the request of the Board of Selectmen, the Town’s Veterans Agent sought out and identified other veterans in the Town in need of financial assistance. This increased the number of eligible veterans to eighteen. As a result, the \$8,500 originally appropriated for benefits did not fully fund the needs of the department for the month of July 2011.

Following the success of the outreach program, veterans benefits payments have now increased to approximately \$13,000 per month. In September 2011, an RFT in the amount of \$17,994.17 was approved by the Warrant Committee to cover July and August payments in excess of the \$8,500 originally appropriated. A further RFT in the amount of \$75,000 was approved by the Warrant Committee in November 2011 to fund benefits through the end of January 2012.

The Veterans Agent has estimated that an additional \$58,895 will be needed to provide support for the remainder of FY2012. Town Meeting approval of this article frees up the remaining balance of the Reserve Fund for other unanticipated shortfalls during the remainder of FY2012.

The Warrant Committee has been in discussion with the Veterans Agent regarding the appropriate level of funding for the FY2013 budget and expects to allocate a substantially higher sum to this line item going forward.

**IV. Stabilization Funds**

The remainder of the onetime supplemental State Aid funds are recommended to be appropriated to the two Stabilization Funds following the same process as that used under Article 30 of the May 2011 Annual Town Meeting. Two-thirds of the appropriated amount, or \$55,464, would be allocated to the Stabilization Fund and one-third or \$27,732 would be allocated to the Capital Stabilization Fund. This would bring the total amount appropriated to the Stabilization Funds in FY2012 to \$1,072,398. In contrast to FY2012, the Warrant Committee does not at this time expect to draw upon the Stabilization Fund for the FY2013 budget. The current balances of both funds (prior to action on Article 3) are as follows:

<b>Fund</b>	<b>Balance</b>
Stabilization Fund	\$ 2,336,129
Capital Stabilization Fund	\$ 373,740

## **V. Revolving Fund for former East Milton Library**

This article allows the establishment of a revolving fund from the rental income resulting from a lease signed between The Friends and Advocates of the Visual Arts (FAVA) and the Board of Selectmen on April 15, 2011. FAVA agreed to lease the Town property at 334 Edgehill Road (the former East Milton Library) for ten years. A stream of rental income was established as follows: \$6,000 for each of the first two years (April 15, 2011 through April 14, 2013), and \$18,000 for each of the next 8 years (April 15, 2013 through April 14, 2021) with total rent for the ten year lease period being \$156,000.

Approval by Town Meeting on this article would authorize the Board of Selectmen to annually expend money from the revolving fund on behalf of the property for such services as custodial work, repairs, routine maintenance, snow plowing in excess of \$2,000 and for capital improvements including repairs or replacement of heating, electrical and plumbing systems, the roof and the building structure, windows, doors, exterior of the building and all similar major repairs in any year of the term of the lease.

The annual expenditure from the revolving fund shall not be in excess of \$6,000. However, as more rental income accumulates, the annual expenditure could be increased by vote of a subsequent Town Meeting.

A “NO” vote to this article would direct all rental income resulting from the lease between FAVA and the Board of Selectmen to the General Fund of the Town. Initial repair costs resulting from the property would then be paid from the Town’s operating budget or, in emergency, from the Reserve Fund.

## **VI. Petition to rescind acceptance of the Civil Service statute**

This article authorizes the Board of Selectmen to petition the General Court for legislation to exempt certain Town and School positions from the Civil Service Law. The positions affected are School Department custodian, School Department maintenance man, School Department cafeteria worker, Department of Public Works employee, Park and Recreation Department employee, Cemetery Department employee, and Consolidated Facilities Department employee. Civil Service Law will remain in effect for those School and Town employees already covered under Civil Service Law at the date of enactment of the legislation. The exemption of the requirement of these positions to be covered by Civil Service Law will begin with new hires in these positions hired after the date the Legislation is effective.

On March 1, 1947, the Town voted to accept the application of Civil Service Law to these positions and was originally a means of providing employment protection to positions not otherwise protected.

Since the application of Civil Service Law, most School and Town employees have become covered by collectively bargained agreements. Union contracts provide employees with much the same protections as under Civil Service Law and many additional employee protections with regard to wages and employee benefits. Therefore, these employees are covered under both the Civil Service Law and union contracts.

Currently, if an opening exists for these current positions, the Town must fill the position based on a hiring list governed by Civil Service Law. This procedure can sometimes preclude the Town from hiring the best qualified applicant who may not be on the hiring list. In other cases, an Employee may choose to grieve under the procedures of Civil Service Law or Union contracts, whichever provides the better advantage.

Agreement has been reached by all of the parties involved so that the Town can move forward with this petition following the approval of Town Meeting.

## **VII. Petition to allow borrowing for the costs of medical expenses**

This article allows the Town to file a home rule petition with the General Court to grant legislation for an additional five year bonding period for coverage of medical expenses for a former firefighter resulting from injuries he sustained in the line of duty. State law does not permit a community to borrow to pay for an employee's medical expenses without first obtaining special legislation enabling it to do so. The article further allows that once this legislation is granted the Town will then be authorized to bond the medical expense.

Under Massachusetts law, cities and towns are liable for the medical expenses of public safety personnel resulting from injuries sustained in the line of duty. Firefighters are not covered by worker's compensation insurance, and as the injury to this firefighter occurred while on duty, the Town was and will continue to be required to cover his medical expenses. The Town has since procured insurance to help cover the expenses for future instances, up to \$1,000,000 per person per claim and with a \$45,000 deductible.

Legislation was filed in 2008 which allows the Town to bond accrued medical expenses up to \$850,000 per annum through FY2013. For expenses beyond FY2013, a new home rule petition must be filed with the Massachusetts State Legislature which, once approved, would allow subsequent Town

Meetings to vote articles to bond future incurred medical expenses for fiscal years 2014 through 2018 up to \$850,000 per year. As of June 30, 2011, Bond Anticipation Notes in the amount of \$1,600,000 have been issued, with the expectation that bonds will be issued in February 2012 for this amount.

As required by the current legislation, only amounts of medical expenses actually expended will be bonded. Therefore, if the medical costs for the year are less than \$850,000 the Town will only borrow the lesser number.

Annual medical expenses through June 30, 2018 are estimated to be \$850,000. Should Town Meeting not approve this article, annual medical expenses would need to come from the Town's operating budget.

### **VIII. Citizens petition to establish a government study committee,**

On September, 14, 2011, Town Meeting Member Michael Joyce addressed the Board of Selectmen regarding his submission of a citizens petition for the next Special Town Meeting. The petition is to establish a committee to study the form and organization of the Town of Milton government, and to provide recommendations, if any, for changes by the 2013 Annual Town Meeting.

Subsequent to the presentation of the petition, the Board of Selectmen appointed a Town Government Study Committee along similar but more narrowly defined lines to that proposed by Mr. Joyce.

The Warrant Committee met with Mr. Joyce on November 28 and December 5, 2011 to discuss the petition and his reasons for bringing it forward. Mr. Joyce explained that the form of government set up by the Town of Milton in 1662 and adapted in 1927 may no longer suit the current Town's demographic and financial needs. Mr. Joyce suggested that as was done in 1927, the Town examine the appropriate form of town government, whether to continue with representative town meeting, or move to a Town Manager/Town Council form of government. In addition, Mr. Joyce suggested that the Town examine regionalization and/or further consolidation of some of the Town's departments and services.

Approval of Article 8 would authorize the Town Moderator to appoint a Town Government Study Committee charged with examining both the form of Town government as well as the structure and staffing of Town Departments. Appointed by the Moderator, the committee would perform the study on an independent and objective basis. While this remit overlaps considerably with the committee appointed by the Board of Selectmen, the Warrant Committee felt that the study of these areas had merit and should move forward.

**IX. Acceptance of a twenty-five year lease on the Ulin Rink**

Governor Deval Patrick recently signed a legislative amendment allowing the Town, with Town Meeting approval, to lease the Max Ulin Skating Rink from the state for \$1 annually for up to 25 years. Curry College has been managing the rink since signing a three-year agreement with the Board of Selectmen earlier this year. The current contract calls for Curry College to make capital improvements and repairs as needed. Once the current agreement ends, the Town would be able to negotiate with the college or any other bidder interested in running the rink for up to 25 years. A 25 year time frame allows time for the lessee to invest time and money into long term capital improvements to the rink.

This article has two parts. The first part of this article authorizes the Board of Selectmen to enter into a 25 year lease for the Max Ulin Skating Rink with the Commonwealth of Massachusetts, extending the current five year lease for a period of 25 additional years. The second part of the article then authorizes the Board of Selectmen to enter into a contract with a vendor to manage the operation of the Max Ulin Skating Rink, and to provide maintenance, repairs and improvements to the rink as needed, after the current contract expires. At the conclusion of the current three year agreement with Curry College to operate the rink, a request for proposal for rink operation will be issued for up to a 25 year term.

**X. Acknowledgements**

The Chair extends his thanks to all of the appointed and elected officials of the Town who assisted in the preparation of this Warrant: Town Administrator Kevin Mearn, the Board of Selectmen and staff of their office.

Respectfully submitted,  
December 6, 2011

Ewan Innes, Chair  
Jean Wilson, Secretary  
Maurice (Moe) Mitchell  
Kevin Chase  
John Folcarelli  
Michael Zullas  
John Ahonen  
Henry Bell

Cheryl Friedman Tougias  
Darnell Turner  
Carolyn Cahill  
Stanley G. Genega  
Robert Hallisey  
Nathan Bourque  
Ted Hays  
Tricia Cahill, Clerk

**ARTICLE 1** To see what sum of money the Town will vote to appropriate for the support of the Consolidated Facilities Department for the twelve month period beginning July 1, 2011, in addition to the sum voted by the 2011 Annual Town Meeting under Article 28; to determine how said appropriation shall be raised, whether by transfer from available funds or otherwise;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to amend the following appropriations voted by Milton Town Meeting in May, 2011 by the articles referenced in the table below for the twelve month period beginning July 1, 2011:**

<b>Department or Item</b>	<b>2011 ATM Vote</b>	<b>Current Approp.</b>	<b>Adjustment</b>	<b>Revised Approp.</b>
<b>Public Works General</b>	Article 17	1,936,449	(113,811)	1,822,638
<b>Library – General Expenses</b>	Articles 6, 23	1,038,567	(10,300)	1,028,267
<b>Schools</b>	Articles 6, 26	34,029,344	(96,000)	33,933,344
<b>Dept. Consolidated Facilities</b>				
<b>Salary &amp; Wages</b>	Article 28	138,402	124,733	263,135
<b>General Expenses</b>	Article 28	0	149,792	149,792
<b>Total Dept. Consolidated Facilities</b>		<b>138,402</b>	<b>274,525</b>	<b>412,927</b>

**and that to meet said appropriation the sum of \$54,414 be transferred from available funds.**

*COMMENT: As noted in the Report of the Warrant Committee, a subcommittee has been meeting throughout the Fall to craft a FY2012 and FY2013 budget as well as to forecast the budget for FY2014. The recommendation above reflects the reallocation of \$220,111 from Public Works General, Library General Expenses and the School Department. The remainder of \$54,414 is being allocated from \$196,505 of Supplemental State Aid received in October 2011.*

## **FY2012**

### **Personnel**

*The Memorandum of Agreement (MOA) signed in November 2010, provided an outline for the organizational structure of the new CFD department. Following discussions during FY 2012, nine positions have become part of the Department. During the Transitional Period outlined in the MOA (July 1, 2011 through June 30, 2013), the custodial staff currently employed by the School Department will remain employees of the School Department, but will be directed on a day to day basis by the Director of the CFD with seasonal workers employed on an as needed basis. The anticipated staff for FY 2012 is as follows:*

- *Director – Hired effective July 1, 2011, funding transferred from Schools*
- *Operations Manager – New position to be filled during FY2012*
- *Office Assistant – New position to be filled during FY2012*
- *Electrician – New position to be filled during FY2012*
- *Building and Grounds Supervisor – In DPW budget for FY2012; CFD budget in FY2013*
- *Maintenance Craftsman – Position and funding transferred from DPW to CFD in FY2012*
- *Maintenance Man – Position and funding transferred from DPW to CFD in FY2012*
- *HVAC Technician – in School Department budget for FY2012 and FY2013; CFD budget in FY2014*
- *Maintenance Technician – in School Department budget for FY2012 and FY2013; CFD budget in FY2014*

### **Salaries and Wages**

*Salaries and Wages for the CFD are expected to total \$263,135 and are comprised of the contracted pay for the Director and partial year pay for all other positions noted above, except for the Building and Grounds Supervisor, HVAC Technician and Maintenance Technician. The Building and Grounds Supervisor will be paid from the DPW budget in FY2012 and paid from the CFD budget in FY2013. The HVAC Technician and Maintenance Technician positions will be paid from the School Department's budget for FY2012 and FY2013 and will be paid from the CFD budget in FY2014. Seasonal worker salaries and wages and overtime expenses are estimated at \$9,000 and are included in the \$263,135.*

### **General Expenses**

*General Expenses for the CFD are expected to total \$149,792 and include \$50,000 for a Capital Needs Study. Article VIII of the MOA requires the Director to prepare a Capital Plan for Town and School buildings. The Needs Study will document for each Town and School building the condition of each building, its current usage, identify immediate and future repairs, and estimate the replacement costs of building systems and structures. Since the Needs Study is a critical component in setting the work priorities of the CFD, the Warrant Committee voted on October 17, 2011 to set aside \$50,000 from the Town's Reserve Fund to provide an initial funding source as the department had no other line items to pay for the study. A second critical component for the CFD is the purchase of Preventative Maintenance/Work Order Tracking System software for which \$5,000 is budgeted. Article III of the MOA requires that the Director develop a work order system to determine work priorities. The Director has determined that the "School Dude" software would meet these goals. Implementation of the software is budgeted at \$1,000. Other components of General Expenses include \$57,390 for a cleaning contract covering Town buildings, \$10,000 for Contracted Services, \$7,500 for Tools, Operating Supplies and Vehicle Fuel, \$14,402 for Office Supplies and startup Office and General Equipment, and the remaining \$4,500 for Travel time, Meetings, Training and Dues.*

### **Funding Sources**

*Salaries and Wages and General Expenses have been partially met through \$138,402 appropriated by Town Meeting in 2011. In addition, the following transfers to the CFD will occur: \$96,000 in Salaries and Wages from the School Department budgeted for their former Facilities Director; \$92,311 from the DPW for DPW positions transferred into the CFD, \$21,500 from the DPW and \$10,300 from the Library for cleaning contracts transferred to the CFD.*

### **FY2013**

#### **Personnel**

*The Building and Grounds Supervisor position will transfer from the DPW to the CFD.*

#### **Salaries and Wages**

*All positions will be paid for a full 12 months out of the CFD budget, except for the HVAC Technician and the Maintenance Technician positions which will continue to be paid out of the School Department budget. The estimated appropriation for Salaries and Wages will be \$483,787.*

### **General Expenses**

*General Expenses are expected to decrease by about \$42,000. The biggest decrease is from the decrease in the Needs Study line item, from \$50,000 for FY2012 to \$10,000 for FY2013. Although the initial Needs Study will be completed in FY2012, additional annual Needs Studies will be performed on a yearly basis to continue to review Town and School buildings and schedule maintenance and repairs as necessary to keep all buildings in the finest condition possible. It is expected that by reviewing buildings annually and making repairs as needed, the lifetime of the buildings will be lengthened and expensive capital improvements due to the gradual decline of the buildings will be delayed or avoided.*

### **Funding**

*The estimated expenditures for the CFD will increase by about \$178,000. This increase is primarily due to funding the positions in the CFD for a full year. Other changes in expenditures include the increase in salaries and wages following the transition of the Building and Grounds Supervisor position from the DPW to the CFD and the decrease in General Expenses as noted above.*

*The final appropriation for FY2013 will be presented at the May 2012 Annual Town Meeting.*

### **FY2014 and beyond**

#### **Personnel**

*The department will continue to grow as the Transitional Period described in Article X of the MOA ends and the custodial staff currently employed by the School Department transitions into the CFD. The Director will continue to evaluate the personnel needs of the CFD and make recommendations to future Town Meeting as needed.*

#### **Salaries and Wages**

*Increases in salaries and wages will result from the transition of the school custodial staff into the CFD. The actual increase amount will be based on the number of transfers, and union contracts to be negotiated at that time.*

#### **General Expenses**

*A potential impact to General Expenses could be the inclusion of utility costs from each of the Town Departments and the School Department into the CFD budget. This issue is discussed in the “Joint Facilities Recommendations and Organizational Structure” section of the December 2009 Study and*

*Recommendations. Initially it was thought that these costs are direct costs associated with the respective Department's and should remain in each Department's budget. However it may be more efficient to have all utility expenses tracked in the CFD so that efficiencies can be made.*

**Funding**

*Funding for future fiscal years will be determined on an annual basis and brought before Town Meeting.*

**ARTICLE 2** To see what sum of money the Town will vote to appropriate for the support of Veterans Benefits for the twelve month period beginning July 1, 2011, in addition to the sum voted by the 2011 Annual Town Meeting under Article 15; to determine how said appropriation shall be raised, whether by transfer from available funds or otherwise;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to amend the following appropriations voted by Milton Town Meeting in May, 2011 under Article 15 for the twelve month period beginning July 1, 2011:**

	2011 ATM Vote	Current Approp.	Adjustment	Revised Approp.
<b>VETERANS BENEFITS</b>				
Salaries & Wages	Article 15	18,000	0	18,000
General Expenses	Article 15	1,785	0	1,785
Benefits	Article 15	8,500	58,895	67,395
<b>TOTAL VETERANS BENEFITS</b>		<b>28,285</b>	<b>58,895</b>	<b>87,180</b>

**and that to meet said appropriation the sum of \$58,895 be transferred from available funds.**

*COMMENT: As noted in the Report of the Warrant Committee, the appropriation of \$58,895 is estimated to be enough to cover the period from February 1, 2012 to June 30, 2012. An additional \$92,995 has been transferred to the Veterans Benefits account from the Reserve Fund to cover the period of July 1, 2011 - January 31, 2012, for a total estimated FY2012 appropriation of \$160,390. This will be almost double the \$83,170 appropriated in FY2011. It should be noted that 75% of the annual appropriation is refunded by the State in subsequent fiscal years.*

**ARTICLE 3** To see what sum of money the Town will vote to appropriate for the Stabilization Fund and the Capital Stabilization Fund in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B for the twelve month period beginning July 1, 2011, in addition to the sum voted by the 2011 Annual Town Meeting under Article 30; to determine how said appropriation shall be raised, whether by transfer from available funds or otherwise;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to amend the following appropriations voted by Milton Town Meeting in May, 2011 under Article 30 for the twelve month period beginning July 1, 2011:**

<b>STABILIZATION FUNDS</b>	<b>2011 ATM Vote</b>	<b>Current Approp.</b>	<b>Adjustment</b>	<b>Revised Approp.</b>
<b>Stabilization Fund</b>	Article 30	858,006	55,464	913,470
<b>Capital Stabilization Fund</b>	Article 30	131,196	27,732	158,928
<b>GRAND TOTAL</b>		<b>989,202</b>	<b>83,196</b>	<b>1,072,398</b>

**and that to meet said appropriation the sum of \$83,196 be transferred from available funds.**

*COMMENT: As noted in the Report of the Warrant Committee, the recommendation reflects the 2/3, 1/3 split used in Article 30 of the May 2011 Annual Town Meeting and applied to the remainder of the \$196,505 supplemental State Aid appropriation not assigned under Articles 1 and 2.*

**ARTICLE 4** 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 said petition.

AN ACT AUTHORIZING THE TOWN OF MILTON TO BORROW MONEY TO FUND PAYMENTS OF MEDICAL EXPENSES INCURRED BY CERTAIN PUBLIC SAFETY PERSONNEL RESULTING FROM INJURIES SUSTAINED IN THE LINE OF DUTY.

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

SECTION 1. The Town of Milton may borrow up to the following amounts of money for payment of legally-obligated medical expenses incurred from July, 2013 through June, 2018, inclusive, by certain public safety personnel resulting from injuries sustained in the line of duty: up to \$850,000 for such expenses incurred from July, 2013 through June, 2014, inclusive; up to \$850,000 for such expenses incurred from July, 2014 through June, 2015, inclusive; up to \$850,000 for such expenses incurred from July, 2015 through June, 2016, inclusive; up to \$850,000 for such expenses incurred from July, 2016 through June, 2017, inclusive; and up to \$850,000 for such expenses incurred from July, 2017 through June, 2018, inclusive. The Town may issue bonds and notes for the amounts, which shall be payable for a period not to exceed 20 years from the date of issuance. The Town may also issue temporary notes in anticipation of this borrowing under Section 17 of Chapter 44 of the Massachusetts General Laws. Bonds and notes may be issued under this act by the Town Treasurer with the approval of the Board of Selectmen, and the proceeds may be expended without further authorization or appropriation by the Town. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the Town under Section 10 of said Chapter 44 but, except as provided in this act, shall otherwise be subject to said Chapter 44.

SECTION 2. This act shall take effect upon its passage.

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town 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:**

**AN ACT AUTHORIZING THE TOWN OF MILTON TO BORROW MONEY TO FUND PAYMENTS OF MEDICAL EXPENSES INCURRED BY CERTAIN PUBLIC SAFETY PERSONNEL RESULTING FROM INJURIES SUSTAINED IN THE LINE OF DUTY.**

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

## **SECTION 1.**

**The Town of Milton may borrow up to the following amounts of money for payment of legally-obligated medical expenses incurred from July, 2013 through June, 2018, inclusive, by certain public safety personnel resulting from injuries sustained in the line of duty: up to \$850,000 for such expenses incurred from July, 2013 through June, 2014, inclusive; up to \$850,000 for such expenses incurred from July, 2014 through June, 2015, inclusive; up to \$850,000 for such expenses incurred from July, 2015 through June, 2016, inclusive; up to \$850,000 for such expenses incurred from July, 2016 through June, 2017, inclusive; and up to \$850,000 for such expenses incurred from July, 2017 through June, 2018, inclusive. The Town may issue bonds and notes for the amounts, which shall be payable for a period not to exceed 20 years from the date of issuance. The Town may also issue temporary notes in anticipation of this borrowing under Section 17 of Chapter 44 of the Massachusetts General Laws. Bonds and notes may be issued under this act by the Town Treasurer with the approval of the Board of Selectmen, and the proceeds may be expended without further authorization or appropriation by the Town. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the Town under Section 10 of said Chapter 44 but, except as provided in this act, shall otherwise be subject to said Chapter 44.**

## **SECTION 2.**

**This act shall take effect upon its passage.**

*COMMENT: Special legislation was enacted by the Massachusetts House and Senate in October 2008 allowing the Town to bond for five years medical expenses incurred by a Town of Milton firefighter injured in the line of duty on June 30, 2007. Under Massachusetts law, cities and towns are liable for the medical expenses for certain public safety personnel resulting from injuries sustained in the line of duty. State law does not permit a community to bor-*

*row money to pay such medical expenses without first obtaining special legislation. A yes vote on this article would allow for the filing of a home rule petition to continue our bonding authorization for a further five years.*

**ARTICLE 5** To see if the Town will vote, pursuant to Chapter 44, Section 53E½ of the Massachusetts General Laws, to authorize the Board of Selectmen to establish a revolving fund for revenue collected from rent or fees for occupancy or use of the former East Milton Library property; to authorize the Board of Selectmen to expend money from such revolving fund for general municipal purposes; and to determine a limit on the total amount which may be expended from such fund during the fiscal year beginning July 1, 2011;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED** that the Town vote to establish a revolving fund pursuant to Chapter 44, Section 53 E1/2 of the Massachusetts General Laws on behalf of the property at 334 Edgehill Road (the former East Milton Library) for purposes of building maintenance, repair and improvement; to authorize the utilization of rental income received from the rental of property at 334 Edgehill Road for such purposes; to authorize the Board of Selectmen to expend money from such revolving fund for such purposes; and to authorize the Board of Selectmen to expend a sum of money not to exceed \$6,000 from such revolving fund for such purposes during the fiscal year beginning July 1, 2011.

*COMMENT: The Warrant Committee is recommending the establishment of this revolving fund at this time to facilitate the timely allocation of funds to cover those maintenance items the Town is responsible for under the lease (custodial work, repairs, routine maintenance, snow plowing in excess of \$2,000 and for capital improvements including repairs or replacement of heating, electrical and plumbing systems, the roof and the building structure, windows, doors, exterior of the building and all similar major repairs). The Committee has set the limit at \$6,000 rather than the requested \$10,000 reflecting the sums which would be expected to be received during this fiscal year. The annual expenditure will be reviewed and may be adjusted by vote of subsequent Town Meetings.*

*A “NO” vote to this article would direct all rental income resulting from the lease between FAVA and the Board of Selectmen to the General Fund of the Town. Repairs resulting from the property would be paid from the Town’s General Fund and/or Reserve Fund.*

**ARTICLE 6** To see if the Town will vote to authorize the Board of Selectmen:

1. To enter into a lease with the Commonwealth of Massachusetts, by the Division of Capital Asset Management and Maintenance, or other applicable agency, for a term not to exceed twenty five (25) years, for the use, operation, maintenance, repair and improvement of the Max Ulin Skating Rink, together with the land and appurtenances associated therewith; and
2. To enter into a contract, for a term not to exceed twenty five (25) years, for the operation, maintenance, repair and improvement of the Max Ulin Skating Rink, together with the land and appurtenances associated therewith, following a procurement process in accordance with applicable law.

and to act on anything relating thereto.

Submitted by the Board of Selectmen.

**RECOMMENDED that the Town vote to authorize the Board of Selectmen:**

1. **To enter into a lease with the Commonwealth of Massachusetts, by the Division of Capital Asset Management and Maintenance, or other applicable agency, for a term not to exceed twenty five (25) years, for the use, operation, maintenance, repair and improvement of the Max Ulin Skating Rink, together with the land and appurtenances associated therewith; and**
2. **To enter into a contract, for a term not to exceed twenty five (25) years, for the operation, maintenance, repair and improvement of the Max Ulin Skating Rink, together with the land and appurtenances associated therewith, following a procurement process in accordance with applicable law;**

*COMMENT: Governor Deval Patrick recently signed a legislative amendment allowing the Town, with Town Meeting approval, to lease the Max Ulin Skating Rink from the state for \$1 annually for up to 25 years. Curry College has been managing the rink for more than a year after signing a three-year agreement with the Board of Selectmen. The current contract calls for the College to make capital improvements and repairs as needed. Once the current agreement ends, the Town would be able to negotiate with the College or any other bidder interested in running the rink for up to 25 years.*

**ARTICLE 7** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would exempt from the provisions of Chapter 31 of the Massachusetts General Laws the positions of School Department custodian, School Department maintenance man, School Department cafeteria worker, Department of Public Works employee, Park and Recreation Department employee, Cemetery Department employee, and Consolidated Facilities Department employee, provided that the provisions of such legislation shall not impair the civil service status of the persons holding such positions in the Town of Milton on the effective date of such legislation; and, further, to authorize the Board of Selectmen to take all action necessary to accomplish the purposes of this article; 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 said petition;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED** that the Town 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:

**AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN  
OF MILTON FROM THE CIVIL SERVICE LAW**

*Be it enacted by the Senate and House of Representatives in  
General Court assembled and by the authority of the same as fol-  
lows:*

**SECTION 1.** The positions of School Department custodian, School Department maintenance man, School Department cafeteria worker, Department of Public Works employee, Park and Recreation Department employee, Cemetery Department employee, and Consolidated Facilities Department employee in the Town of Milton shall be exempt from the provisions of chapter 31 of the General Laws.

**SECTION 2:** The provisions of Section 1 of this act shall not impair the civil service status of the persons holding the positions of School Department custodian, School Department maintenance man, School Department cafeteria worker, Department of Public Works employee, Park and Recreation Department employee, Cemetery Department employee, and Consolidated Facilities Department employee in the Town of Milton on the effective date of this act.

**SECTION 3:** This act shall take effect upon its passage.

*COMMENT: On March 1, 1947, the Town voted to accept the application of Civil Service Law to these positions and was originally a means of providing employment protection to positions not otherwise protected.*

*Since the application of Civil Service Law, most School and Town employees have become covered by collectively bargained agreements. Union contracts provide employees with much the same protections as under Civil Service Law and many additional employee protections with regard to wages and employee benefits. Therefore, these employees are covered under both the Civil Service Law and Union contracts.*

*Currently, if an opening exists for these current positions, the Town must fill the position based on a hiring list governed by Civil Service Law. This procedure can sometimes preclude the Town from hiring the best qualified applicant who may not be on the hiring list. In other cases, an employee may choose to grieve under the procedures of Civil Service Law or union contracts, whichever provides the better advantage.*

*Employees in these positions prior to enactment of the legislation will remain covered by both Civil Service Law and Union contracts.*

**ARTICLE 8** To see if the Town will vote to authorize the Town Moderator to appoint a Town Government Study Committee consisting of seven (7) members for the purpose of studying the form and organization of the Town of Milton government, and providing recommendations, if any, for changes in the present form and/or organization of the Town of Milton to Town Meeting no later than the 2013 Milton Annual Town Meeting

and to act on anything relating thereto.

Submitted by:

Michael C. Joyce	95 Hinckley Rd
Mary E. Joyce	95 Hinckley Rd
Mary K. Joyce	95 Hinckley Rd
Daniel P. Dwyer	9 Wildwood Rd
Frederick M. McFadden	15 Wildwood Rd
Ellen F. Brennan	19 Wildwood Rd
Cheryl M. Burke	16 Wildwood Rd
John J. Pages, Jr.	10 Wildwood Rd
Joanne E. Pages	10 Wildwood Rd
Frederick J. Dolan II	45 Clifton Rd

**RECOMMENDED that the Town vote to authorize the Town Moderator to appoint a Town Government Study Committee consisting of seven (7) members for the purpose of studying the form and organization of the Town of Milton government, and providing recommendations, if any, for changes in the present form and/or organization of the Town of Milton government, including without limitation the structure, organization and staffing of all Town departments; said committee to report its recommendations to Town Meeting no later than the 2013 Milton Annual Town Meeting.**

*COMMENT: Approval of Article 8 would authorize the Town Moderator to appoint a Town Government Study Committee charged with examining both the form of Town government as well as the structure and staffing of Town Departments. Appointed by the Moderator, the committee would perform the study on an independent and objective basis. While this remit overlaps considerably with the committee appointed by the Board of Selectmen, the Warrant Committee felt that the study of these areas had merit and should move forward.*

**SPECIAL TOWN MEETING**

Monday, January 30, 2012

7:30 P.M.

Milton High School Auditorium

The auditorium has been reserved  
for an additional session at 7:30 p.m.  
on Tuesday, January, 31, 2012.

**POSTAL CUSTOMER RESIDENT**

**MILTON, MA 02186**

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