

TOWN OF MILTON 2013



October Town Meeting

Monday, October 28, 2013

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

2013
OCTOBER 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 twenty-eighth day of October next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-15

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 twenty-eighth day of October 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 twenty-eighth day of October, next.

Given under our hands at Milton this twenty-sixth day of September, two thousand and thirteen.

Denis F. Keohane
J. Thomas Hurley
Kathleen M. Conlon

A True Copy: Attest

Stephen Freeman
CONSTABLE OF MILTON

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In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The October 28, 2013 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 2013 FALL TOWN MEETING

To the Honorable Board of Selectmen:

The Warrant Committee herewith presents to the Town Meeting and to the voters and taxpayers of the Town recommendations for action on fifteen articles submitted to the Fall Town Meeting convening on Monday, October 28, 2013.

Article 34 of the 2012 Annual Town Meeting Warrant, as voted by Town Meeting, established a schedule of Spring and Fall Town Meetings to replace the previous Annual May and floating Fall/Winter Special Town Meetings. Always scheduled for the fourth Monday in October, our second annual Fall Town Meeting is October 28, 2013 at the Milton High School Auditorium, beginning at 7:30 p.m. If needed, a second night will be held October 29, 2013, also at the Milton High School Auditorium and also beginning at 7:30 p.m.

The articles this Fall Town meeting will consider are varied. One is for a citizens' petition for a new Town Government Study Committee. Three are recommendations from the current Town Government Study Committee: greater responsibility for the Town Clerk, formalization of the Audit Committee in the Town's Bylaws and a proposal for the appointment of an alternate member to the Planning Board. Two are measures to help enforce zoning laws: increased penalties and municipal charges liens. Two more would clarify the Zoning Bylaws regarding signs, enforcement and the submission of plots. There are questions of compensation for certification, establishment of a Revolving Fund for the Traffic Commission, and the reduction of water and sewer rates by the application of the surplus in their funds. One article seeks a vote to discharge the School Building Committee, another seeks a home rule petition for a liquor license. Finally, two articles together will facilitate the sale of town-owned land on Central Avenue.

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

Article 1 – Citizen's Petition – Authorize Town Government Study Committee

On August 21, 2013 Town Meeting Member Stephen A. Morash discussed with the Warrant Committee his submission of a citizens' petition to establish a committee, appointed by the Town Moderator, to study the form and organization of the Town of Milton Government. This committee would provide recommendations, if any, for changes, to Town Meeting no later than the 2014 Annual (Spring) Town Meeting. This citizens' petition has been seen before. It was formerly presented to the Board of Selectmen in the fall of 2011 by Town Meeting Member Michael Joyce and appeared as Article 8 of the January 30, 2012 Special

Town Meeting Warrant. The recommendation of the Warrant Committee then was supportive as it is now, though the former specifically broadened the scope of the charge to the study committee. Between the initial presentation of Mr. Joyce's petition and the Special Town Meeting, in November 2011, the Board of Selectmen appointed its Town Government Study Committee (TGSC.) At Town Meeting the Selectmen announced they agreed unanimously to have the Town Moderator appoint two additional members to their original committee of seven. After many speakers, the Town voted against authorizing the Moderator to appoint a new committee, 96-63.

On April 25, 2013 the TGSC made public its report to the Board of Selectmen as requested at the January 2012 Special Town Meeting. Of its seven key recommendations, three were accompanied by proposals for articles, now appearing in this Warrant. One further recommendation was to procure a financial management review from the Commonwealth's Department of Revenue's Division of Local Services. This was acted upon and the resultant review was published mid-September of this year. Included in a welter of thirty-two recommendations were three that overlapped or built upon the remaining three recommendations of the TGSC. These are to reinforce centralized management, reconstitute the Technology Committee and formalize PILOT (payment in lieu of taxes) agreements. The TGSC remains active (their charge is to submit a written report to the Board of Selectmen by December 1 of each year.) albeit with two vacancies. In their report of last April they did touch on issues of regionalization and consolidation but had no recommendations on those subjects.

The TGSC proposed in this article by Mr. Morash would study those organizational issues as well as the suitability of Milton's form of town government. Approval of this article would authorize the Moderator to appoint a TGSC obligated only to Town Meeting. The Moderator's committee could build on the diligence of the Board of Selectmen's committee, and now on the work of the Division of Local Services as well.

Article 2 – Amend General Bylaws – Town Meetings

This article is the first recommendation of several from the Town Government Study Committee comprising "an effort to improve the effectiveness of Town Meeting and the quality of representation provided to residents of the town." It's a response to the Committee's own observations "that there has been an ongoing lack of candidates or competition for Town Meeting seats as well as absenteeism..." and that "there appears to be a broad lack of understanding among the general population as to the role and the need of Town Meeting." In conclusion, "The Town Government Study Committee recommends that the Town's Bylaws be amended to require that the Town Clerk exercise specific efforts to inform the Town residents of the opportunity and requirements for election to Town Meeting Membership."

Article 3 – Establish Audit Committee

This is the second article in this warrant to flow from a recommendation in the Town Government Study Committee report of last April. In recognition of the valuable role an Audit Committee can play in the financial management of the Town, this amendment formalizes its standing in the Town’s general bylaws. The recommendation on this subject from the Division of Local Services is far more comprehensive. They agree with the intent of this article but feel that it is inadequate. They would like to see a bylaw that establishes “a fully engaged audit committee.”

Article 4 – Establish Traffic Commission Revolving Fund

This article would establish a revolving fund for the benefit of the Traffic Commission. Two categories of parking permit fees would constitute the revenue stream to fund the requirements of the Traffic Commission that have traditionally hit the Department of Public Works budget. After years of level dollar budgets imposed on general expenses, the purchasing power of those lines has been significantly eroded. This may be especially true for the complex operations of the Department of Public Works. The desire to secure a dedicated source of funding to reliably cover an annual expense is understandable. Fulfilling the Traffic Commission’s requests for signage is also a matter of public safety. These requests have cost the DPW four to five thousand dollars annually. This is not a new demand on its budget, nor do the parking permit fees proposed for the revolving fund constitute a new source of revenue for the Town.

There are eight revolving funds in the Town, all established within the last twenty years. Their revenue sources generally are fees for use or services and the funds are directed to the maintenance of the facilities or services so used.

Article 5 – Amend Vote of 2013 Annual Town Meeting under Article 23

This article asks to amend the vote of the 2013 Annual Town Meeting under Article 23, the standard budget article for Public Works Appropriation. Subsequent to Town Meeting and the end of FY 2013 and in the course of preparing rate recommendations for the water and sewer rates for FY2014, the Director of the DPW and the Board of Selectmen determined that a prudent sum could be withdrawn from the unreserved balances of the Water and Sewer Enterprise Funds and used for water and sewer rate amelioration.

The sums of \$100,000 from the water surplus and \$300,000 from the sewer have already been factored into lowering the current water and sewer rates, but must now be voted.

Article 6 – Amend Zoning Bylaws, Section XI-Penalty

In this article, the proposed amendments to the enforcement section of the zoning bylaws allow an increase in penalties assessed for ongoing zoning violations.

Article 7 – Amend General Bylaws – Municipal Charges Lien

This article deals with a non-criminal disposition of a zoning bylaw violation such as parking an unregistered, un-garaged motor vehicle on residential property; or a registered, un-garaged commercial motor vehicle; or operating a business in a residential district or accumulating junk on one’s property.

Currently, if a complaint is made, Inspectional Services will investigate and, if violations are found, will send a letter to the property owner. If no response is received and the violation continues a second letter is sent. At some point after the second notice is sent the Building Commissioner will seek the issuance of a complaint at Quincy District Court. This entails a Clerk’s Hearing, an arraignment, a pre-trial conference and a trial.

The remedy requested in this article would remove the court from this process and effectively confer judicial authority on the Building Commissioner. After determination of the total fine, imposition of a municipal charges lien would ensue adding the fine to the property tax bill of the violation location.

Article 8 – Amend Zoning Bylaws – Section III.B.3 - Signs

This article proposes to amend Section III of the Zoning Bylaws regarding signs. New clear language makes plain what is allowed for real estate, contractor, and signs unrelated to any business activity. Other amendments relieve the Board of Selectmen of the sign permitting process.

Article 9 – Amend Zoning Bylaws – Section VIII - Administration

The proposed amendments are minor in nature. They update terms and clarify requirements contained in Section VIII of the Zoning Bylaws.

Article 10 – Discharge School Building Committee

This article requests the discharge, after fifteen years of service, of the School Building Committee.

The School Building Committee was established under Article 50 of the 1998 Annual Town Meeting. It was charged with overseeing the \$153M school building project that rebuilt or renovated all six of the Town’s schools, some 620,000 square feet. The Committee proper met 358 times. Additionally, there were over 300 subcommittee meetings dedicated to individual school projects. Combined with the weekly project contractor meetings for each school, the total number of meetings was approximately 1000.

The statistics are staggering, the task Herculean and the results transformative. The gratitude of the Town for the service of the School Building Committee knows no bounds.

The Warrant Committee would like to recognize the dedication, commitment and integrity demonstrated by the late Charles C. (Charlie) Winchester during his four decades of service to the Town of Milton and most especially for his eleven years of service to the School Building Committee. His perseverance and professionalism steered the town through a reconstruction project of great magnitude resulting in a public school system that is a huge source of pride for our town. We are extremely grateful to Charlie who will long be remembered as a man who defined devotion to service.

In recognition:

Anthony J. Cichello	Joseph Murphy
Mary Cobb	Glenn Pavlicek
Francis Desmond	Lynda-Lee Sheridan
Thomas Hess	John Virgona
Paul Hogan	Richard Williams

Article 11 – Home Rule Petition – Liquor License, 534 Adams Street

Under Article 18, the Board of Selectmen seeks Town Meeting’s approval to petition the State Legislature for authorization to issue a full liquor license for Mr. Chan’s Restaurant located at 534 Adams Street. Town Meeting’s approval of Article 18 will not result in the issuance of the license; rather it will authorize the Board of Selectmen to request the Legislature’s approval to issue such a license for 534 Adams Street. If the Legislature approves the petition, the petitioner, Ho Jarn, Inc., would be required to apply to the Board of Selectmen for the license. The Board of Selectmen must conduct a public hearing in the course of acting on such an application.

Article 12 – Transfer Care, Custody and Control of Land on Central Avenue

This article seeks re-authorization for the Board of Selectmen to sell the Town-owned parcel on Central Avenue next to the trolley tracks but without restriction.

Article 13 – Rescind Vote of 2007 Annual Town Meeting under Article 48

This article seeks to rescind Article 48 from 2007 that authorized the Board of Selectmen to sell the Town-owned parcel on Central Avenue next to the trolley tracks with certain restrictions.

Article 14 – Authorize Appointment of Alternate Planning Board Member

This article is the third in the warrant to emanate from the recommendations of the Town Government Study Committee. The proposed amendment to the General Bylaws of the Town would add an alternate, appointed member to the Planning Board. Five elected voting members comprise Milton’s Planning Board. Most matters decided by the Planning Board require only a majority vote. However, a vote to grant a special permit not only requires a four-fifths vote but

also stipulates that the voting members may not have missed more than one evidentiary hearing held on the matter. The potential for delay in the special permitting process, if evidentiary hearings need be rescheduled, is the reason behind the committee's recommendation. However, a recent decision by the Board of Selectmen to allow members of boards and committees to participate remotely may obviate the need for concern.

Article 15 – Accept MGL Chapter 41 – 108P – Treasurer Stipend

This article proposes the Town accept M.G.L. Ch. 41-108p which would provide one thousand dollars additional annual compensation to the Town Treasurer upon certification by the Massachusetts Collector's and Treasurer's Association. The Town has already accepted M.G.L. Ch.41-19k, which would provide an equivalent annual stipend to the Town Clerk upon certification by the Massachusetts Town Clerks Association.

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 Annemarie Fagan, the Board of Selectmen and staff of their office.

Respectfully submitted,
September 26, 2013

Ted Hays, Chair	Kevin Chase	Jonathan Schindler
Carolyn Cahill, Co-Secretary	Stanley Genega	Cheryl Tougias
Kevin Sorgi, Co-Secretary	Steven McCurdy	Darnell Turner
Richard Boehler	George Noonan	Jean Wilson
Nathan Bourque	Paul Pasquerella	Patricia Cahill, Clerk

ARTICLE 1 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 2014 Milton Annual Town Meeting.

Stephen A. Morash	47 Standish Road
Steven J. McCurdy	65 Belcher Circle
Eugene S. Boylan	22 Thompson Lane
Frank Schroth	39 Avalon Road
Judith White Orlando	42 Deerfield Drive
Donna Morash	47 Standish Road
Laurie Macintosh	70 Parkwood Drive
David M. Ehrmann	44 Standish Road
Barbara Ehrmann	44 Standish Road
Joanne Stanley	36 Park Street

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 to Town Meeting no later than the 2014 Milton Annual Town Meeting.

COMMENT: Approval of this article will authorize the Town Moderator to appoint a Town Government Study Committee obligated only to Town Meeting. Though the circumstance of two standing committees sharing the same name is admittedly awkward, the Warrant Committee feels that further independent inquiry could be of value to the Town.

ARTICLE 2 To see if the Town will vote to amend Chapter 2, Section 2 of the General Bylaws of the Town by adding to the end of Section 2 the following: “Prior to Town Election, the Town Clerk shall publicize the upcoming election of Town Meeting members by issuing media releases, placing advertisements, and utilizing the Town’s website, the Town’s local newspapers, the Town’s local access cable television programming including but not limited to its public-service programming, to publicize the importance of town meeting membership and the process to be nominated and elected Town Meeting member. Further, it shall be the specific responsibility of the Town Clerk to raise awareness of the importance of Town Meeting membership by working cooperatively with the Town’s public school system to educate the Town’s students of this form of Town governance”;

and to act on anything related thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend Chapter 2, Section 2 of the General Bylaws of the Town by adding the following second paragraph: “Prior to Town Election, the Town Clerk shall publicize the upcoming election of Town Meeting members by issuing media releases, placing advertisements, and utilizing the Town’s website, the Town’s local newspapers, the Town’s local access cable television programming including but not limited to its public-service programming, to publicize the importance of town meeting membership and the process to be nominated and elected Town Meeting member. Further, it shall be the specific responsibility of the Town Clerk to raise awareness of the importance of Town Meeting membership by working cooperatively with the Town’s public school system to educate the Town’s students of this form of Town governance;”

COMMENT: The Warrant Committee believes the town should be better informed about the function of Town Meeting, the responsibilities of Town Meeting members and the nomination process. The Town Clerk should continue her efforts in reaching out to Milton’s residents to encourage greater participation town wide. This amendment requires specific efforts of the Town Clerk including “working cooperatively with the Town’s public school system.” The Warrant Committee trusts the public school system, though not required by this amendment, will work cooperatively with the Town Clerk.

ARTICLE 3 To see if the Town will vote to amend the General Bylaws of the Town by inserting in Chapter 4 a new section as follows:

1. The Board of Selectmen shall establish and appoint a committee of five (5) persons to be known as the Audit Committee.
2. The Committee shall study and employ the services of a Certified Public Accountant to conduct an audit of the basic financial statements of the Town of Milton Massachusetts, said audit to be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States and to conduct an audit of the compliance of the Town of Milton Massachusetts with the types or compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that could have a direct and material effect on each of the Town of Milton’s major federal programs;

and to act on anything related thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend the General Bylaws of the Town by inserting in Chapter 4 the following Section 18:

- 1. The Board of Selectmen shall establish and appoint a committee of five (5) persons to be known as the Audit Committee.**

- 2. The Committee shall study and employ the services of a Certified Public Accountant to conduct an audit of the basic financial statements of the Town of Milton Massachusetts, said audit to be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States and to conduct an audit of the compliance of the Town of Milton Massachusetts with the types or compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that could have a direct and material effect on each of the Town of Milton's major federal programs;**

COMMENT: The Audit Committee was appointed under Article 14 of the 1978 Town Meeting, but never established as a standing committee in the general bylaws; passage of this article will accomplish that.

ARTICLE 4 To see if the Town will vote, pursuant to Chapter 44, Section 53E½ of the Massachusetts General Laws, to authorize the Traffic Commission to establish a revolving fund for revenues collected from the imposition of Service Zone Parking Permit fees and Hardship/Resident Parking Permit fees imposed by the Milton Police Department, and to authorize the Traffic Commission and the Department of Public Works to expend money from such revolving fund for the purpose of acquisition, installation, care, and maintenance of traffic signs, traffic signals, or other traffic control devices under the Traffic Commissions' jurisdiction, and to expend money from such revolving fund for the purpose of conducting transportation studies, analyses, and reports that are commissioned by the Traffic Commission for the purpose of carrying out their duties and for the benefit of the citizens of Milton; and to limit expenditures from such a fund in the fiscal year beginning July 1, 2013 to \$5,000.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote No.

COMMENT: The needs of the Traffic Commission and the revenue from the parking permit fees are mismatched. The fees generate about \$7,500 annually and might grow dramatically if reviewed and revised. The article as written directs all the revenue from this source to the fund for purposes that may only require two-thirds of the sum. An adjustment to the limit of the annual maximum expenditure from a revolving fund is easily accomplished any year. Any redress of the revenue source however would require a separate article.

Article 16 of the May 7, 2012 Warrant provided \$5,000 above level dollar budgeting to the DPW for traffic line painting to bring that endeavor back to a twelve month cycle from eighteen. Given the paramount importance of public safety, the Warrant Committee may consider a similar solution for FY 2015, especially if the requirements of the Traffic Commission from the DPW increase. It should be noted that \$5,000 is less than one-third of one percent of the DPW's general expenses. It is the opinion of the Warrant Committee that establishing a revolving fund is a solution far out of proportion to the perceived problem.

ARTICLE 5 To see if the Town will vote to amend the vote of the 2013 Milton Annual Town Meeting under Article 23 as follows:

1. In the fourth paragraph after the tabulation, in the first sentence, delete "\$0" and insert in its place "\$100,000", and delete "\$4,969,780" and insert in its place "\$4,869,780". In the second sentence of said fourth paragraph, delete "\$4,969,780" and insert in its place "\$4,869,780". As amended, said first paragraph would read:

"To meet the appropriation for Water Operations and Improvement and for the MWRA Water Assessment and the DEP Assessment, the sum of \$100,000 is to be transferred from the water surplus as of June 30, 2013 and the sum of \$4,869,780 is to be raised from the tax levy. This sum of \$4,869,780 represents expenditures attributable to the Water Enterprise which are to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Water Estimated Receipts"; and

2. In the fifth paragraph after the tabulation, in the first sentence, delete "\$0" and insert in its place "\$300,000", and delete "\$6,795,443" and insert in its place "\$6,495,443". In the second sentence of said fifth paragraph delete "\$6,795,443" and insert in its place "\$6,495,443". As amended, said fifth paragraph would read:

"To meet the appropriation for Sewer Operations and Improvement and for the MWRA Sewer Assessment, the sum of \$300,000 is to be

transferred from the Sewer Surplus as of June 30, 2013, and the balance of \$6,495,443 is to be raised from the tax levy. This sum of \$6,495,443 represents expenses attributable to the Sewer Enterprise which is to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Sewer Estimated Receipts";

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend the vote of the 2013 Milton Annual Town Meeting under Article 23 as follows:

- 1. In the fourth paragraph after the tabulation, in the first sentence, delete "\$0" and insert in its place "\$100,000", and delete "\$4,969,780" and insert in its place "\$4,869,780". In the second sentence of said fourth paragraph, delete "\$4,969,780" and insert in its place "\$4,869,780". As amended, said first paragraph would read:**

"To meet the appropriation for Water Operations and Improvement and for the MWRA Water Assessment and the DEP Assessment, the sum of \$100,000 is to be transferred from the water surplus as of June 30, 2013 and the sum of \$4,869,780 is to be raised from the tax levy. This sum of \$4,869,780 represents expenditures attributable to the Water Enterprise which are to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Water Estimated Receipts"; and

- 2. In the fifth paragraph after the tabulation, in the first sentence, delete "\$0" and insert in its place "\$300,000", and delete "\$6,795,443" and insert in its place "\$6,495,443". In the second sentence of said fifth paragraph delete "\$6,795,443" and insert in its place "\$6,495,443". As amended, said fifth paragraph would read:**

"To meet the appropriation for Sewer Operations and Improvement and for the MWRA Sewer Assessment, the sum of \$300,000 is to be transferred from the Sewer Surplus as of June 30, 2013, and the balance of \$6,495,443 is to be raised from the tax levy. This sum of \$6,495,443 represents expenses attributable to the Sewer Enterprise which is to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Sewer Estimated Receipts";

COMMENT: The Director of the Department of Public Works in his report of July 12, 2013 recommended the Water and Sewer rates for FY 2014. The Board of Selectmen subsequently voted approval of these rates. The rates were calculated with the inclusion of the surplus amounts proposed in this article, effectively lowering the rates to the users. In spite of the application of the surplus this year and last to ameliorate the rates, the unreserved balances of the Water and Sewer Enterprise Funds remain at prudent levels.

ARTICLE 6 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following sentence at the end of Section XI.A, Section XI. B., and Section XI.C:

“Each day that such violation continues shall constitute a separate offense.”

As amended, Section XI.would read:

“SECTION XI. Penalty.

- A. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with Section III.B.1.(a) or (b) of this bylaw shall be fined in a sum not to exceed fifty dollars (\$50.00) for each offense. Each day that such violation continues shall constitute a separate offense.
- B. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with any other provisions of this bylaw shall be fined in a sum not to exceed three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.
- C. Any person, firm or corporation who violates any provision of this bylaw, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition in accordance with Chapter 40, Section 21D of the Massachusetts General Laws. A noncriminal disposition under this subsection C shall not preclude further judicial proceedings regarding continuing violation of the Zoning Bylaws beyond the date of said noncriminal disposition.

Each violation of Section III.B.1.(a) or (b) of this bylaw shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each offense. Each violation of any other provision of this bylaw shall be punishable by a fine not to exceed three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.”;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following sentence at the end of Section XI.A, Section XI. B., and Section XI.C:

“Each day that such violation continues shall constitute a separate offense.”

So that Subsections A, B and C of Section XI shall read:

- A. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with Section III.B.I.(a) or (b) of this bylaw shall be fined in a sum not to exceed fifty dollars (\$50.00) for each offense. Each day that such violation continues shall constitute a separate offense.**
- B. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with any other provisions of this bylaw shall be fined in a sum not to exceed three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.**
- C. Any person, firm or corporation who violates any provision of this bylaw, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition in accordance with Chapter 40, Section 21D of the Massachusetts General Laws. A noncriminal disposition under this subsection C shall not preclude further judicial proceedings regarding continuing violation of the Zoning Bylaws beyond the date of said noncriminal disposition.**

Each violation of Section III.B.I.(a) or (b) of this bylaw shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each offense. Each violation of any other provision of this Bylaw shall be punishable by a fine not to exceed three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.

COMMENT: The Inspectional Services department of the Town spends an inordinate amount of time on zoning violations, first and second notices and follow-up through the courts. Time spent on these activities, especially by the Building Commissioner, has slowed the essential business of the Inspectional Services Department, processing and issuing building permits.

The Massachusetts General Laws limit fines for zoning violations to \$300 for each offense. Milton limits its fines for zoning violations involving unregistered or commercial vehicles to \$50 for each offense (Zoning bylaws Section III.B.I. (a) and (b.)) These limits for a violation of any duration are often insufficient to inspire a timely resolution of the violation. Approval of this article will give an inspector the ability to increase an overall penalty for an ongoing violation and will give a far higher level of persuasion to the enforcement provisions of the Zoning Bylaws.

The Warrant Committee hopes that passage of this article will enable the staff of the Inspectional Services Department to devote more time to their primary mission while reducing the number of outstanding zoning violations in town.

ARTICLE 7 To see if the Town will vote, pursuant to M.G.L. c.40, §58, to amend the General bylaws by adding a provision which authorizes the Town to impose a municipal charges lien upon real property located within the Town of Milton for any penalty or charge established by the Town pursuant to M.G.L. c.40, §21D for noncriminal disposition of a violation of a Town of Milton bylaw, which has not been paid by the due date;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote No.

COMMENT: At first this proposal seemed to be a fair method of resolving intractable zoning violations and unpaid fines. But upon closer examination the Warrant Committee developed some concerns leading to our "No" recommendation. The Mass. Dept. of Revenue is of the opinion that the intent of this law was to facilitate the collection of an unpaid charge or charges incurred for the reception of a municipally generated service or product, such as water or sewer service. The law was not meant for use as a collection method for unpaid fines or penalties.

This proposal removes the expectation of due process that should be afforded any and every individual accused of wrong doings. Without court order, the Town could impose a fine and direct the tax collector to enforce its collection using all authority vested in a tax collector to collect municipal taxes. This would include penalty interest of 14-16%, published notice of tax taking for non-payment, the filing of an instrument of taking at the Registry of Deeds; basically the beginning of the tax title process.

The tax collector has no control over the imposed penalty amount, regardless of the circumstances, as there is no method available to negotiate a settlement. The abatement process does not apply. If, at this juncture, the property owner attempts to contest the matter, they must go to court. A tax lien is not available to the Town for the collection of unpaid excise or personal property tax.

The Warrant Committee believes that the cited law, M.G.L. c.40, Section 58 might be used for the collection of fines resulting from zoning bylaw violations, but shouldn't be. We think that article 6 above, if passed, will prove sufficient in strengthening the enforcement provisions of the zoning bylaws.

ARTICLE 8 To see if the Town will vote to amend Section III of Chapter 10 of the General Bylaws, known as the Zoning Bylaws, as follows:

Replace the existing Section III.B.3 (b) with the following:

Temporary signs are permitted subject to the following:

1. Signs expressing political, religious, personal and/or noncommercial messages shall not be limited in size or number.
2. Real Estate signs shall be limited to one (1) sign, which may be double-sided, for each seventy-five (75) feet of frontage for the property on which the sign is placed or installed and up to twenty (20) square feet per sign face.
3. Signs for contractors performing work at a residential property shall be limited to a maximum area of four (4) square feet, double sided, and shall be allowed only for the duration of the project or forty-five (45) days, whichever is less. Signs for maintenance contractors shall be limited to a maximum area of four (4) square feet, double-sided, and for a maximum duration of one (1) week, twice per calendar-based season.

In Section III.C.3 (a), delete the third subparagraph, which reads “Nor shall the aggregate area of all exterior and interior signs exceed ten (10) percent of the area of the building facade.”

In Section III.C.3 (c), 3rd line, change “Board of Selectmen” to “Sign Review Committee”

In Section III.C.3 (e)(2), 4th line, change “Board of Selectmen” to “Sign Review Committee”

In Section III.C.5, in the 3rd, 4th, 5th, and last lines, change each instance of “Board of Selectmen” to “Sign Review Committee”

As amended, Section III.B & C. would read:

B. Accessory Uses in Residence AA, A, B and C Districts.

3. *Signs and Billboards* – This Bylaw is intended to serve the following objective: To preserve, promote and advance the aesthetically pleasing environment of the community by prohibiting permanent signs in residential zones except such as are necessary for the public health or the public safety.

(a) No person shall erect any permanent sign of any type in any residential zoning district of the town, except that a lawfully existing businesses or multi-family developments shall comply with the requirements of Section III-C-3.

(b) Temporary signs are permitted subject to the following:

1. Signs expressing political, religious, personal and/or noncommercial messages shall not be limited in size or number.

2. Real Estate signs shall be limited to one (1) sign, which may be double-sided, for each seventy-five (75) feet of frontage for the property on which the sign is placed or installed and up to twenty (20) square feet per sign face.

3. Signs for contractors performing work at a residential property shall be limited to a maximum area of four (4) square feet, double sided, and shall be allowed only for the duration of the project or forty-five (45) days, whichever is less. Signs for maintenance contractors shall be limited to a maximum area of four (4) square feet, double-sided, and for a maximum duration of one (1) week, twice per calendar-based season.

(c) Exceptions: Notwithstanding Subsection (a) above, the following will be allowed;

1. Any permanent sign lawfully erected and existing as of the date of adoption of this Bylaw.

2. Any sign permitted by the Board of Selectmen as necessary for public safety or the public health.

C. Business District Uses. In a Business District no building shall be erected, altered, or used and no land shall be used for any purpose, injurious, noxious or

offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, or noise, or other cause, or for any purpose whatsoever except the following purposes;

1. Any use permitted in a Residence AA, A, B, or C district;
2. Offices, banks, assembly halls or places of amusement;
3. Signs permitted in any residence district and advertising signs not illuminated (directly or indirectly) and erected or posted by the occupant of the premises to advertise goods or services offered on the premises for sale, hire or use, and meeting all of the following criteria as determined by the Building Commissioner.

(a) Maximum Aggregate Area:

The aggregate area of all exterior signs shall not exceed: (i) the number of square feet equal to the product resulting from multiplying the number of linear feet of the width of the facade by four-tenths (0.4) of a foot or (ii) forty (40) square feet, whichever is smaller.

Nor shall the aggregate area of interior signs exceed: (i) thirty (30) percent of the total area of door and window glass of the building facade or (ii) twenty (20) square feet, whichever is smaller.

The area of a building facade shall be calculated by multiplying the width of the building front by the height of the building front as measured from ground level to the underside of any eave or parapet line. In calculating maximum permitted aggregate sign area in cases where the signs relate to a business occupying only a part of a building, the area of a facade shall be calculated by multiplying the width of the front of that part of the building occupied by the business by the height of the front of that part of the building occupied by the business.

(b) Height:

All portions of an exterior sign attached to a business building, including supporting bracket, shall be a minimum of seven (7) feet above adjoining ground level except that one exterior directory sign of less than one square foot shall be permitted between ground level and seven (7) feet.

(c) Number:

In addition to the exterior directory sign permitted under Section III, C.3 above, the number of exterior signs attached to or apart from each business premises shall be no more than one (1) except when in the judgment of the Sign Review Committee acting under paragraph 5 below an unusual circumstance is found to exist such as, but not limited to, business premises with entrances located on two rights of way. Business premises are a building or buildings or part of a building or buildings occupied by one business.

(d) Calculations of Sign Area:

- (1) Each face of a multi-faced sign or of a double faced sign shall be included so long as it can be seen from a public way or area open to the public.
- (2) For irregularly shaped signs, the area shall be that of the smallest rectangle that wholly contains the sign.
- (3) The area of a sign shall include the board or other material, including framing (visual or otherwise) of which the sign is a part. Area of signs which are permitted to be painted on walls, doors and windows, shall be calculated the same as irregularly shaped signs.

(e) Sign Location:

- (1) Signs shall be located below the eave or parapet line of the building on which they are mounted.
- (2) Signs shall be mounted flush to the building facade and shall not be mounted so as to be at an angle to or extending out from the building. Pole signs or exterior signs standing apart from a building are not allowed unless approved by the Sign Review Committee under Paragraph 5 below.

4. Retail or wholesale stores, shops for custom work where the products are sold directly by the producer to the consumer, places where services are performed, places of the building trades, sales rooms and repair shops for motor vehicles, garages, filling stations, storage warehouses, restaurants and other places for serving food and drink, places of business of bakers, dyers, confectioners, launderers, photographers, printers and undertakers. Other uses of substantially the same character

may be permitted only if authorized by special permit issued by the Board of Appeals subject to appropriate conditions, limitations and safeguards stated in writing by the Board of Appeals and made a part of the permit all in accordance with the provisions of Section IX.C.

5. Signs or illuminated signs erected or posted by the occupant of the premises to advertise goods or services offered on the premises for sale, hire or use, and approved by the Sign Review Committee subject to appropriate conditions, limitations and safeguards stated in writing by the Sign Review Committee and made a part of the sign permit. For approval of a sign not otherwise allowed in the Chapter, the Sign Review Committee shall determine that (a) the applicant has a reasonable need for the sign, (b) there is a reasonable basis for exempting the sign from the applicable standards, and (c) the exemption of the sign from such standards will not have a substantial detrimental effect on the community. The owner and lessee (if any) shall make written application for such sign permit to the Sign Review Committee.

and to act on anything relating thereto.

Submitted by Planning Board

RECOMMENDED that the Town vote to amend Section III of Chapter 10 of the General Bylaws, known as the Zoning Bylaws, as follows:

Delete the existing text of Section III.B.3 (b) and insert in its place the following text:

Temporary signs are permitted subject to the following:

1. **Signs expressing political, religious, personal and/or noncommercial messages shall not be limited in size or number.**
2. **Real Estate signs shall be limited to one (1) sign, which may be double-sided, for each seventy-five (75) feet of frontage for the property on which the sign is placed or installed and up to twenty (20) square feet per sign face.**
3. **Signs for contractors performing work at a residential property shall be limited to a maximum area of four (4) square feet, double sided, and shall be allowed only for the duration of the project or forty-five (45) days, whichever is less. Signs for maintenance contractors shall be limited to a maximum area of four (4) square feet, double-sided, and for a maximum duration of one (1) week, twice per calendar-based season.**

So that Paragraph 3 of Subsection B of Section III shall read:

3. *Signs and Billboards* – This Bylaw is intended to serve the following objective: To preserve, promote and advance the aesthetically pleasing environment of the community by prohibiting permanent signs in residential zones except such as are necessary for the public health or the public safety.

(a) No person shall erect any permanent sign of any type in any residential zoning district of the town, except that a lawfully existing businesses or multi-family developments shall comply with the requirements of Section III-C-3.

(b) Temporary signs are permitted subject to the following:

1. Signs expressing political, religious, personal and/noncommercial messages shall not be limited in size or number.

2. Real Estate signs shall be limited to one (1) sign, which may be double-sided, for each seventy-five (75) feet of frontage for the property on which the sign is placed or installed and up to twenty (20) square feet per sign face.

3. Signs for contractors performing work at a residential property shall be limited to a maximum area of four (4) square feet, double sided, and shall be allowed only for the duration of the project or forty-five (45) days, whichever is less. Signs for maintenance contractors shall be limited to a maximum area of four (4) square feet, double-sided, and for a maximum duration of one (1) week, twice per calendar-based season.

(c) Exceptions: Notwithstanding Subsection (a) above the following will be allowed;

1. Any permanent sign lawfully erected and existing as of the date of adoption of this Bylaw.

2. Any sign permitted by the Board of Selectmen as necessary for public safety or the public health.

In Section III.C.3 (a), delete the third subparagraph, which reads “Nor shall the aggregate area of all exterior and interior signs exceed ten (10) percent of the area of the building facade.”

In Section III.C.3 (c), 3rd line, change “Board of Selectmen” to “Sign Review Committee”

In Section III.C.3 (e)(2), 4th line, change “Board of Selectmen” to “Sign Review Committee”

In Section III.C.5, in the 3rd, 4th, 5th, and last lines, change each instance of “Board of Selectmen” to “Sign Review Committee”

So that Subsection C of Section III shall read:

***C. Business District Uses.* In a Business District no building shall be erected, altered, or used and no land shall be used for any purpose, injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, or noise, or other cause, or for any purpose whatsoever except the following purposes;**

- 1. Any use permitted in a Residence AA, A, B, or C district;**
- 2. Offices, banks, assembly halls or places of amusement;**
- 3. Signs permitted in any residence district and advertising signs not illuminated (directly or indirectly) and erected or posted by the occupant of the premises to advertise goods or services offered on the premises for sale, hire or use, and meeting all of the following criteria as determined by the Building Commissioner.**

(a) Maximum Aggregate Area:

The aggregate area of all exterior signs shall not exceed: (i) the number of square feet equal to the product resulting from multiplying the number of linear feet of the width of the facade by four-tenths (0.4) of a foot or (ii) forty (40) square feet, whichever is smaller.

Nor shall the aggregate area of interior signs exceed: (i) thirty (30) percent of the total area of door and window glass of the building facade or (ii) twenty (20) square feet, whichever is smaller.

The area of a building facade shall be calculated by multiplying the width of the building front by the height of the building front as measured from ground level to the underside of any eave or parapet line. In calculating maximum permitted

aggregate sign area in cases where the signs relate to a business occupying only a part of a building, the area of a facade shall be calculated by multiplying the width of the front of that part of the building occupied by the business by the height of the front of that part of the building occupied by the business.

(b) Height:

All portions of an exterior sign attached to a business building, including supporting bracket, shall be a minimum of seven (7) feet above adjoining ground level except that one exterior directory sign of less than one square foot shall be permitted between ground level and seven (7) feet.

(c) Number:

In addition to the exterior directory sign permitted under Section III, C.3 above, the number of exterior signs attached to or apart from each business premises shall be no more than one (1) except when in the judgment of the Sign Review Committee acting under paragraph 5 below an unusual circumstance is found to exist such as, but not limited to, business premises with entrances located on two rights of way. Business premises are a building or buildings or part of a building or buildings occupied by one business.

(d) Calculations of Sign Area:

- (1) Each face of a multi-faced sign or of a double faced sign shall be included so long as it can be seen from a public way or area open to the public.
- (2) For irregularly shaped signs, the area shall be that of the smallest rectangle that wholly contains the sign.
- (3) The area of a sign shall include the board or other material, including framing (visual or otherwise) of which the sign is a part. Area of signs which are permitted to be painted on walls, doors and windows, shall be calculated the same as irregularly shaped signs.

(e) Sign Location:

- (1) Signs shall be located below the eave or parapet line of the building on which they are mounted.
- (2) Signs shall be mounted flush to the building facade and shall not be mounted so as to be at an angle to or extending

out from the building. Pole signs or exterior signs standing apart from a building are not allowed unless approved by the Sign Review Committee under Paragraph 5 below.

- 4. Retail or wholesale stores, shops for custom work where the products are sold directly by the producer to the consumer, places where services are performed, places of the building trades, sales rooms and repair shops for motor vehicles, garages, filling stations, storage warehouses, restaurants and other places for serving food and drink, places of business of bakers, dyers, confectioners, launderers, photographers, printers and undertakers. Other uses of substantially the same character may be permitted only if authorized by special permit issued by the Board of Appeals subject to appropriate conditions, limitations and safeguards stated in writing by the Board of Appeals and made a part of the permit all in accordance with the provisions of Section IX.C.**

- 5. Signs or illuminated signs erected or posted by the occupant of the premises to advertise goods or services offered on the premises for sale, hire or use, and approved by the Sign Review Committee subject to appropriate conditions, limitations and safeguards stated in writing by the Sign Review Committee and made a part of the sign permit. For approval of a sign not otherwise allowed in the Chapter, the Sign Review Committee shall determine that (a) the applicant has a reasonable need for the sign, (b) there is a reasonable basis for exempting the sign from the applicable standards, and (c) the exemption of the sign from such standards will not have a substantial detrimental effect on the community. The owner and lessee (if any) shall make written application for such sign permit to the Sign Review Committee.**

COMMENT: Passage of this article will make it plain that size and number parameters regarding temporary signs shall not apply to those of a religious or political nature, in accordance with the First Amendment to the United States Constitution. The regulations regarding size, number, placement, and duration of real estate and contractor signs are now easy to comprehend.

ARTICLE 9 To see if the Town will vote to amend Section VIII of Chapter 10 of the General Bylaws, known as the Zoning Bylaws as follows:

In Section VIII.A.2, substitute “Building Commissioner” in place of “Inspector of Buildings” in the second line;

In Section VIII.A.3, add “and Planning Board” after “Board of Appeals” in the first line;

In Section VIII.B, change “applicants” to “applications” in the first line;

In Section VIII.B, remove the last sentence, which reads “In connection with furnishing Housing for the Elderly or Handicapped the applicant for a permit shall file with the Building Commissioner detailed plans of all matters included in Section VI.1.2., and the Building Commissioner shall refer said plans to the Town Engineer for his advice before any permit is issued.”

As amended, Section VIII A & B. would read:

SECTION VIII. Administration.

A. Enforcement.

1. The Building Commissioner shall enforce the provisions of this bylaw. If the Building Commissioner shall be informed or have reason to believe that any provision of this bylaw or of any permit or decision thereunder has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and, if he finds any violation, he shall give immediate notice in writing to the owner or his duly authorized agent and to the occupant of the premises.

2. If, after such notice, such violation continues, with respect to any use contrary to the provisions of this bylaw, the Building Commissioner shall forthwith revoke any permit issued in connection with the premises, and shall take such other action as is necessary to enforce the provisions of this bylaw.

3. Where a special permit from or relief by the Board of Appeals and Planning Board is required pursuant to the provisions of this bylaw, or where an appeal from an order or decision of an administrative officer, or an appeal or petition involving a variance is pending, the Building Commissioner shall issue no building permit until so directed in writing by said Board.

B. Submission of Plots.

All applications for building permits shall be accompanied by a plot in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the streets upon which it abuts, the size and location of the building or buildings to be erected or altered, and such other information as may, in the opinion of the Building Commissioner, be necessary for the enforcement of this bylaw. A careful record of such applications and plots shall be kept in the office of the Building Commissioner. Deviation from the terms and dimensions shown on the plot shall constitute violation of the terms of the permit.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Section VIII of Chapter 10 of the General Bylaws, known as the Zoning Bylaws as follows:

In Section VIII.A.2, substitute “Building Commissioner” in place of “Inspector of Buildings” in the second line;

In Section VIII.A.3, add “or Planning Board” after “Board of Appeals” in the first line;

So that Subsection A of Section VIII shall read:

A. Enforcement.

1. The Building Commissioner shall enforce the provisions of this bylaw. If the Building Commissioner shall be informed or have reason to believe that any provision of this bylaw or of any permit or decision thereunder has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and, if he finds any violation, he shall give immediate notice in writing to the owner or his duly authorized agent and to the occupant of the premises.

2. If, after such notice, such violation continues, with respect to any use contrary to the provisions of this bylaw, the Building Commissioner shall forthwith revoke any permit issued in connection with the premises, and shall take such other action as is necessary to enforce the provisions of this bylaw.

3. Where a special permit from or relief by the Board of Appeals or Planning Board is required pursuant to the provisions of this bylaw, or where an appeal from an order or decision of an administrative officer, or an appeal or petition involving a variance is pending, the Building Commissioner shall issue no building permit until so directed in writing by said Board.

In Section VIII.B, change “applicants” to “applications” in the first line;

In Section VIII.B, delete the last sentence, which reads “In connection with furnishing Housing for the Elderly or Handicapped the applicant for a permit shall file with the Building Commissioner detailed plans of all matters included in Section VI.1.2., and the Building Commissioner shall refer said plans to the Town Engineer for his advice before any permit is issued.”

So that Subsection B of Section VIII shall read:

B. Submission of Plots.

All applications for building permits shall be accompanied by a plot in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the streets upon which it abuts, the size and location of the building or buildings to be erected or altered, and such other information as may, in the opinion of the Building Commissioner, be necessary for the enforcement of this bylaw. A careful record of such applications and plots shall be kept in the office of the Building Commissioner. Deviation from the terms and dimensions shown on the plot shall constitute violation of the terms of the permit.

COMMENT: The "Building Commissioner" is the same person as the "Inspector of Buildings."

ARTICLE 10 To see if the Town will vote to discharge the School Building Committee, established by vote of the 1998 Annual Town Meeting under Article 50;

and to act on anything relating thereto."

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to discharge the School Building Committee, established by vote of the 1998 Annual Town Meeting under Article 50;

COMMENT: Please see the report of the Warrant Committee.

ARTICLE 11 To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF MILTON
TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF
ALL ALCOHOLIC BEVERAGES TO BE DRUNK
ON THE PREMISES OF A CERTAIN RESTAURANT

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

SECTION 1. Notwithstanding the provisions of section 11 and 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located at 534 Adams Street, which is owned by Walter Chan or his successor in interest, provided that any successor in interest shall be subject to approval by the Milton Board of Selectmen and the Alcoholic Beverages Control Commission; provided however, that an application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license; and provided further that all procedures set forth under Section 15A of Chapter 138 shall be applicable thereto. The license shall be subject to all of said Chapter 138, except said Section 127. The licensing authority shall not approve the transfer of the license to any other location.

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

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 AUTHORIZING THE TOWN OF MILTON
TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF
ALL ALCOHOLIC BEVERAGES TO BE DRUNK
ON THE PREMISES OF A CERTAIN RESTAURANT**

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

SECTION 1. Notwithstanding the provisions of section 11 and 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located at 534 Adams Street, which is owned by Walter Chan or his successor in interest, provided that any successor in interest shall be subject to approval by the Milton Board of Selectmen and the Alcoholic Beverages Control Commission; provided however, that an application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license;

and provided further that all procedures set forth under Section 15A of Chapter 138 shall be applicable thereto. The license shall be subject to all of said Chapter 138, except said Section 17. The licensing authority shall not approve the transfer of the license to any other location.

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

COMMENT: The Board of Appeals has authorized a change in use for the site of Mr. Chan's expansion next door, and the Planning Board has issued Site Plan Approval.

ARTICLE 12 To see if the Town will vote to transfer care, custody, management, and control of the land described below from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of sale of said land, and, further, to authorize the Board of Selectmen to sell a certain parcel of land on Central Avenue, adjacent to the trolley station, acquired from the Massachusetts Bay Transportation Authority and shown on the Town of Milton Assessors' Maps as Section E, Block 24, Lot 47, containing 7,063 square feet, for such consideration and upon such terms as the Selectmen deem appropriate, and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to transfer care, custody, management, and control of the land described below from the Board of Selectmen for general municipal purposes to the Board of Selectmen for purposes of sale of said land, and, further, to authorize the Board of Selectmen to sell a certain parcel of land on Central Avenue, adjacent to the trolley station, acquired from the Massachusetts Bay Transportation Authority and shown on the Town of Milton Assessors' Maps as Section E, Block 24, Lot 47, containing 7,063 square feet, for such consideration and upon such terms as the Selectmen deem appropriate.

COMMENT: Article 12 is a companion to Article 13, which allows the Board of Selectmen to sell the Town-owned parcel on Central Avenue next to the trolley tracks without the conditions imposed by Article 48 of 2007 Annual Town Meeting.

ARTICLE 13 To see if the Town will vote to rescind the vote of the 2007 Milton Annual Town Meeting under Article 48, "to authorize the Board of Selectmen to sell a certain parcel of land on Central Avenue, adjacent to the trolley station, acquired from the Massachusetts Bay Transportation Authority and shown on the Town of Milton Assessors' Maps as Section E, Block 24, Lot 47, 7,063 square feet, for such consideration and upon such terms as the

Selectmen deem appropriate, provided that the purchaser of such property shall be required as a condition of the sale to construct a mixed commercial and residential building on such parcel alone or in conjunction with adjoining land pursuant to a special permit issued by the Planning Board pursuant to Subsection J of Section III.”;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to rescind the vote of the 2007 Milton Annual Town Meeting under Article 48, “to authorize the Board of Selectmen to sell a certain parcel of land on Central Avenue, adjacent to the trolley station, acquired from the Massachusetts Bay Transportation Authority and shown on the Town of Milton Assessors’ Maps as Section E, Block 24, Lot 47, 7,063 square feet, for such consideration and upon such terms as the Selectmen deem appropriate, provided that the purchaser of such property shall be required as a condition of the sale to construct a mixed commercial and residential building on such parcel alone or in conjunction with adjoining land pursuant to a special permit issued by the Planning Board pursuant to Subsection J of Section III.”

COMMENT: Article 48 of the 2007 Annual Town Meeting restricts the sale of the Town owned parcel on Central Avenue next to the trolley tracks to a purchaser who will construct a mixed use building on the property pursuant to a Special Permit issued by the Planning Board pursuant to Subsection J of Section III. The Town-owned parcel alone does not meet the minimum lot size required in this section of the bylaw. The requirement in Article 48, therefore, restricts the sale of the Town parcel to the adjacent property owner. An agreement to sell the parcel to the adjacent property owner was terminated after the owners of the property were unsuccessful in obtaining a special permit for a mixed-use development on a combined parcel in 2012. The Town issued a Request for Proposals (RFP) for the sale of the Town owned parcel on August 28, 2013, with proposals due on October 7th. The RFP does not restrict the use of the property to a mixed-use development, nor does it make demolition of the existing building mandatory. In order to accept a proposal from a proponent other than the adjacent property owner, Article 48 must be rescinded.

ARTICLE 14 To see if the Town will vote, pursuant to M.G.L. c.41, §81A, to amend Chapter 11 of the General Bylaws by adding the following language at the end of Section 1:

“and one alternate member who shall be a resident of the Town and shall be appointed by the Planning Board and the Board of Selectmen in joint session.

Whenever an elected member of the Planning Board is absent, unable to participate because of a conflict of interest or otherwise unable to participate in the consideration of a particular matter, the alternate member shall participate as a voting member of the Planning Board”.

As amended, Section 1 of Chapter 11 of the General Bylaws would read:

“Section 1. A Planning Board is hereby established under the provisions of General Laws (Ter. Ed.), Chapter 41, Section 81A (Acts of 1936, Chapter 211) and any amendments thereto, with all the powers and duties herein and in any existing bylaws of the Town provided, to consist of five members to be elected by ballot at the annual Town Meeting in March, 1939, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years and thereafter in accordance with the provisions of the statute, and one alternate member who shall be a resident of the Town and shall be appointed by the Planning Board and the Board of Selectmen in joint session. Whenever an elected member of the Planning Board is absent, unable to participate because of a conflict of interest or otherwise unable to participate in the consideration of a particular matter, the alternate member shall participate as a voting member of the Planning Board.”;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town refer the subject matter of this article to the Board of Selectmen for further study.

COMMENT: The Town Government Study Committee proposed this article to the Board of Selectmen for the stated reason of making the Planning Board more efficient. During discussions, it became clear that justification for change was more anecdotal than factual. The Planning Board opposes this change based on its view that it is not necessary. Such a change would require far more detail as to the authorities and responsibilities of an alternate member. The Warrant Committee recommends returning this article to the Board of Selectmen for clear justification and further analysis.

ARTICLE 15 To see if the Town will vote to accept Ch. 41- 108P, which provides that: In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts Municipal Collector or a certified Massachusetts Municipal Treasurer or a certified Massachusetts District Treasurer, shall receive as compensation from such city, town or district, in

addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 percent of such regular annual compensation, but not more than \$1000.00 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectman of such city, town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of the collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

Submitted by the Treasurer/Collector

RECOMMENDED that the Town vote to accept the provisions of Chapter 41, Section 108P of the Massachusetts General Laws, such acceptance to become effective starting in Fiscal Year 2015, which begins on July 1, 2014.

COMMENT: By voting to accept C. 41-108 P of the MGL, the Town agrees to compensate the Town Treasurer/Collector one thousand dollars per fiscal year upon the successful completion of all courses of study and training culminating with the award of a certificate by the Massachusetts Collectors and Treasurers Association.

The Warrant Committee believes that this certification, which has been recognized by the Massachusetts Department of Revenue as meaningful and worthwhile, will strengthen the Town's financial operations. The benefits of enhanced professional networking realized with this implementation will improve operational functions within the office and financial interactions with other departments, boards and committees.

Certification requires a consecutive three-year period of classes and seminars conducted by the Massachusetts Collector/Treasurer Association at the Amherst campus of the University of Massachusetts. Once certified, the Treasurer/Collector must attend school classes for three of the next five years. Failure to do so results in loss of certification.

Almost all Massachusetts communities have either voted to accept this statute or included wording to this effect in contracts with an appointed treasurer/collector. The Warrant Committee believes it desirable for the Town to have certified professionals in its elective offices.

Town Meeting will be held on
Monday, October 28, 2013
beginning at 7:30 p.m. at the
Milton High School auditorium.

The auditorium is reserved for an
additional Town Meeting session at
7:30 p.m. on Tuesday, October 29, 2013

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