

**TOWN OF MILTON
2014**



**Special Town Meeting
Annual Town Meeting**

Tuesday, April 29 ELECTION

Monday, May 5 TOWN MEETINGS

**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

2014
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 fifth day of May, next at 7:30 o'clock in the evening, then and there to act upon the following articles to wit:

Articles 1-2

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 fifth day of May, 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 the fifth day of May, next.

Given under our hands at Milton this twenty-seventh day of March, two thousand fourteen.

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

A True Copy: Attest

Stephen Freeman
CONSTABLE OF MILTON

**REPORT OF THE WARRANT COMMITTEE
FOR THE MAY 5, 2014 SPECIAL 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 two articles submitted to the Special Town Meeting convening within the Annual Town Meeting on Monday, May 5, 2014.

I. Capital Stabilization Fund Appropriation

This article would place the net proceeds (\$302,850) of a bond premium received by the Town in February of 2014 into the Capital Stabilization Fund in the current fiscal year (2014.) Appropriation of this receipt would safeguard it from the possible uncertainty of the free cash process, and guarantee the availability of funds to pay the first two years of interest on the bonds issued via subsequent withdrawals for FY15 and FY16 from the Capital Stabilization Fund. The bonds on which this premium was received were issued February 15, 2014 well after the warrant was closed for the Annual Town Meeting. The Board of Selectmen opened and closed a warrant at their meeting of March 4, 2014 for a Special Town Meeting on May 5, 2014 for the purpose of bringing this article only to Town Meeting for a vote.

II. Amend Zoning Bylaws for Landscaping Business Use

This article is a citizens' petition that seeks to amend the Zoning Bylaws by adding a special permitting process for landscaping business use in a residence zone. This article was submitted to the Board of Selectmen on March 17, 2014 with more than the requisite one hundred signatures of registered voters of the town required for insertion in the warrant for a Special Town Meeting that has already been called. (Massachusetts General Laws, Chapter 39, Section 10.)

III. 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,
March 27, 2014

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

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In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The May 2014 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.

Strong fragrances cause significant adverse reactions in some people, such as migraine headaches. Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restrooms, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest to the lobby entrance.

ARTICLE 1 To see what sum of money the Town will vote to appropriate to the Capital Stabilization Fund, established by vote of the 2004 Annual Town Meeting under Article 7, in addition to the amount appropriated by vote of the 2013 Annual Town Meeting under Article 38, in accordance with the provisions of Chapter 40, Section 5B of the Massachusetts General Laws, to determine how said appropriation shall be raised, whether by transfer from available funds; borrowing or otherwise;

and to act on anything relating thereto.

RECOMMENDED that the Town vote to appropriate \$302,850, net proceeds of a bond premium, to the Capital Stabilization Fund.

COMMENT: The bonds on which this premium was received are General Obligation Municipal Purpose Loan of 2014 Bonds with an aggregate principal amount of \$4,541,839, and a net premium, after underwriting discounts, issuance costs and the portion related to water and sewer, of \$302,850. The premium received at the issuance of the bonds is a large factor in determination of the interest rate achieved, which in this case is 2.15%. Bond premiums received on excluded debt are amortized over the life of the bonds in order to lower the tax levy over that time period. These bonds are for non-excluded debt and the premium does not need to be amortized over its lifespan. However, applying monies received presently to costs charged in a future fiscal year is not possible without placing the sum in a fund for future withdrawal. The first year's interest on these bonds is \$176,847. Article 31 of the Annual Town Meeting will ask for a withdrawal of this amount from the Capital Stabilization Fund as part payment on the FY15 debt service of \$4,302,984. The ability to receive a withdrawal from the Capital Stabilization fund allows an equivalent amount of funds available for FY 2015 to be spent on something other than debt service. Failure to pass this article will require a revised recommendation for FY 2015 and a reduction by \$176,847 of a previously budgeted amount on Town Meeting floor.

ARTICLE 2 To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subparagraph(k) to Section III.A.7:-

“(K) Landscaping Business Use as provided in Section III. ___” and by adding the following Subsection ___ to Section III: ___

LANDSCAPING BUSINESS USE

In a residence zone on a lot or lots on which a landscaping business was being conducted in July 2012, the Planning Board may grant a special permit for landscaping business use on such lot or lots provided that the applicant or applicants or their predecessors in interest on that date held a special permit or use variance issued by the Board of Appeals pursuant to Section III.A.4 and or 6

with regard to all or part of any such lot. The special permit shall satisfy all requirements specified in this Subsection and may contain other requirements, terms and conditions deemed necessary or appropriate by the Planning Board. A Special Permit for Landscaping Business Use shall have an initial term of three years, or such shorter period as the Planning Board may determine, and shall be renewable for one or more additional terms of five years with such additional terms and conditions as may be appropriate provided that there has been material compliance with the Special Permit in the prior term. Upon application by the Building Commissioner during the term or extended term of the Special Permit, the Special Permit may be revoked by the Board of Appeals after hearing in the event of a material violation which has not been promptly cured following notice from the Building Commissioner.

1. Purpose

The purpose of this subsection is to permit the ongoing operations of landscaping businesses, which were in operation on July 2012 and which existed on lots for at least one of which a special permit pursuant to Section III.A.4 and/or 6 or use variance was in force on July, 2012. This subsection is intended to make the physical layout and the day-to-day operations of each such landscaping business reasonably compatible with the interests of abutters and nearby residents and their rights to reasonable quiet and enjoyment of their properties. This subsection is intended to provide and require enforceable specifics for the layout and operations of each such landscaping business in order to control dust, noise, light and odor, to promote safety, to reduce inconvenience to neighboring residents, and to establish reasonable limits on the amount of infrastructure, equipment and operations.

2. Definition of Landscaping Business; Permissible Activities

For purposes of this Subsection, a landscaping business is defined as a business concern which operates to construct, install and maintain lawns, trees, yards, shrubs, gardens, patios, related grounds and other outdoor areas which are owned by others. The landscaping business may own or lease real and personal property, employ employees and may be authorized by special permit to own, lease, operate, and store vehicles and equipment reasonably necessary for business operations. The landscaping business may be authorized to sell trees, shrubs, sod, seed, loam, mulch and related material and may be authorized to sell stone, stone dust, gravel, pavers, landscape ornamentations, timbers and related materials needed to implement a landscape design. It may be authorized to sell firewood if substantial sales of firewood occurred in 2012. It may be authorized to sell Christmas trees and other holiday materials if substantial sales of such occurred in 2012. It may be authorized to provide snow plowing and snow and ice removal services for third persons, including the Town. Such authorizations shall be contained in a Special Permit issued by the Planning Board which shall impose reasonable limitations, terms and conditions to implement and attain the purpose of this

Subsection. Any activity authorized by the Planning Board shall be an activity which was conducted in 2012. Authorization of an activity shall be at the level no greater than the level of that activity existing in 2012 unless there is a reliable showing that a greater level would be consistent with the purpose of this Subsection and cause no adverse effects on abutters or nearby residents. If necessary to achieve the purposes of this Subsection, a level of activity less than the level in 2012 may be required.

3. Landscaping Services May Exist on a Lot With Other Uses, Including Agricultural, Greenhouse, Nursery and/or Residential

A landscaping business may be located on a lot or lots in conjunction with other uses permissible in a residence district, including residential use, provided that if there shall be any involvement between the landscaping use and another use, the requirements of this Subsection shall apply to that other use. As used in this Subsection a lot shall be deemed to include all contiguous lots, including lots that may be separated by a road or waterway, under common ownership or lease. For purposes of this Subsection, an agricultural use is defined in and shall be conducted in accordance with M.G.L. c. 128, s. 1(a), M.G.L. c. 40A, s. 3 and M.G.L. c. 61A; a greenhouse and/or nursery use is defined in and shall be conducted in accordance with Section III, Subsections 4(b) and 7(d).

4. Plans, Rules and Specifications

An application for a Special Permit for Landscaping Business Use shall include the following plans, rules and specifications and such other descriptive text and material as may be specified by the Planning Board. The plans shall be prepared in a form suitable for recording by a Registered Professional Engineer. Each plan, rule or specification shall be specifically approved and shall be enforceable as part of the special permit.

- (a) Existing Conditions Plan. This plan shall show the existing site topography, buildings, structures, utility services, water and sewer lines, wells, drainage infrastructure, driveways, landscape, natural features, and areas of use.
- (b) Deeds and Leases. Copies of all deeds and leases showing applicants' interest in the premises proposed for landscaping business use.
- (c) Wetlands Delineation Plan. This plan shall show any wetlands existing on site.
- (d) Drainage Plan. This plan shall show provisions for drainage and drainage infrastructure for the effective control of stormwater and, insofar as reasonably possible, its retention on site. Drainage measures shall not cause adverse drainage impacts on neighboring properties. They shall not increase water flows onto neighboring properties nor create ponding on neighboring properties.

- (e) Landscape Plan. This plan shall show landscaping along lot lines designed to present an attractive appearance and to help buffer noise, and shall, as necessary for buffering major sources of noise, include one or more sound-buffering walls or fences appropriately sited and incorporated into an attractive setting and landscaped with vegetation on both sides. The landscaping plan shall similarly show landscaping designed to help effectively control dust. The plan shall show all other landscaping to be provided. Species and size of plants to be provided shall be specified. Specifications for all fences, walls and sound-buffering landscape structures shall be part of this plan. Fences and walls shall be at least fifteen (15) feet from lot lines and landscaping shall, at a minimum, be provided in the area within thirty (30) feet of lot lines, provided that a driveway reasonably necessary for safe and efficient circulation of on-site traffic may be in this area.
- (f) Operations. This plan shall show the driveways, the loading and unloading areas with specification for the on-site vehicular movements of trucks and other equipment used on site. Driveways shall not be located within twenty (20) feet of lot lines and shall be further removed whenever reasonably practical. Loading areas shall not be located within thirty (30) feet of lot lines and shall be further removed whenever reasonably practical. The plan shall provide for safe and convenient movements of vehicles on-site, minimizing idling equipment, back-up movements, noise and dust. The plan shall specify procedures for trucks making deliveries and for the on-site operation of the trucks and other equipment used in the business. The plan shall specify loading procedures for materials to be taken off-site for use in the landscaping business. The plan shall specify hours of operation for loading, unloading, operations and any other use of noisy equipment.
- (g) Parking Plan. This plan shall show the parking spaces for customers, employees, trucks when not in use, and other vehicles when not in use and shall show the storage space for other equipment. Garages and their layouts for parking and storage shall be shown. The parking plan shall include a reliable analysis of the number of parking spaces needed for business operations.
- (h) Building Plans. This plan shall show all business buildings, storage bins, dumpsters and other business structures, including dimensions, square footage, location, setbacks from lot lines, elevations, utilities, and specification of the business uses to which interior space will be put. There shall be no new or materially altered business buildings except as may be specifically approved in the Special Permit. Any new or substantially altered buildings shall be designed by an architect in a traditional style and sited at least 50 feet from any lot line. A building shall be deemed a business building if all or part of it is used for business purposes.

- (i) List of Business Activities. The list shall set out the business activities, including any sales, to be conducted on site with a description of each activity and its anticipated use of facilities on site together with the anticipated extent, times and dates of the activities.
- (j) Mitigation Plan. This plan shall specify proposed measures to be taken to control noise, dust and offensive odors in business operations. The plan shall specifically identify the likely sources of noise, dust and odors and specify effective measures to be taken to reduce and control each source of noise, dust and odor and prevent adverse impacts on nearby residents. Measures shall include mitigating requirements and restrictions on operations as well as physical changes designed to mitigate impacts.
- (k) Lighting Plan. This plan shall show all exterior lighting which shall be designed to provide reasonably necessary lighting while minimizing light overspill onto the neighboring properties and the adjoining streets. The design of lighting fixtures shall be appropriate to a residential neighborhood. Light levels shall be low.
- (l) Street Improvement Plan. In the event that truck traffic cannot adequately access the business property staying on pavement of the streets providing access, this plan shall propose street improvements to be provided at applicant's expense to permit safe access by trucks without damage to the street shoulders or adjoining property.
- (m) Signs. The location and description of any signs advertising the business shall be specified. All signs shall be approved by the Town's Sign Review Committee.
- (n) List of Vehicles. The list shall show the number and type of vehicles which were in use at the business premises in business operations on July 1, 2013, and specification of the numbers and type of vehicles proposed for future operations with justification of a need for any increase in number or change of type. Any new acquisitions shall be chosen with quiet operation as a principal criterion. The list shall be kept current.
- (o) Rules. A list of the rules proposed to be imposed by the Special Permit to ensure that vehicles and equipment are shut off and not left idling when not in use and that employees do their work efficiently and quietly. Earphones shall be required if radios, CD players or the like are in use by employees. Loudspeakers and amplified music shall not be used in business operations.
- (p) Firewood Plan. In the event that the landscaping business proposes to sell firewood, this plan shall show the specifics of and procedures for firewood operations, including safe and reasonably quiet deliveries to the landscaping business, safe storage of firewood inventory by the business

and safe and reasonably quiet loading of trucks making deliveries of firewood to customers. Firewood operations shall not have any significant dust or odor impacts.

- (q) Snow and Ice Removal Plan. In the event that the landscaping business proposes to sell snowplowing or snow and ice removal services, this plan shall show the specifics of and procedures for snowplowing and snow and ice removal services, including safe and reasonably quiet equipping, loading and dispatch of trucks and on-site activities necessary for provision of the services, including storage of equipment and materials.
- (r) Sales Plan. In the event the landscaping business proposes to maintain a sales office for sale of some or all of the materials listed in Paragraph 2 in conjunction with landscaping services, the plans shall show the specifics of and procedures for such sales. Any such sales operations shall not be materially different in extent or manner from similar sales conducted in 2012. The sales office may be operated between the hours of 7:00 A.M. and 6:00 P.M. Monday through Saturday and 9:00 A.M. and 6:00 P.M. on Sunday.
- (s) Christmas Trees and Holiday Materials Plan. In the event that the landscaping business proposes to sell Christmas trees, pumpkins and other holiday materials, this plan shall show the specifics of and procedures of such holiday sales operations, including safe and reasonably quiet deliveries to the landscaping business. The sales of Christmas trees shall be allowed from the last Friday before Thanksgiving Day to the following January 1 and the hours of such sales may be from 8:00 A.M. to 9:00 P.M.

5. Approval of Plans, Rules and Specifications

As part of a special permit issued under this Subsection, the Planning Board shall approve plans, rules and specifications which the Board deems adequate under each of the foregoing paragraphs. Insofar as the material submitted by an applicant with the application for a special permit may be inadequate or fail to advance the purpose of this Subsection, the Planning Board shall require its revision. Once all plans, rules and specifications are determined to be adequate and to advance the purposes of this Subsection, they shall be incorporated into the Special Permit by reference and become enforceable requirements, terms and conditions of the Special Permit.

6. Site Plan Approval By Planning Board.

Site Plan Approval by the Planning Board in the manner and under the procedures and standards of Section VIII.D shall be required for a landscaping business use. The site plan submitted for approval by the Planning Board shall contain all the plans, rules, specifications, text and material contained in the application for the special permit and such other plans, text and material as the Planning Board may require.

7. Requirements for a Landscaping Business Use.

In addition to the requirements for plans, rules and specifications contained in the previous paragraph and other terms conditions and requirements imposed by the Planning Board, a special permit for landscaping business use shall effectively provide for the following matters:

- (a) Storage, Loading and Unloading of Materials. A landscaping business shall have suitable storage facilities for safe storage of non-perishables used in its business, including mulch, loam, stone, stone dust and gravel. Effective measures shall be taken in the siting and use of these storage facilities to avoid adverse impacts from dust, odors and noise on neighboring properties and residents; such measures shall include: covering or enclosure of dusty or odorous materials; use of safe, efficient and reasonably quiet loading and unloading procedures; siting so as to best avoid adverse impacts, use of abatement procedures; and buffering with vegetation and noise reducing walls and fences. Such storage facilities shall be located at least forty (40) feet from lot lines.
- (b) Storage of Fertilizer. A landscaping business shall have suitable storage facilities for safe storage of fertilizer, other chemical products, fuel and oil used in landscaping operations, provided that reasonable measures are taken in the siting and use of these storage facilities to avoid and remediate spillage and to prevent any fertilizer or chemical product from becoming air born. Use of fertilizer and chemical products in growing operations shall be in accordance with instructions and regulations and shall not affect neighboring properties. In no event shall fertilizer or chemical products be stored within thirty-five (35) feet of a lot line. Underground tanks shall not be used for storage.
- (c) Operators of a Landscaping Business. Operators of a landscaping business shall be operated by the applicant(s) for the Special Permit or for amendment of the Special Permit. The operators shall be named in the Special Permit or amendment. Operators shall have an ownership or leasehold interest in the business premises. Operators shall be responsible for ensuring that all requirements, terms and conditions of the Special Permit are complied with. An operator or an authorized representative shall be on site during regular business hours and, if any complaints are received on account of non-compliance with any such requirements, terms and conditions, shall promptly cause such non-compliance to be cured and take appropriate steps to prevent any recurrence.
- (d) Vehicles. The operators of a landscaping business may own, lease, operate and maintain vehicles for use in its business. The Special Permit shall specify the number and type of vehicles which shall be permissible. The numbers and types of vehicles in use on the business premises on

July, 2012 shall be the upper limit for numbers and types of vehicles absent a reliable showing that a higher number or different type would have no adverse impacts and would result in a reduction of overall noise. All vehicles shall be maintained in proper running order, clean and in good repair. Back-up horns on vehicles used on site shall be modulated to the minimum level deemed permissible by applicable law. Any maintenance, repair or cleaning of a vehicle, if performed on site, shall be performed in an enclosed space designated for the purpose. Vehicles may be used for nursery operations as well as for landscaping operations, but if registration of such vehicles is required, they shall be registered as required by the Massachusetts Registry of Motor Vehicles. Parking in garages or in areas suitably screened from view from neighboring properties shall be provided for all vehicles used in landscaping operations. There shall be no outside storage of inoperable vehicles or parts. Vehicles shall not be left running for more than five minutes when not in use. Insofar as mufflers can be provided to reduce the noise made by vehicles, mufflers which effectively serve this purpose shall be installed on the vehicles and maintained in good operating order.

- (e) On-site Traffic; Loading; Deliveries. There shall be safe and convenient movements of vehicles on-site, minimizing idling equipment, back-up movements, noise and dust. Enforceable procedures shall be specified for trucks making deliveries and for the on-site operation of the trucks and other equipment used in the business. Enforceable loading procedures for materials to be taken off site for use in the landscaping business shall be specified. Such loading and use of noisy equipment may occur only between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday and the hours of 8:00 A.M. and 5:00 P.M. on Saturday. There shall be no loading or use of noisy equipment on Sundays, provided that use of equipment for the loading of plant and nursery materials, which are not sold as part of landscaping services, shall be permissible between the hours of 10:00 A.M. and 3:00 P.M. on Sundays. Deliveries to the business premises shall be scheduled so as to occur on Weekdays between the hours of 9:00 A.M. and 2:00 P.M. and the operators shall take reasonable steps to assure compliance. With respect to any deliveries made outside of these hours, the operators shall maintain a log available for public inspection stating the type and time of delivery and the reason why it was made out-of-hours. Routine deliveries of mail, packages and small items shall not be subject to this delivery limitation.
- (f) Outside Truck Traffic. Streets providing access to the business premises shall be adequate to accommodate the truck traffic to and from the site. There shall be an approved truck route which trucks shall use. In the event that a turn on or from public streets is necessary the landscape business use shall ensure that the turns can be and are safely and conveniently made on the street pavement without use of the street's

shoulder provided that specific provision may be made in the Special Permit for use and maintenance of a non-paved area of the street for such turns. Any damage to street shoulders or adjoining property by trucks accessing or egressing the business premises shall be promptly repaired by the operators. The operators shall take appropriate measures to ensure that street shoulders adjoining the business are well maintained and kept in a non-dusty condition. Provision shall be made to ensure that trucks making deliveries of materials, plants, firewood or Christmas trees and other holiday materials do not park on public streets in Milton or stop on the public streets adjoining the business premises prior or subsequent to such deliveries.

- (g) Dumpsters. A landscaping business may use dumpsters as shown on the Landscape Plan in the manner specified by the Operations Plan. Dumpsters shall be screened by fences and landscaping as shown. Movement or emptying of dumpsters shall occur between 10:00 A.M. and 2:00 P.M. All dumpsters shall be in good condition and emit no dust or odors. Noise from the use of dumpsters shall be at a low level.

8. Notice and Procedure for Decision

The notice and procedural requirements set out in Section IX.B and C and the standard to be used in rendering a decision set out in Section IX.C shall apply to special permits for a landscaping business use. Under this Subsection the Planning Board may grant a Special Permit for Landscaping Business Use where it finds compliance with the purpose of this Subsection and with all of the foregoing terms, conditions, standards and requirements and finds that the landscaping business use will not cause any substantial detriment to the neighborhood or to the intent of the bylaw. A special permit may be made subject to such terms and conditions as the Planning Board may find necessary or appropriate.

9. Decision

The special permit issued by the Planning Board shall be recorded with the Registry of Deeds by the Applicant at the Applicant's expense within thirty days after the Town Clerk has certified that the time for appealing the special permit has expired. A copy of the recorded document with recording information shall be provided to the Town Planner promptly after recording. The special permit shall remain in effect during its term (unless revoked) for as long as the land and landscaping business use is operated by the permittee in accordance with the special permit. In the event that the land and business is transferred to a third party and said third party shall seek to continue operation of the landscaping business use then a new special permit application shall be required and the Planning Board may issue a new special permit in accordance with the provisions of this Subsection.

Presented for consideration by the undersigned citizens of the Town:

John P. Lawton	100 Hillside Street
Claire C. Lawton	100 Hillside Street
Alison G. Corcoran	70 Morton Road
Joan M. Sholley	77 Morton Road
Adam Sholley	77 Morton Road
Wendy Fox	87 Morton Road
Linda Lundblad	29 Canton Avenue
Stephen P. Affanato	45 Governors Road
Courtney Affanato	45 Governors Road
Laura Conway	67 Church Street

The Warrant Committee had no recommendation at the time of printing.

COMMENT: The citizens' petition that is Article 37 in the Annual Town Meeting warrant is an effort to amend the Zoning Bylaws by adding a special permitting process to allow an "Agricultural/Nursery/Landscaping Development" to operate within a residential district. This article was deemed wholly inadequate for the protection of the neighborhood by the Planning Board, which recommended it be referred to them. The Warrant Committee agreed. The same group of citizens in support of Thayer Nursery has advanced a subsequent article in this Special Town Meeting warrant. As the Planning Board will not hold public hearings until the third week of April, the Warrant Committee will not hear the recommendation of the Planning Board, nor deliberate on the matter ourselves to form our recommendation to Town Meeting, until late April or early May.

FY14 AND FY15 REVENUE

	FY 2014	FY 2015	\$ Difference
PROPERTY TAXES			
Previous Levy Limit	62,453,928	64,265,958	1,812,030
Add 2.5 Levy	1,561,348	1,606,649	45,301
New Growth	250,682	300,000	49,318
Override/(Underlevy)	0	0	0
Sub-Total	64,265,958	66,172,607	1,906,649
Debt Exclusion	2,921,264	2,717,618	(203,646)
Less: Bond Premium	(707,140)	(147,002)	560,138
Excess Levy Capacity	0	0	0
Sub-Total	2,214,124	2,570,616	356,492
Maximum Allowed	66,480,082	68,743,223	2,263,141
LOCAL RECEIPTS			
Water & Sewer Receipts	12,708,590	12,644,501	(64,089)
All Other	5,849,050	6,037,000	187,950
Total	18,557,640	18,681,501	123,861
STATE AND FEDERAL AID			
Unrestricted	9,440,816	9,717,769	276,953
School Lunch Offset	25,674	26,166	492
Library Grant	22,657	25,088	2,431
Total	9,489,147	9,769,023	279,876
AVAILABLE FUNDS			
Police	1,400	1,400	0
Overlay Reserve	462,697	341,484	(121,213)
School Building Project	707,140	147,002	(560,138)
Total	1,171,237	489,886	(681,351)
Capital Stabilization Fund	0	176,847	176,847
Free Cash	2,238,335	2,005,200	(233,135)
TOTAL REVENUE	97,936,441	99,865,680	1,929,239

FY14 AND FY15 EXPENDITURES

ARTICLE	APPROPRIATIONS	FY2014	FY2015	\$ Difference
8,11	Union/Non-Union Raises and Set-asides	310,204	548,492	238,288
	Non-Union Raises allocated to Departments	(33,745)	0	33,745
6	Capital Purchase with free cash	0	25,000	25,000
7	Audit	66,200	58,200	(8,000)
9	Employee Benefits	15,199,828	15,181,660	(18,168)
10	Employee Security Benefits	100,000	100,000	0
12	Police Department	6,203,515	6,353,515	150,000
12	Fire Department	4,771,090	4,812,141	41,051
12	Other Public Safety	382,927	397,754	14,827
14	General Government	3,449,895	3,619,132	169,237
15	Boards & Committees	301,283	297,225	(4,058)
16	DPW General & Vehicle	2,246,114	2,331,848	85,734
7-11, 14-16	Solid Waste	1,926,325	1,935,825	9,500
8,11,16	Water & Sewer	11,765,223	11,689,477	(75,746)
22	Board of Health	184,208	187,440	3,232
25	Library	1,131,916	1,140,063	8,147
26	Cemetery	722,817	745,028	22,211
27	Park & Recreation	402,322	415,409	13,087
28	School Department	37,566,551	39,357,890	1,791,339
29	Blue Hills Regional Vocational School	842,454	882,674	40,220
30	Consolidated Facilities	633,134	772,692	139,558
31	Interest & Maturing Debt	3,886,633	4,302,984	416,351
32	Stabilization Fund	284,112	200,000	(84,112)
32	Capital Stabilization Fund	142,056	0	(142,056)
32	GASB Stabilization Fund	142,056	100,000	(42,056)
33	Reserve Fund	250,000	450,000	200,000
17	Other Articles	1,280,000	35,000	(1,245,000)
TOTAL APPROPRIATIONS		94,157,118	95,939,449	1,782,331
NON-APPROPRIATED EXPENDITURES				
	State & County Assessments	3,330,252	3,474,977	144,725
	Overlay	420,000	400,000	(20,000)
	School Lunch Offset (Cherry Sheets)	25,674	26,166	492
	Library Grant (Cherry Sheets)	22,657	25,088	2,431
TOTAL NON-APPROPRIATED		3,798,583	3,926,231	127,648
TOTAL EXPENDITURES		97,955,701	99,865,680	1,909,979

**2014
ANNUAL TOWN ELECTION**

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 Elections and Town affairs, to meet at the several designated polling places in their respective Precincts in said Milton, to wit:

- | | |
|-----------------|---|
| In Precinct 1. | Tucker School, Blue Hills Parkway |
| In Precinct 2. | Milton Senior Center, Walnut Street |
| In Precinct 3. | Cunningham Park Community Center, Edge Hill Road |
| In Precinct 4. | Milton Senior Center, Walnut Street |
| In Precinct 5. | Copeland Field House, Milton High School, Gile Road |
| In Precinct 6. | Cunningham School Gymnasium, Edge Hill Road |
| In Precinct 7. | Cunningham Park Community Center, Edge Hill Road |
| In Precinct 8. | Cunningham School Gymnasium, Edge Hill Road |
| In Precinct 9. | Copeland Field House, Milton High School, Gile Road |
| In Precinct 10. | Tucker School, Blue Hills Parkway |

On Tuesday, April 29, 2014 next at 7 o'clock in the forenoon, then and there to bring in to Precinct Officers of their precincts their votes on the one ballot respectively the following Town Officers to wit:

- One SELECTMAN and SURVEYOR OF THE HIGHWAY
for a term of three years
- A TOWN TREASURER for a term of one year
- One ASSESSOR for a term of three years
- Two SCHOOL COMMITTEE members for a term of three years
- One PARK COMMISSIONER for a term of three years
- One Member of the BOARD of HEALTH for a term of three years
- One Member of the BOARD of HEALTH for a term of one year
- Three TRUSTEES of the PUBLIC LIBRARY for a term of three years
- One Member of the HOUSING AUTHORITY for a term of five years
- One TRUSTEE of the CEMETERY for a term of five years
- One PLANNING BOARD member for a term of five years

Ninety-five Town Meeting members as follows:

Precinct One: Nine for a term of three years, One for a term of one year
Precinct Two: Ten for a term of three years
Precinct Three: Ten for a term of three years
Precinct Four: Nine for a term of three years
Precinct Five: Seven for a term of three years, Two for a term of two years
Precinct Six: Ten for a term of three years
Precinct Seven: Nine for a term of three years
Precinct Eight: Ten for a term of three years
Precinct Nine: Ten for a term of three years, One for a term of two years
Precinct Ten: Seven for a term of three years

For these purposes the polls will be open at each and all of said precincts at seven o'clock in the forenoon and will be closed at eight o'clock in the evening.

And thereupon by adjournment of said meeting on the following Monday to wit, May 5, next at seven thirty in the evening at the Milton High School Auditorium, 25 Gile Road in said Milton, then and there to act upon the following articles to wit:

Articles 1 through 40 inclusive appearing in regular type on the following pages.

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 seven days before the twenty-ninth day of April, and leaving printed copies thereof at the dwelling houses of said Town at least four days before said date.

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

Given under our hands at Milton this twenty-seventh day of March, two thousand fourteen.

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

BOARD OF SELECTMEN

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 May 2014 Annual 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.

Strong fragrances cause significant adverse reactions in some people, such as migraine headaches. Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restrooms, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest to the lobby entrance.

MESSAGE FROM THE MODERATOR BRIAN M. WALSH

Welcome to the 2014 Annual Town Meeting!

As elected town meeting members you will be participating directly in the governance of your town. “The town meeting, oldest expression of democracy in the Western Hemisphere, survives with unabated vigor in the rural sections of the New England States.” Hernane Tavares de Sa, “Town Meeting Tonight” in America, June 1949, p.8. Your active participation assures that Milton’s own tradition of “unabated vigor” during the deliberations, debates and votes on the warrants presented for your consideration will continue.

The presiding officer for this town meeting is your Moderator who is empowered “to give liberty of spech, and silence unceasonable and disorderly speakeings, [and] to put all things to a voate . . .” The fundamental Orders of Connecticut, Secs. 6 and 10 (1639). See also the Body of Liberties, Secs. 54 and 71 (Massachusetts, 1641). The procedures and process for the conducting of town meeting in Milton stems from a combination of directives set forth in the bylaws of the Town and in traditions that have developed over the long history of the Town Meeting in Milton. That each town meeting member may understand the basic rules and procedures followed in order to enhance his/her participation in the process. I take this occasion to review some of the fundamental rules which will govern the debates and votes on the warrants presented for your consideration and judgment.

First, Town Meeting Members are required to check in with the Town Clerk and to be seated in the lower part of the auditorium, which is demarcated and reserved for Town Meeting Members. Town citizens and others who are not Town Meeting Members are required to be seated in the upper part of the auditorium.

Second, any Town Meeting Member wishing to speak to any article or pending related matter will first go to the nearest microphone and, upon being recognized by the Moderator, will identify herself/himself by giving his or her name and precinct. If you have not been recognized by the Moderator, you are not permitted to speak to the meeting. On occasion members will informally alert the Moderator that they desire to be recognized to speak on a certain article. While your Moderator will attempt to remember who desires to be recognized on any article, please be advised that the only way in which a member can be sure to be recognized is to go to a microphone and wait to be recognized. Your Moderator will from time to time simply forget to recognize someone who has informally indicated a desire to speak.

Third, by longstanding tradition, while any other voter of the town who is not a Town Meeting Member may not vote, he or she may be recognized to address town meeting providing that the voter in advance of the particular session has obtained permission from the Moderator.

Fourth, any person having a monetary or equitable interest in, or who is employed as an attorney or otherwise by another person interested in, any matter under discussion shall disclose the fact of his or her interest or employment before speaking thereon.

Fifth, with reference to each article in the warrant the recommendation of the Warrant Committee shall ordinarily be considered to have been presented in the form of a motion by the Chairperson which has been seconded by the Secretary or other member of the Warrant Committee who is a Town Meeting Member. Unless the Moderator otherwise expressly states at the time, the question to be voted on under each article will usually be whether or not to accept the recommendation of the Warrant Committee. In other words, generally the recommendation of the Warrant Committee is the main motion pending under the Article. In the event that the Warrant Committee recommends a NO vote on an article, the question will be presented as a vote on a motion made and seconded to approve the article, i.e. Members will vote YES if they favor the article and NO if they oppose the article, as recommended by the Warrant Committee.

Sixth, pursuant to Section 4 of Chapter 2 of the Town's bylaws, the Moderator requires that all substantive or complex motions be reduced to writing and presented to the Moderator before submission to the meeting.

Seventh, by longstanding tradition, "Town Meeting Time, A handbook of Parliamentary Law" 3rd Edition, will, in addition to the bylaws of the town of Milton and the laws of the Commonwealth of Massachusetts, be the rules of order for this meeting.

Eighth, any member desiring to show slides, make a PowerPoint presentation or any other visual material before the meeting must make appropriate arrangements and inform the Moderator.

Ninth, members are urged to obtain all information needed by them prior to the meeting. However, by tradition the Moderator will recognize any Town Meeting Member for the purpose of requesting additional information relevant to the matter under consideration. All such requests must be directed solely to the Moderator who will attempt to ascertain the most appropriate official who should answer such an inquiry. Answers will not be provided while the member still has the floor in order to prevent the temptation to cross-examine the person providing the information, which is not permitted. However, the Moderator will separately

recognize a member once for the purpose of posing a follow-up question. Sometimes the information is not available or is not immediately available and the request for information will simply not be fulfilled.

Tenth, when it is announced by the Moderator that the Meeting will proceed to vote, debate will be closed and the pending question will be put to the Town Meeting.

Eleventh, upon a question being put to the Town Meeting, the Moderator will first determine by voice vote the sense of the Meeting. If the Moderator is unable to decide by the sound of the voices or if his announcement of the vote is doubted by seven Town Meeting Members standing in their place, the Moderator shall then proceed to have a standing vote on the question. If the vote is further doubted by twenty-five Town Meeting Members standing in their places, then there will be a roll call of the meeting with the Town Clerk calling the name of each Town Meeting Member in alphabetical order and each Town Meeting Member upon his/her name being called shall rise in place and answer YES or NO.

Twelfth, no vote shall be reconsidered at the same meeting, except upon a motion made within one hour of the adoption of such vote, unless by two-thirds vote, provided that the time which elapses during any adjournment of the meeting shall be excluded in computing the hour since the adoption of the vote

Thirteenth, because of the constraints of state law pursuant to Proposition 2-1/2, the budget articles as recommended by the Warrant Committee to this Town Meeting are at the maximum tax levy limitation permitted by state law pursuant to Proposition 2-1/2. While the Moderator will entertain motions to amend budget articles upward, the Town's total appropriation may not exceed the Proposition 2-1/2 limit. Thus, to avoid potential chaos, and the necessity for additional meetings to balance the Town's appropriation within the levy limit on the amount of revenue that the town may raise by property tax, your Moderator both urges and expects that any Member offering an upward amendment to a budget article will also for the benefit of fellow Town Meeting Members specify an offsetting decrease in some other line item, or specify what additional source of revenue is or will be available. In addition, it is also permissible to make increased funding subject to an override ballot vote by the registered voters of the Town.

With these procedures in mind, I am confident that the Town Meeting will provide a forum for full debate and careful consideration of the articles and recommendations of the Warrant Committee.

REPORT OF THE WARRANT COMMITTEE FOR THE 2014 ANNUAL 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 estimates and recommendations for action on articles submitted to the Annual Town Meeting convening on Monday, May 5, 2014.

The Warrant Committee recommends that Town Meeting vote appropriations totaling \$95,939,449 (excluding revolving funds and bond issues). Together with non-appropriated expenditures (state assessment and mandates) of \$3,926,231, the total recommended budget of \$99,865,680 will require the support of the maximum allowed levy of \$68,743,223. This will produce an estimated increase of 2.33% in the residential property tax rate, from \$14.99 per thousand in fiscal year 2014 (FY14) to \$15.34 per thousand in fiscal year 2015 (FY15). For the average resident, with a home valued at \$516,317, the proposed budget would result in an estimated tax increase of \$181.00.

Expectations in the development of this year's budget proved challenging to the Warrant Committee. As noted in last year's warrant, a former Chair of the Warrant Committee remarked at the Annual Town Meetings of 2011 and 2012 that an override would likely be necessary in FY15 as the monies banked by conservative budgeting would no longer be available. The current budget (FY14) was saved by \$871,000 of funds so banked, and our Chair last year concurred with her predecessor that the likely prospect for FY15 included steep cuts in services and staffing without the passage of a contingent budget supported by an override. In any year the upward pressure of contractual obligations exceeds the Town's ability to raise revenue at the same rate of increase. As outlined at the "all-evening" budget meeting of February 26 the Warrant Committee started work on the FY15 budget well behind that chronic deficit, namely by the \$871,000 of operational support that was spent last year. This had been placed in the Stabilization Fund and earmarked for budgetary aid in FY14. A fortuitously large certification of free cash allowed the Warrant Committee to substitute the source of this support, but no such funds had been banked for use this year. Additionally, new growth in the tax base was unexpectedly weak; estimated tax revenue for FY 15 dropped by \$150,000. Then, for the second year in a row, the Town received certification of free cash greater than \$2 million (\$2,238,335 in FY14, \$2,005,200 in FY15.)

The budget recommended by the Warrant Committee is balanced within the limits of Proposition 2 ½. It is based on an estimated 2.12% increase in available revenue (vs. 5.09% in FY14) excluding Water and Sewer enterprise funds, use of the Stabilization Fund and proposed new bond issues. Without the receipt of the free

cash and a release from the Overlay Reserve, available revenues would have declined by 0.6%. The small increase in available revenue over FY14 is solely due to a substantial receipt of revenue generally considered to be non-recurring—largely free cash. The free cash total in FY14 is comprised of the following items:

- \$425,510 budgeted but unneeded for claims on the Group (Health) Insurance plan;
- \$315,863 turned back from the Department of Public Works for contracts unrealized and Solid Waste savings from a decrease in tonnage hauled and a moderation in diesel fuel costs that precluded fuel surcharges;
- \$204,759 from General insurance for experience based rebates and other performance incentives;
- \$191,578 from monies returned by departments for positions funded but not filled for the entire year, an unallocated wage set-aside, a Reserve Fund Transfer for Fire Department overtime that became unneeded, a decline in legal bills and other small savings;
- \$698,630 from Local receipts in excess of those estimated (including Motor Vehicle Excise Tax, Penalties/Interest on Taxes, and Licenses and Permits;)
- \$62,345 from FEMA reimbursements for expenses in a prior year;
- \$40,344 turned back from Veteran's cash benefits;
- \$66,171 in other miscellaneous receipts.

The Board of Selectmen and the Warrant Committee requested two budgets this year of each of the town departments, a level dollar budget (a budget restricted to the same dollar figure appropriated for FY14) and a level service budget similar to the School Department's annual submissions. So-called level dollar budgets are usually backfilled later from wage set-asides for un-negotiated contracts, and receive back funds sacrificed from their expense lines in order to accommodate wage step increases. Expense lines though, have remained absolutely level for years. Not surprisingly, after four years of holding town departments to level dollar budget requests, level service requests came in higher reflecting the need to adapt to changing circumstances (an assistant planner for the Planning Department) or simply the need to keep pace with inflation (postage for the Treasurer). Requests above level dollar from the town departments totaled \$814,502. Meanwhile the School Department requested a \$2.1 million increase over last year's funding, including last year's grant of \$440,000 of one-time funds for non-recurrent expenses. However, two budgets differed sharply from expectation. General Insurance held flat at \$950,647 and Group (Health) Insurance dropped \$301,500 from \$10,525,373 budgeted for FY14 to \$10,223,873. The Town Administrator and the Town Accountant, cognizant of the \$425,000 this (FY13) budget

contributed to free cash this fall, undertook a different and detailed method of prediction for this budget. Most significantly, the new budget is \$1,124,430 below its previous forecast. In the recent past, savings from this type of windfall were treated as non-recurrent funds, ineligible for operational use. Though a prudent policy, we do not have the necessary budgetary flexibility to apply it this year, and we cannot look forward realistically to anything similar happening next year.

The Board of Assessors released \$341,484 from the Overlay Reserve for use in the FY15 budget. While this was less than last year (\$462,697), it is far above the average annual release of \$164,000 over the last 9 years.

Rising costs and inflation affect the Town in much the same manner as an individual living on a fixed income. It is for that reason and the fact that other sources of recurrent revenue remain relatively flat and comparatively small, that we rely routinely on the rise of property taxes to the maximum allowed limit, and occasionally that limit needs to be increased.

Looking ahead to FY16 it is clear that the Town has reached the end point of being able to fund department budgets without an operational override. For FY15, the increase in revenue as allowed by Proposition 2 ½ is \$1,606,649 (based on 2.5% of the FY14 levy of \$64,265,958). For FY16 the increase would be \$1,654,315, based on the FY15 levy of \$66,172,607. This sum is manifestly insufficient (in both FY15 and certainly in FY16) to cover even the contractual salary and wage increases for the Town and School departments, let alone the increases in Health Insurance and Retirement. An early projection of the FY16 budget suggests that, even were it based on a level dollar budget request of the Town departments, contractual obligations, increases in Health Insurance and Retirement, and a likely School Department request will combine for a total request on the Town of \$3.7 million in new spending. The resultant shortfall of available revenue could be well upwards of \$2.2 million.

As the Warrant Committee looks ahead to the FY16 budget process, we expect to face steep cuts in services without a contingent budget and a successful override in its support. We expect to have early discussions with the Board of Selectmen and the School Committee to determine the amount of a potential override. Some of Milton's attributes that helped earn its AAA credit rating no doubt include healthy levels of free cash and reserves and a willingness to continue their funding. Most important though, for the credit rating and the continued smooth delivery of services and education, is the Town's willingness, periodically, to overcome the structural deficit inherent in Massachusetts' municipal finances under Proposition 2 ½ and pass an override.

I. The Town's FY15 Budget

A. Revenues

The principal areas of income are property taxes, new growth, state aid, local receipts, water and sewer revenues and available funds.

- Proposition 2 ½ limits the increase in the tax levy limit to 2.5% per year. The increase for FY15 is \$1,606,649, or 2.5% of the FY14 total of \$64,265,698.
- New growth is added to the levy limit increase to obtain the total amount raised from the property tax. Residential increases are generally not a significant factor. In many cities and towns, commercial development is the primary source of new growth. In Milton, where we have little new commercial development, this is not a significant amount. We are estimating new growth at only \$300,000 for FY15, a decrease of \$50,000 from that estimated in the 2013 Annual Town Meeting warrant for FY14. The Board of Assessors lowered the estimate for FY15 in reaction to the unexpectedly low actual growth figure for FY13 of \$250,682. The average for the previous three years is in excess of \$350,000.
- State aid is determined by the legislature. This year the Governor's budget proposed an uncharacteristically low (1.02%) increase to net local aid, a mere \$62,595. In response to the uncertainty faced by many communities the House and Senate leadership released consensus figures for local aid much earlier than usual. Generally the Warrant Committee doesn't know what State aid will be at the time of printing and recommends a conservative approach. This year the number is solid though disappointing: an additional increase of only \$72,556 for a total of net state aid of \$6,294,046 (2.2% over last year.) Table A (below) shows only the income (no assessments) from the State, including the offset accounts.
- Local Receipts can be categorized into two parts: Water & Sewer revenues and everything else. Following discussions with the Town Accountant, we agreed that non-water & sewer local receipts should increase steadily by about \$187,950, or 3.3% from FY14 to FY15. Forecasting local receipts is a difficult business. The largest component, Motor Vehicle Excise Tax, is notoriously volatile. The safest and most conservative approach will necessarily lead to higher certifications of free cash in rising times yet protect the Town in a downturn.
- Water & Sewer revenues are raised through the rates. As in previous years, the Town Accountant and DPW Director have worked to ensure that the appropriate attributions of services on the Town's budget are allocated to the Water and Sewer budget. These charges are reflected as income to the Town, under the heading of Water & Sewer Indirect, often rolled in with Local Receipts.

- Available funds include such items as unused monies in various accounts (i.e. retirement or capital, and collective bargaining set-asides).

Table A (change in income from FY14 to FY15)

Property Taxes	\$ 1,857,331
Change in New Growth	49,318
Local Receipts	187,950
Water & Sewer Indirect	11,657
Total State and Federal Aid	279,876
Total Change in Income	<u>2,386,132</u>

Table A summarizes the increase in income available to meet all increases in expenditures. It does not include any change in the debt exclusion, bond premiums applied or the return of a deposit against potential worker’s compensation claims on the School Building project, which offset the appropriation in Article 31 for interest and principal payments. It also does not include the amount raised in the water and sewer rates for direct costs, appropriated in Article 16 for the same reason. Nor does it include funds from reserves, which will be discussed below.

B. Reserves

There are two Reserve accounts that the Town has treated as sources of revenue to help fund the operating budget – free cash and the Overlay Reserve. To the extent that free cash and releases from the Overlay Reserve are not recurrent, their use for funding operations is problematic.

Free cash is the difference between the revenue collected by the Town and the expenditures (including encumbrances) made by the Town at the end of the fiscal year. Free cash was certified by the Department of Revenue at \$2,005,200, a decrease of \$233,135 from last year’s sum of \$2,238,335. The sources of FY15 free cash are described above.

The Overlay Reserve is managed by the Board of Assessors, which released \$462,697 for use in the FY14 budget. For FY15, the Board of Assessors released \$341,484, a decrease of \$121,213. Its ability to release such funds is dependent upon the disposition of cases before the Appellate Tax Board.

Free Cash and Overlay Reserve funds were totaled and appropriated as follows:
(See departmental comments for greater detail.)

Free Cash	\$ 2,005,200
Overlay Reserve	341,484
Total Free Cash plus Overlay Reserve	<u><u>2,346,684</u></u>

Use of funds for operating expenses:

Recurrent overage local receipts	400,000
Overlay Reserve average release	164,000
Debt Service in lieu of contributions to, withdrawals from Capital Stabilization Fund	328,086

Use of funds for one-time items:

School Department	500,000
Reserve Fund	250,000
Stabilization Fund	200,000
GASB 45 Fund	100,000
Board of Assessors	135,433
Consolidated Facilities	85,800
Board of Selectmen	50,000
Department of Public Works	43,870
DPW-Feasibility Study, Article 17	35,000
Library	25,000
Fire Department	14,120
Cemetery	11,700
Parks & Recreation	3,675
Total	<u><u>2,346,684</u></u>

The Town of Milton has three other reserve funds – the Stabilization Fund, the Capital Stabilization Fund and the Post-Employment Benefits Fund. The first two have been built up slowly in order to provide a cushion in the event of dire operational or capital needs. As of March 24, 2014, the balance in the Stabilization Fund was \$3,461,574, the balance in the Capital Stabilization Fund was \$738,152 and the balance in GASB 45 Fund was \$283,986.

Prior Warrant Committees strongly recommended that the Town not tap into these funds. Unscheduled withdrawals, without a plan to restore the funds withdrawn, can be detrimental to the Town’s bond rating. Qualifying for the best rates for exempt debt minimizes the impact of debt exclusion overrides on the taxpayer. Of course, receiving the lowest possible interest rates on bonds issued for non-exempt debt benefits the budget as well. This fall, the Town was gratified to receive an upgrade to the highest (AAA) rating possible from the Standard and Poors. This proved fortuitous, as the Treasurer was able to refinance \$6,260,000 of older exempt debt in December, and secure a new bond issue of \$4,541,839 for two years’ worth of capital projects in February. This past fall, the Massachusetts

Department of Revenue’s Division of Local Services delivered and presented to the Town a Financial Management Review. Though they acknowledged that the Town’s reserves are at historically high levels, they cautioned that credit agencies are now advocating for reserve levels, including free cash, close to ten percent of the total budget. Our reserves, without free cash, are under 5%.

In acknowledgement of these standards the Warrant Committee believes that increasing the Stabilization funds to an appropriate and functional level is desirable. We recommend an appropriation of \$200,000 to the Stabilization Fund, but must forego a recommendation for any increase to the Capital Stabilization Fund. The two bond issues mentioned above combined to boost the debt service budget for FY 15 by \$416,351 overall, but reduced the debt service covered by the exclusion by \$203,646, leaving the Town’s budget responsible for \$619,997 more than last year (\$328,086 above the Town’s policy limit.) Though the Capital Stabilization Fund exists for the purpose of smoothing out spikes in the cost of debt service, rather than making an unplanned withdrawal from the fund, the Warrant Committee plans to use some of the premium from the non-exempt bond and free cash to meet this unexpected increase. Article 1 of this spring’s Special Town Meeting proposes a deposit of said premium to the Capital Stabilization Fund.

Article 30 of the 2012 Annual Town Meeting Warrant established a new stabilization fund (Post-Employment Benefits stabilization fund), to be used to reduce the Town’s unfunded actuarial liability of health care and other post-employment benefits (GASB 45). Following review, the committee recommends an appropriation of \$100,000 to this fund. In addition, when the unfunded retirement liability is closed in FY2025, we continue to recommend that the difference (of approximately \$5M annually) be allocated as an additional funding source for this fund. Between these two methods (and based on our initial projections), the unfunded GASB 45 liability would be closed in FY2043.

Table B: Total Change in Amount Available from Reserves

Total Change in Income (Table A)	\$	2,386,132
Free Cash		(233,135)
Overlay Reserve		(121,213)
Capital Stabilization Fund		176,847
Total Change in Amount Available for Appropriation		<u>2,208,631</u>

C. Expenditures: Requests

Anticipating a very tight financial picture for FY15, the Selectmen and the Warrant Committee requested that all town departments submit a level dollar budget, i.e. a budget that has the same dollar number as that appropriated in FY14. However,

as discussed above, we also requested a level service budget in order to identify better the need for restorative funding.

Table 10 summarizes the level service amounts that the departments requested and that the Warrant Committee recommends for FY14. The table inside the front cover of this Warrant compares the recommended FY14 appropriations to the FY13 appropriations.

There is one other article for which an appropriation was requested.

Article 17 requests an appropriation of \$35,000 for a feasibility study of the DPW yard, its facilities and the suitability of finding common space for other departments.

All Town union contracts expired at the end of FY13. The existing union contracts for the School Department also expired at the end of FY13. However, the major teachers' contract has been settled, and the School Department's budget reflects the negotiated outcome. Article 8 is a set-aside covering an estimated \$558,695 increase for non-school unions that have not settled for FY14 or FY15, so this sum represents two years of raises, the second compounded on the first. Article 11 includes a \$31,391 increase for Chapter 13, non-union, non-school employees as voted by the Personnel Board for FY15. In addition, we are recommending that the Town Clerk and Treasurer receive raises of \$1,738 each, consistent with non-union personnel for FY15, as has been past practice. These monies have been added to their departmental budgets in Article 13.

There are six debt articles in this year's Warrant.

Article 6 is a standing borrowing article for capital needs. The Capital Improvement Planning Committee has recommended that the Town appropriate \$1,817,049 for capital items.

Article 19 is a standing borrowing article for improvements to the Town's water system. As in past years, an interest free loan is available from the MWRA to cover the cost of the program.

Article 20 is a standing borrowing article for improvements to the Town's surface drain system in accordance with a ten-year master plan to bring the surface drain system up to current standards.

Article 21 is a standing borrowing article for improvements to the Town's Sewer system. The MWRA provides an interest free loan for this purpose and an outright grant of 45% of the program's cost.

Article 31 will authorize the payment of principal and interest on the Town's existing bonded debt exclusive of enterprise fund debt. This year's appropriation for the payment of principal and interest is \$4,302,984. \$2,717,618 of this debt payment will be funded with debt exclusion overrides for the School Building Project and the Library Building Project. This amount will be reduced by the return of \$119,928 deposited against potential Workers Compensation claims on the School Building project and \$27,074 in bond premiums from the School Building project that are being used to reduce the debt exclusion. Additionally, predicated on the passage of Article 1 in the Special Town Meeting warrant, \$176,847 may be withdrawn from the Capital Stabilization Fund for the purpose of paying the first year's interest on a non-exempt bond from the premium received in February and placed in the Capital Stabilization Fund.

D. Budget Process

When the Warrant Committee begins its budget process, it first allocates budgets into two categories: those we can control and those we cannot control. In the latter category are those items that are essentially bills, such as health insurance, retirement, law, audit, Blue Hills Regional Vocational Technical School, veteran's benefits and State assessments. In the former are all the other budgets.

We then break the departments out into further categories to aid in our deliberations: Education, Health, Safety and Public Works, Administration and Finance, Benefits and Insurance, Public Services, Capital and Debt, and Reserves and non-appropriated expenditures.

Education includes the Milton Public Schools and the Blue Hills Regional Assessment.

Health, Safety and Public Works includes the departments under Article 12 and three others: the Board of Health, the Department of Public Works and the Consolidated Facilities department.

Administration and Finance consists of those departments that help other departments to function, those that have legally mandated tasks, the five volunteer boards that have legal functions in the Town, and employee benefits. The departments include the Central Business Office, Audit, Board of Appeals, Board of Assessors, Conservation Commission, Election & Registration, General Insurance, Information Technology, Law, Personnel Board, Planning Board, Selectmen, Town Clerk, Town Reports, Treasurer/Collector and the Warrant Committee.

Benefits and Insurance includes the budgets related to health insurance, retirement, unemployment and veterans benefits.

Public Services include those departments that provide services directly to the public. These departments include the Cemetery, the Council on Aging, the Historical Commission, the Library and Parks and Recreation.

Capital and Debt includes the Capital and Interest and Maturing Debt budgets.

Reserves and non-appropriated expenditures include State and County Assessments (which are bills and are deducted from state aid prior to receipt), the Library grant and School Lunch (which are equal both in income and expenditure), the overlay reserve, the Reserve Fund, the Stabilization Fund, the Capital Stabilization Fund, and the GASB45 Stabilization Fund. Water and sewer enterprise (which is appropriated in Article 15) is raised through the rates rather than through the tax levy.

While reviewing budget requests and meeting department heads in the weeks before the “all day” budget meeting scheduled for February 12, the Warrant Committee faced a strange imbalance of funds available. After determining the contractual obligations of the School Department and the wage set-aside required for the town we realized that though we had \$1,875,460 at hand, \$2,346,684 was in free cash and overlay reserve and operational monies were \$471,224 negative. Ultimately we identified certain expenditures that might reasonably be funded with free cash, such as contributions to the stabilization funds. We also inspected the sources of the free cash and the history of releases from the Overlay Reserve. The committee determined that \$164,000 of the release might reasonably be committed to operations as the average annual return. Additionally we calculated that \$400,000 of the free cash sum was also recurrent, so long as the current, justifiably conservative philosophy underlying the forecasts for local revenue remained unchanged. This redefinition of funds came too late for the committee to then reach accord on their subsequent allocation and the all day meeting was necessarily postponed. This was ultimately fortuitous, as an additional and unforeseen pressure on the budget soon materialized that would have required some take-backs had departmental budgets been fixed.

A new bond to refinance existing exempt debt was issued in December and another new bond was issued for non-exempt debt on February 15. The combination increased debt service for FY15 by \$416,351 but as the debt service financed by the debt exclusion portion of the tax levy dropped, an additional \$203,646 landed on the operational budget.

About \$500,000 of this \$619,997 increase was provisionally funded by free cash, rather than vaporize the Capital Stabilization Fund, for which a FY15 contribution has been precluded.

Eventually the committee determined net allocations of \$597,709 against operational requests above level dollar and contractual obligations totaling

\$1,528,304. We also had \$1,277,751 at hand for one-time requests. The “all-evening” budget meeting was held in the library at the High School. The Warrant Committee is grateful to the School Committee for their accommodation.

Table D: All Evening Meeting Funds Available

Revenues Available (from all sources excluding W&S) \$	88,176,203
Departmental Requests (level dollar)	86,300,743
Total Available to Appropriate for FY15	<u>1,875,460</u>

Subsequent to February 26, an additional \$72,556 of state aid was recognized and \$30,000 of new money in local revenue was identified. Finally, the net proceeds (\$302,850) of the bond premium received from the February issue were projected for safeguarding in the Capital Stabilization Fund through an article in this contemporaneous Special Town Meeting warrant. \$176,847, equivalent to the first year’s interest on the new bonds is applied against FY15 debt service from the Capital Stabilization Fund in Article 31 of this warrant. This use of the bond premium released \$176,847 of free cash that had been earmarked for debt service.

Table E shows the amounts added to each department at those meetings including the \$279,403 of additional revenue detailed above.

Table E: FY15 Budget Deliberations

Department	Steps	Operations	One-time	Both	One-time	Both
	2/24/2014	2/26/2014	2/26/2014	3/10/2014	3/19/2014	3/20/2014
School Department		340,000	500,000			58,000
Police	68,258	81,742				32,148
Fire	26,931	14,120		14,120		
DPW	14,520	56,844			41,000	2,870
Consolidated Facilities	6,719	45,131		85,800		12,408
Inspectional Services	3,399			11,428		
Board of Health	106	3,126				
Board of Assessors				135,433		
CBO	4,633	(4,633)				
IT	1,149	25,000				
Unemployment		15,000		(15,000)		
Personnel Board	1,312	(1,312)				
Planning Board	17	166				
Selectmen	5,576	47,626				50,000
Town Clerk	3,315			2,635		
Treasurer/Collector	2,175	11,000		937		
Veterans		(40,000)				
Cemetery	10,511		11,700			
Council on Aging	1,665	2,085				

Library	10,032	42,591	25,000		
Park Department	4,412	5,000	3,675		
Offset Charges					
Reserve Fund		(50,000)		250,000	
Wage Set-Asides	(164,730)	4,223			
Feasibility Study				35,000	
Stabilization Fund				200,000	
GASB45 Stab. Fund				100,000	
Total	0	597,709	540,375	235,353	626,000
					155,426

The breakdown between the controllable and non-controllable budgets (excluding water and sewer direct costs) is outlined in Table E below.

Table E: Controllable vs. Non-Controllable budgets

	FY14	FY15	% Change
Non-Controllable Total	25,973,677	25,995,464	0.08%
Controllable Total	60,203,964	62,180,739	3.28%
	86,177,641	88,176,203	2.32%

E. Budget Impact

The departmental budgets are tight but fair. They will provide Town departments with sufficient funding to maintain personnel, meet wage increases and reasonably fund general expenses. Although \$262,529 in requests were unmet, Town departments received positive allocations above “level dollar” of \$398,210 enabling the hiring of a painter for the Consolidated Facilities Department, and an assistant planner to the Planning Department. The School Department received \$398,000 in additional operational funds and \$500,000 from free cash yet will still be in a deficit situation, with an unmet request of \$316,252, contemplating the elimination of 1.2 positions and \$250,000 worth of services. However, the second year of the School’s “Advancement Budget” was funded, which involves the hire of 3 full time equivalent positions, and an additional \$67,000 in stipends. It should be noted that the statements above about the Town are true only with the approval of Article 8. Article 8, which provides for a wage set aside for union employees of \$558,695, allows Town departments to continue to meet service levels. Not funding Article 8 will result in an effective cut to those departments as they must otherwise absorb the raises within their existing budget. We are long past the point where departments have enough flexibility in their non-salary lines to absorb this type of cut. Absorbing raises in the future means losing staff or cutting hours.

II. Non-budget Articles

There are 9 other articles that are non-budgetary in nature for FY15. The comments for these articles provide additional background information.

Article 13 seeks to amend the provisions in the Zoning Bylaw for financial penalties.

Article 23 seeks to add a subsection to the Zoning Bylaws regarding Medical Marijuana Facilities.

Article 24 seeks to extend the temporary moratorium on medical marijuana facilities in the event Article 23 fails to pass or suffers rejection by the Attorney General.

Article 35 seeks to amend the Table of Contents to the Zoning Bylaws.

Article 36 seeks to amend the zoning bylaw concerned with cluster developments.

Article 37 is a citizens' petition that seeks to amend the Zoning Bylaws by adding a special permitting process to allow an "Agricultural/Nursery/Landscaping Development" to operate within a residential district.

Article 38 is a citizens' petition that seeks to amend the Zoning Bylaws by adding a special permitting process for an "Attached Condominium Residence Development."

Article 39 seeks approval for the Board of Selectmen to petition the State Legislature for authorization to issue a liquor license.

Article 40 is a citizens' petition seeking relief from issues relating to the use of the athletic complex at Curry College.

III. 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, Town Counsel John Flynn, the Board of Selectmen and staff of their office, Town Accountant Amy Dexter, Town Treasurer Jim McAuliffe, Chief Assessor Jeffrey d'Ambly, School Superintendent Mary Gormley, School Assistant Superintendent for Business Glenn Pavlicek, School Committee Chair Lynda-Lee Sheridan and the members of that committee, Planning Board Chair Alex Whiteside and Planning Director William Clark. The Chair would like to thank in particular Patricia Cahill, the Warrant Committee Clerk, for her assistance with the Warrant and throughout the year.

Respectfully submitted,
March 27, 2014

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

ARTICLE 1 To hear and act upon the report of the Town Accountant and other Town Officers and Committees.

RECOMMENDED that the Town vote to accept the report of the Town Accountant.

ARTICLE 2 To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2014 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of General Laws, Chapter 44, Section 17.

RECOMMENDED that the Town Treasurer, with the approval of the Board of Selectmen, be and hereby is authorized to borrow money from time to time in anticipation of revenue of the fiscal year beginning July 1, 2014 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of General Laws, Chapter 44, Section 17.

ARTICLE 3 To see if the Town will vote to authorize the Collector of Taxes to use all means of collecting taxes which a Town Treasurer, when appointed Collector, may use.

RECOMMENDED that the Town vote YES.

ARTICLE 4 To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1, 2014, in accordance with the provisions of General Laws, Chapter 44, Section 53F; and to act on anything relating thereto.

RECOMMENDED that the Town vote YES.

ARTICLE 5 To see if the Town will vote to authorize the Moderator to appoint a committee of five citizens to consider such proceedings of the Legislature and State Boards and Commissions as may affect the interest of the Town, and confer as they may think expedient with the Selectmen in regard to the employment of counsel to represent the Town in any such proceedings; the members of such committee to hold office until the final adjournment of the next Annual Town Meeting and until the appointment of any succeeding committee authorized at such meeting.

RECOMMENDED that the Town vote YES.

ARTICLE 6 To see what sum of money the Town will vote to appropriate for capital items; to determine how said appropriation shall be raised, whether by borrowing or otherwise; and to act on anything relating thereto.

Submitted by the Board of Selectmen and the Capital Improvement Planning Committee

RECOMMENDED that the Town appropriate the sum of \$1,817,049 to fund the capital projects listed below:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>RECOMMENDED</u>
Police	Town Security Cameras	85,297
School Facilities	Road work	85,000
School Technology	Smartboards	105,552
School Technology	Chromebooks	109,200
Water Fund	Trench Shoring System	50,000
Water Fund	Air Compressor	17,000
Water Fund	One ton utility truck	47,000
Water Fund	Meter replacement	600,000
Sewer Fund	Utility Truck	46,500
Sewer Fund	One ton pick-up truck	46,500
Sewer Fund	Meter replacements	600,000
	Subtotal Bonded Capital Items	<u>1,792,049</u>
Library	Computer replacements	25,000
	Total Non-bonded Capital Items	<u>25,000</u>
	Total Capital Items	<u>1,817,049</u>

and that to meet said appropriation the sum of \$1,817,049 be appropriated for the purpose of financing the rehabilitation, replacement, or enhancement of the Town’s facilities and public safety equipment as described above, including costs incidental and related thereto; the Treasurer, with the approval of the Board of Selectmen, is authorized to sell and issue bonds or notes of the Town, aggregating not more than \$1,792,049 in principal amount, pursuant to the provisions of Chapter 44, Section 7 of the Massachusetts General Laws, as amended, or any other applicable law and that the Board of Selectmen be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from any other public or private funding source and that the sum of \$25,000 be raised from funds certified by the Department of Revenue as free cash.

COMMENT: Last fiscal year, in an effort to provide the Town with a level stream of available funding for capital items, the Capital Improvement Planning

Committee and the Warrant Committee agreed on an appropriate debt service to revenue ratio. During an October 17, 2012 meeting, the Warrant Committee voted that the Town should attempt to maintain an annual level of debt service for general obligation debt that does not exceed 1.9% of the anticipated total tax levy for the year including new growth but excluding debt exclusion revenue. If the debt service exceeds 1.9% in the future, the difference may be financed from the Capital Stabilization Fund by a vote of two-thirds of Town Meeting.

Due to the payment schedule for the new bonds issued in February, the debt service ratio guideline for non-exempt debt service will have been exceeded by \$328,086 in FY15. The Warrant Committee has planned the use of free cash to cover that excess.

ARTICLE 7 To see what sum of money the Town will vote to appropriate to the Board of Selectmen for the purpose of conducting a municipal audit for the fiscal year ending June 30, 2014, and further to see if the Town will vote to authorize the Committee appointed pursuant to Article 14 of the 1978 Annual March Town Meeting (the Town Audit Committee) to make recommendations to the Selectmen relative to the employment of a Certified Public Accountant for the foregoing purpose; and to act on anything relating thereto.

RECOMMENDED that the Town authorize the Town Audit Committee to make recommendations to the Board of Selectmen relative to the appointment of a Certified Public Accountant for the purposes of this article, and that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

AUDIT DEPARTMENT	Actual FY 13	Approp. FY 14	Recomm. FY 15
General Audit	56,000	58,200	58,200
GASB 45 Valuation	0	8,000	0
TOTAL AUDIT	56,000	66,200	58,200

and that to meet said appropriation the sum of \$52,895 be raised from the tax levy. Included in this appropriation are the sums of \$2,321 representing expenses attributable to the Sewer Enterprise and \$2,984 representing expenses attributable to the Water Enterprise, which are to be included in Schedule A, “Local Receipts Not Allocated”, of the Tax Recapitulation as Sewer and Water Estimated Receipts.

COMMENT: The recommended amount is a contractual obligation. The Town is entering its third year of a three-year agreement with its auditors, Powers & Sullivan. As was the case last year, indirect costs attributable to the Water and

Sewer Enterprises are being allocated across all appropriate budgets reflecting the costs related to service delivery.

ARTICLE 8 To see what sum of money the Town will vote to appropriate for the purpose of funding cost items not in departmental budgets for the twelve month period beginning July 1, 2014 for collective bargaining agreements reached before or after this Town Meeting between the Town and bargaining units representing Town employees, such sums to be allocated to departments; and to act on anything related thereto.

RECOMMENDED that the Town appropriate the sum of \$558,695 and that to meet said appropriation the sum of \$515,896 be raised from the tax levy. Included in this appropriation are the sums of \$18,367 representing expenses attributable to the Sewer Enterprise and \$24,432 for expenses attributable to the Water Enterprise, which are to be included in Schedule A, “Local Receipts Not Allocated,” of the Tax Recapitulation as Sewer and Water Estimated Receipts.

COMMENT: This article provides a set-aside to fund FY15 collective bargaining agreements for which negotiations have not been concluded. The estimated \$558,695 increase is for non-school unions that have not settled for FY14 or FY15, so this sum represents two years of raises, the second compounded on the first. Provided Article 8 is approved, the appropriations for all departments will provide sufficient funding to perform all required services and employ all funded personnel positions for FY2015, otherwise commensurate cuts will be made in staffing and services to cover negotiated raises as departments do not have sufficient funds in their General Expenses lines to cover the increases following successive years of cuts to those line items.

ARTICLE 9 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014 for the several categories classified as Employee Benefits; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amounts shown in the following tabulation under the heading “Recommended”:

EMPLOYEE BENEFITS	Actual FY 13	Approp. FY 14	Recomm. FY 15
Contributory Retirement	4,492,609	4,674,455	4,957,787
Group Insurance	9,649,958	10,525,373	10,223,873
TOTAL EMPLOYEE BENEFITS	14,142,567	15,199,828	15,181,660

and that to meet said appropriation the sum of \$14,529,677 be raised from the tax levy. Included in this appropriation are the sums of \$314,349 representing expenses attributable to the Sewer Enterprise and \$337,634 representing expenses attributable to the Water Enterprise, which are to be included in Schedule A, Local Receipts Not Allocated, to the Tax Recapitulation as Sewer and Water Estimated Receipts.

COMMENT: The recommended Contributory Retirement appropriation includes not only the normal annual cost but also the FY15 amortization payment of the 2003 early retirement incentive program (“ERI”) in the amount of \$126,318 and the amortization of unfunded actuarial liability (“UAL”) in the amount of \$3,405,601. The ERI will be paid through FY19. The UAL was scheduled to be fully funded by FY16. However, due to the economic down turn and loss of value in the Town’s invested retirement plan assets, full funding of the UAL was extended to 2022. The most current determination of plan assets and liabilities extends the full funding of the UAL until 2025. The plan’s Actuary warranted changes in demographic and economic assumptions based on the plan’s actual experience. The changes increased the plan’s UAL. To keep the cost of the plan on a basis par with last year’s cost, the amortization period of the UAL was extended by 3 additional years thus minimizing the impact on the Town’s appropriation. While the schedule has moved out, we are still well in advance of the original mandated date of 2028 and more so following the legislature’s extension of the deadline to 2040.

An Actuarial Valuation as of January 1, 2013 was performed by the Commonwealth of Massachusetts Public Employee Retirement Administration Commission (PERAC). As a result of this study a revised schedule of funding progress has been determined. A summary of the revised schedule of funding progress as of January 1, 2013 is outlined below.

	Actuarial	Actuarial	Unfunded	Funded	Covered	UAAL
Actuarial	Value of	Accrued	AAL	Ratio	Payroll	as a % of
Valuation	Assets	Liability	(UAAL)	(a/b)	(c)	Covered
Date	(a)	(b)	(b-a)			((b-a)/c)
1/1/2013	86,729,191	121,723,171	34,993,980	71.3%	19,175,686	182.49%
1/1/2011	87,479,107	113,132,039	25,652,932	77.3%	17,241,221	148.8%
1/1/2009	73,278,417	99,303,806	26,025,389	73.8%	17,341,534	150.1%

The decrease in the cost of Group (Health) Insurance is discussed more fully in the Warrant Committee’s Report. More accountable, if laborious, estimates were prepared for this budget saving the town from crippling cuts across all the discretionary budgets.

ARTICLE 10 To see what sum of money the Town will vote to appropriate to reimburse the Commonwealth of Massachusetts, Division of Employment Security for benefits paid to former employees of the Town; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the sum of \$100,000 for the purpose set forth in this article and that to meet said appropriation the sum of \$100,000 be raised from the tax levy.

COMMENT: The cost of unemployment benefits for the nine (9) months ending March 31, 2014 were \$70,602. There are no anticipated increases over the \$100,000 FY14 appropriation.

ARTICLE 11 To see if the Town will vote to amend Chapter 13 of the General Bylaws, known as the Personnel Administration Bylaw, as follows:

By striking out the section “Position Identification by Level, Department, Municipal Division and Personnel Code” and inserting in place thereof a new section as follows:

**POSITION IDENTIFICATION
BY
LEVEL, DEPARTMENT, MUNICIPAL DIVISION,
AND PERSONNEL CODE**

	Normal Work	
<u>Level</u>	<u>Week</u>	<u>Position, Title, Department and Division</u>

GENERAL GOVERNMENT

ASSESSORS

10		Chief Appraiser
6		Administrative Assistant
4	37.5	Senior Administrative Clerk

INFORMATION TECHNOLOGY

10		Director
6		Assistant

CENTRAL BUSINESS OFFICE

12		Town Accountant
6		Assistant Town Accountant
6		Principal Bookkeeper
4	37.5	Senior Administrative Clerk/Water & Sewer
4	37.5	Principal Clerk

CONSOLIDATED FACILITIES

10		Operations Manager
8		Electrician
8		Superintendent of Buildings and Grounds
6		Office Assistant
W4	40	Maintenance Craftsman
W3	40	Maintenance Man
W3	40	Maintenance Man/Painter

SELECTMEN

11		Assistant Town Administrator/Human Resource Director
10		Director of Planning & Community Development
7	37.5	Assistant Town Planner
6		Executive Secretary
4	37.5	Senior Administrative Clerk

TOWN CLERK

6		Assistant Town Clerk
4	37.5	Senior Administrative Clerk

TREASURER-COLLECTOR

6		Assistant Town Treasurer
5	37.5	Deputy Collector
5	37.5	Senior Administrative Clerk
3	20	Principal Clerk

VETERANS' BENEFITS

Misc.		Veterans Agent/Director of Veterans Services
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PUBLIC SAFETY

INSPECTIONAL SERVICES

10		Building Commissioner
7	20	Plumbing & Gas Inspector/Sealer of Weights & Measures
7	25	Wire Inspector
7	37.5	Local Inspector
7	20	Local Inspector
4	37.5	Senior Administrative Clerk
4	37.5	Senior Administrative Clerk/BOA

FIRE

F3	42	Deputy Chief
F2	42	Lieutenant
F2	42	Fire Prevention Officer
F1	42	Fire Fighter
5	37.5	Senior Administrative Clerk

POLICE

P3	40	Lieutenant
P2	40	Sergeant
P1	40	Police Officer
P1	40	Student Officer
7	22.5	Crime Analyst
7		Business Manager/ Civilians
6	30	Youth Counselor
4	37.5	Animal Control Officer
4	37.5	Senior Administrative Records Clerk
4	30	Senior Administrative Clerk - Payroll
3	40	Civilian Dispatchers
Misc.		Traffic Supervisor/Cadet/Seasonal

BOARDS AND COMMITTEES

COUNCIL ON AGING

9		Director
4	10	Outreach Worker
4	37.5	Senior Administrative Clerk
2	19	Van Driver

PERSONNEL BOARD

11		Assistant Town Administrator/Human Resource Director
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PLANNING

4	22.5	Senior Administrative Clerk
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YOUTH

9		Coordinator
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CEMETERY

9		Superintendent
4	32.5	Senior Administrative Clerk
W8	40	General Working Foreman
W7	40	Senior Working Foreman/Maintenance Craftsman, Motor Equipment Operator Gr. 2
W7	40	Motor Equipment Repairman, Maintenance Craftsman, Motor Equipment Operator Gr. 2
W5	40	Working Foreman, Maintenance Craftsman, Sprayer Operator/Motor Equipment Operator Gr. 2
W4	40	Maintenance Craftsman Motor Equipment Operator, Grade 1

W3	40	Maintenance Man, Motor Equipment Operator Gr. 1
W2	40	Laborer
Misc.		Laborer (Intermittent)

HEALTH

9		Agent
6	22.5	Public Health Nurse
5	25	Health Inspector
4	21.5	Senior Administrative Clerk

LIBRARY

11		Director
L3	37.5	Assistant Director
L2.5	37.5	Adult Services Librarian
L2	37.5	Young Adult Librarian
		Children's Librarian
		Technical Services Librarian
	16	Assistant Children's Librarian
	12.5	Reference Librarian
LS5	37.5	Administrative Assistant
		Circulation Library Assistant
		Technical Library Assistant
LS4	37.5	Community Services Library Assistant
		Children's Library Assistant
		Library Assistant Technical Services
LS3	20	Library Assistant
	14.5	Library Assistant
Misc.		Library Page

PARK

9		Director of Parks and Recreation
6		Recreation Supervisor
4	37.5	Senior Administrative Clerk
W7	40	Senior Working Foreman, Motor Equipment Operator Gr. 2
W5	40	Working Foreman/Maintenance Craftsman Motor Equipment Operator Gr. 2
W4	40	Maintenance Craftsman Motor Equipment Operator Gr. 1
W2	40	Laborer
Misc.		Laborer (Intermittent)

PUBLIC WORKS

14		Director of Public Works
10		Assistant Director of Public Works
10		Town Engineer/Manager of Contracts
8		Manager of Street/Traffic Lights and Special DPW/Engineering Projects
7		Civil Engineer
6		Administrative Assistant
6		GIS and CAD Operator/Engineering Draftsman
5	37.5	Senior Administrative Clerk/Conservation
W8	40	General Foreman, Motor Equipment Operator Gr. 2
W7	40	Signal Maintainer
W7	40	Senior Working Foreman, Construction & Maintenance Craftsman, Senior Motor Equipment Repairman, Arborist Tree Surgeon, Motor Equipment Operator Gr. 2
W7	40	Senior Working Foreman, Motor Equipment Repairman, Motor Equipment Operator Gr. 2
W6	40	Working Foreman, Construction and Maintenance Craftsman, Motor Equipment Repairman-Helper, Arborist (Tree Surgeon) Motor Equipment Operator Gr. 2 Public Works Emergency Man
W5	40	Working Foreman, Construction and Maintenance Craftsman, Motor Equipment Operator Gr. 2
W4	40	Construction and Maintenance Craftsman Motor Equipment Repairman Helper, Apprentice Arborist (Tree Surgeon), Motor Equipment Operator Gr. 1
W3	40	Maintenance Man, Grounds Maintenance Man, Water & Sewer System Maintenance Man, Motor Equipment Repairman-Helper, Apprentice Arborist (Tree Surgeon) Motor Equipment Operator Gr. 1
W2	40	Laborer
Misc.		Engineering Interns (seasonal)
Misc.		Laborer (Intermittent)

UNCLASSIFIED

Town Administrator
Police Chief
Deputy Chief
Fire Chief
Consolidated Facilities Director
Warrant Committee Clerk
Registrar of Voters
Park Recreation Employees
Inspector of Animals

RECOMMENDED that the Town vote to amend Chapter 13 of the General Bylaws, known as the Personnel Administration Bylaw, exactly as set forth in this schedule, and to appropriate the sum of \$31,391 to fund wage adjustments effective July 1, 2014; said sum to be added to the salary accounts of the departments as shown in the following tabulations:

	Recomm. FY15
Central Business Office	
General	1,844
Water	198
Sewer	154
Total Central Business Office	2,196
Consolidated Facilities	2,094
Council on Aging	653
Fire	2,726
Library	1,765
Personnel	882
Police	12,582
Public Works	
General	625
Vehicle Maintenance	115
Solid Waste General	46
Water	764
Sewer	764
Total Public Works	2,314
Selectmen	5,286
Town Clerk - Salary Other	313
Veterans Agent	392
Warrant Committee	188
Total Chapter 13 Wage Adjustments	31,391

and that included in this appropriation are the sums of \$962 representing expenses attributable to the Water Enterprise and \$918 representing expenses attributable to the Sewer Enterprise which are to be included in Schedule A, “Local Receipts Not Allocated,” of the Tax Recapitulation as Water and Sewer Estimated Receipts with the remainder of \$29,511 to be to be raised from the tax levy.

COMMENT: The recommended appropriation provides sufficient funding for a wage adjustment (voted by the Personnel Board) for all non-school non-union employees effective July 1, 2014. In addition and in keeping with the Town’s

General Bylaw Chapter 13 Section II A, we recommend a commensurate adjustment to the salaries of the Treasurer and Town Clerk. This adjustment of \$1,738 each has been allocated to their salary lines in Article 14.

The following reclassifications, additions and eliminations were approved by the Personnel Board:

- Elimination of the Level 14 Director of Public Works/Town Engineer position in the Department of Public Works*
- Creation of a Level 14 Director of Public Works position in the Department of Public Works*
- Elimination of the Level 10 Assistant Town Engineer position in the Department of Public Works*
- Creation of a Level 10 Town Engineer position in the Department of Public Works*
- Creation of a Level 6 Recreation Supervisor position in the Park Department*
- Creation of a Level 7 Assistant Town Planner position in the Selectmen’s Office*
- Creation of a W3 Maintenance Man/Painter position in the Consolidated Facilities Department*
- Reclassification of the Level 9 Town Planner position in the Selectmen’s Office to Level 10*
- Reclassification of the Level 8 Council on Aging Director position in the Council on Aging to Level 9*

ARTICLE 12 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014 for the several categories classified as “Public Safety”; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

PUBLIC SAFETY	Actual FY 13	Approp. FY 14	Recomm. FY 15
1 INSPECTIONAL SERVICES			
Salaries & Wages	323,314	352,939	367,766
General Expenses	17,735	19,373	19,373
TOTAL INSPECTIONAL SERVICES	341,049	372,312	387,139

2	FIRE			
	Salaries & Wages	4,483,073	4,542,833	4,565,922
	General Expenses	268,479	208,257	216,219
	New Equipment	67,308	20,000	30,000
	TOTAL FIRE	<u>4,818,860</u>	<u>4,771,090</u>	<u>4,812,141</u>
3	MILTON EMERGENCY MANAGEMENT AGENCY (MEMA)			
	Salaries & Wages	750	750	750
	General Expenses	0	785	785
	Auxiliary Fire	4,372	4,380	4,380
	Auxiliary Police	3,437	4,700	4,700
	TOTAL MEMA	<u>8,559</u>	<u>10,615</u>	<u>10,615</u>
4	POLICE & YOUTH			
	Salaries & Wages	5,511,289	5,548,204	5,660,679
	General Expenses	457,543	457,620	492,620
	Leash Law	69,409	73,167	75,692
	New Equipment	124,524	124,524	124,524
	Capital Outlay	122,832	-	-
	TOTAL POLICE & YOUTH	<u>6,285,597</u>	<u>6,203,515</u>	<u>6,353,515</u>
	TOTAL PUBLIC SAFETY	<u>11,454,065</u>	<u>11,357,532</u>	<u>11,563,410</u>

and to meet said appropriation for Leash Law enforcement, the sum of \$1,400 be transferred from the Dog Licenses Surcharge Account received pursuant to Chapter 197 of the Acts of 1981, and that the sum of \$14,120 be raised from funds certified by the Department of Revenue as free cash. The balance of \$11,547,890 is to be raised in the tax levy of the fiscal year.

COMMENT: The public safety departments have sufficient funding to maintain services in FY15. As with all other departments, they received additional funds above level dollar to cover the step and longevity increases that were sacrificed from their general expense lines in order to submit a level dollar budget. These amounts are not trivial; for the Police Department it amounted to \$68,258. The Police Department also received additional funding of \$113,890 including overtime, gasoline and the restoration of \$32,148 to their annual car budget. The Police Department needs four new cruisers each year. For several years they could only afford three and this year only two without supplementary funds. The Inspectional Services Department was fully funded to "level service," to maintain the hours of the part-time inspector brought on board this year.

It should be noted up front for this first division of Town Departments (that also contain the two largest salary lines, Police and Fire,) that no cost of living adjustments are reflected in the salary figures presented, for both FY14 and FY15. These are contained within the wage set-aside of Article 8, but their absence lowers the apparent rate of growth in salaries. Sufficient funds are available for appropriation in Article 8 to enable the Town to bargain in good faith with its unions, but a failure to pass Article 8 will result in massive cuts to staff and services as none of the departments has sufficient funds to absorb any wage increase negotiated for FY15 compounded on a wage increase for FY14 also, as yet, not negotiated.

ARTICLE 13 To see if the Town will vote to amend Chapter 10 of the General By-laws, known as the Zoning By-laws, by adding the following sentence at the end of Section XI.A, Section XI. B., and Section XI.C:

“During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight, during which the 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 By-law shall be fined in a sum not to exceed fifty dollars (\$50.00) for each offense. During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight 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 By-law shall be fined in a sum not to exceed three hundred dollars (\$300.00) for each offense. During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight that such violation continues shall constitute a separate offense.

C. Any person, firm or corporation who violates any provision of this By-law, 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 By-law shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each offense. Each violation of any other provision of this By-law shall be punishable by a fine not to exceed three hundred dollars (\$300.00) for each offense.

During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight that such offense continues shall constitute a separate offense.”;

and to act on anything relating thereto.

Submitted by the Planning Board

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

“During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight, during which the 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 By-law shall be fined in a sum not to exceed fifty dollars (\$50.00) for each offense. During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight 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 By-law shall be fined in a sum not to exceed three hundred dollars (\$300.00) for each offense. During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight that such violation continues shall constitute a separate offense.

C. Any person, firm or corporation who violates any provision of this By-law, 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 By-law shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each offense. Each violation of any other provision of this By-law shall be punishable by a fine not to exceed three hundred dollars (\$300.00) for each offense.

During the year after an initial violation is cited to the violator by the Building Commissioner, each fortnight that such offense 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. Though the cases filed in court number about twenty per year, many involve multiple appearances. Massachusetts General Laws limits 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.1) (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, after a second notice, automatically increase penalties by either \$50 or \$300 every fortnight (two weeks) for a maximum period of a year. The maximum fines, depending on the violation, will be either \$1,300 or \$7,800. We believe this will give a far higher level of persuasion to the enforcement provisions of the Zoning Bylaws, and allow the Inspectional Services Department to devote more of their time to the increasing demands of development.

ARTICLE 14 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014 for the operation of the Town departments classified as General Government; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

GENERAL GOVERNMENT	Actual FY 13	Approp. FY 14	Recomm. FY 15
A BOARD OF SELECTMEN			
1 CENTRAL BUSINESS OFFICE			
Salaries & Wages	308,164	327,885	327,995
General Expenses	40,297	25,341	25,271
TOTAL CENTRAL BUSINESS OFFICE	348,461	353,226	353,226

2	ELECTION & REGISTRATION			
	Salaries & Wages	56,761	14,552	42,250
	General Expenses	19,255	7,300	27,130
	TOTAL ELECTION & REGISTRATION	76,016	21,852	69,380
3	INSURANCE GENERAL			
	General Expenses	732,888	950,647	950,647
	TOTAL INSURANCE GENERAL	732,888	950,647	950,647
4	LAW			
	Retainer	56,000	56,000	58,000
	Professional & Special Services	185,413	200,000	197,000
	Disbursements	5,711	4,000	5,000
	Claims	0	1,000	1,000
	TOTAL LAW	247,124	261,000	261,000
5	INFORMATION TECHNOLOGY			
	Salary & Wages	122,429	123,210	125,685
	General Expenses	212,382	202,678	226,352
	TOTAL INFORMATION TECHNOLOGY	334,811	325,888	352,037
6	WARRANT/ANNUAL REPORTS/BYLAWS			
	General Expenses - Town Reports	4,007	6,300	6,300
	General Expenses - Warrant	9,180	8,000	0
	TOTAL WARRANT/ANNUAL REPORTS/BYLAWS	13,187	14,300	6,300
7	SELECTMEN			
	Salary - Chairman	1,800	1,800	1,800
	Salary - Other Two Members	3,000	3,000	3,000
	Salary - Town Administrator	151,727	151,542	151,542
	Salary - Other	243,233	247,573	298,811
	General Expenses	28,634	27,929	77,177
	TOTAL SELECTMEN	428,394	431,844	532,330
8	VETERANS BENEFITS			
	Salaries & Wages	19,152	19,583	19,583
	General Expenses	1,233	1,785	1,785
	Benefits	121,975	160,020	120,020
	TOTAL VETERANS BENEFITS	142,360	181,388	141,388
	TOTAL BOARD OF SELECTMEN	2,323,241	2,540,145	2,666,308

B BOARD OF ASSESSORS

Salary - Chairman	1,800	1,800	1,800
Salary - Other Two Members	3,000	3,000	3,000
Salary - Other	199,056	200,019	217,922
General Expenses	23,503	18,753	21,283
Revaluation	0	115,000	115,000
TOTAL BOARD OF ASSESSORS	227,359	338,572	359,005

C TOWN CLERK

Salary - Clerk	84,664	86,902	88,640
Salary - Other	121,759	115,734	119,548
General Expenses	59,651	38,384	40,520
TOTAL TOWN CLERK	266,074	241,020	248,708

D TREASURER-COLLECTOR

Salary - Treasurer	84,664	86,902	89,640
Salary - Other	181,084	187,954	185,807
General Expenses	70,214	55,302	69,664
TOTAL TREASURER-COLLECTOR	335,962	330,158	345,111

TOTAL GENERAL GOVERNMENT

3,152,636	3,449,895	3,619,132
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and that to meet said appropriation the sum of \$3,193,249 be raised from the tax levy and the sum of \$135,433 be raised from funds certified by the Department of Revenue as free cash. Included in this appropriation for General Government are the sums of \$127,072 representing expenses attributable to the Sewer Enterprise and \$163,378 for expenses attributable to the Water Enterprise, which are to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Sewer and Water Estimated Receipts.

COMMENT: Noted changes in the General Government Budget include the addition of an assistant planner, the commissioning of a town-wide Technology study and restored funding of the IT department's new equipment line, to replace old computer hardware.

The Town Planner's office has been under-staffed for far too long, wrestling with an increasing demand for the services of his office. A growing number of zoning inquiries, plans to produce, a Master Plan implementation, and an increasing number of 40B projects have conspired to push our Town Planner into overlong weeks with a growing backlog of work.

The Board of Selectmen and the School Department delivered a joint request to commission a \$50,000 study of the Town's IT operations covering everything from Staffing, Network topography, Current Software systems in use, Computer hardware, Phone systems and all the mobile hardware used by Police, Fire and DPW. The need for this review was highlighted by both the Town Government Study Committee and the Division of Local Services' Financial Management Review.

The Town has over 25 PCs running Windows XP which is no longer supported by Microsoft and is not compatible with a number of internet browsers. The average cost to replace a computer is \$1200 each or \$30,000 to replace them all. We added \$15,000 to the new equipment line of the IT budget to accelerate the replacement of these obsolete systems.

The Assessors' FY15 budget includes \$115,000 which represents 1/3 of the estimated \$345,000 cost for the next full revaluation of Town properties scheduled to be completed in the fall of 2016. The revaluation will be completed over 3 years and this \$115,000 represents the work that will be completed and billed in FY 15. It is expected that another \$115,000 will be appropriated in FY16 to cover the remaining cost of the revaluation.

ARTICLE 15 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014 for the operation of the several Boards and Committees classified as Boards and Special Committees; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading "Recommended":

BOARDS AND COMMITTEES	Actual FY 13	Approp. FY 14	Recomm. FY 15
A CONSERVATION COMMISSION			
General Expenses	1,706	2,500	2,500
TOTAL CONSERVATION COMMISSION	1,706	2,500	2,500
B COUNCIL ON AGING			
Salaries & Wages	157,406	157,297	160,191
General Expenses	33,690	33,571	33,571
Transportation Expenses	8,923	10,019	10,019
Outreach Worker Benefits	12,000	0	0
TOTAL COUNCIL ON AGING	212,019	200,887	203,781

C HISTORICAL COMMISSION			
General Expenses	1,800	2,240	2,240
TOTAL HISTORICAL COMMISSION	1,800	2,240	2,240
D PERSONNEL BOARD			
Salaries & Wages	50,356	51,949	44,342
General Expenses	1,288	1,115	1,770
TOTAL PERSONNEL BOARD	51,644	53,064	46,112
E PLANNING BOARD			
Salaries & Wages	30,061	30,193	30,209
General Expenses	2,015	2,138	2,122
TOTAL PLANNING BOARD	32,076	32,331	32,331
F WARRANT COMMITTEE			
Salaries & Wages	9,203	9,411	9,411
General Expenses	745	850	850
TOTAL WARRANT COMMITTEE	9,948	10,261	10,261
TOTAL BOARDS AND COMMITTEES	309,193	301,283	297,225

and that to meet said appropriation the sum of \$293,024 be raised from the tax levy. Included in this appropriation are the sums of \$1,838 representing expenses attributable to the Sewer Enterprise and \$2,363 representing expenses attributable to the Water Enterprise, which are to be included in Schedule A, "Local Receipts Not Allocated", of the Tax Recapitulation as Sewer and Water Estimated Receipts.

COMMENT: As with all budgets this year, the Boards and Commissions departments were asked to present level dollar budgets for FY15. In order to meet the level dollar budget many departments had to make deep cuts to the expense lines of their budgets to meet contractual wage increases (steps and longevity.) After 4 years of level dollar budgeting the erosion of inflation has left nothing to cut in many departments except personnel hours which will lead to cuts in services to the town. This year, as in the past, the Warrant Committee was able to restore the funding to the expense lines of all the Town budgets to offer some relief for FY15.

ARTICLE 16 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014, for the operation, maintenance and improvements of Public Works; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

	Actual FY 13	Approp. FY 14	Recomm. FY 15
PUBLIC WORKS			
Public Works General	2,119,777	1,808,532	1,848,502
Capital Equipment	0	0	0
Vehicle Maintenance	471,813	437,582	483,346
SUB-TOTAL PUBLIC WORKS	<u>2,591,590</u>	<u>2,246,114</u>	<u>2,331,848</u>
SOLID WASTE MANAGEMENT			
Collection of Refuse	539,080	548,760	558,500
Refuse Disposal	363,290	447,410	395,000
Curbside Recycling	812,815	841,260	891,000
Landfill Monitoring	11,360	18,000	18,000
Solid Waste General	54,310	60,895	61,325
Household Hazardous Waste Collection	8,115	10,000	12,000
SUB-TOTAL SOLID WASTE	<u>1,788,970</u>	<u>1,926,325</u>	<u>1,935,825</u>
TOTAL NON-ENTERPRISE ACCOUNTS			
	<u>4,380,560</u>	<u>4,172,439</u>	<u>4,267,673</u>
WATER AND SEWER ENTERPRISE			
WATER ENTERPRISE			
Water Operations & Improvement	895,030	1,197,673	1,198,753
M.W.R.A. Assessment	2,718,549	2,839,810	2,854,937
D.E.P. (SDWA) Assessment	7,127	9,000	8,000
Water Leak Survey	12,000	12,000	12,000
Water Capital Outlay	309,804	364,992	364,992
Water Capital/Debt Service	546,087	546,305	500,514
SUB-TOTAL WATER ENTERPRISE	<u>4,488,597</u>	<u>4,969,780</u>	<u>4,939,196</u>
SEWER ENTERPRISE			
Sewer Operations & Improvement	695,600	765,892	766,972
M.W.R.A. Sewer Assessment	4,985,169	5,024,646	5,027,130
Sewer Capital Outlay	722,382	774,694	774,694
Sewer Capital/Debt Service	232,903	230,211	181,485
SUB-TOTAL SEWER ENTERPRISE	<u>6,636,054</u>	<u>6,795,443</u>	<u>6,750,281</u>
TOTAL WATER AND SEWER ENTERPRISE			
	<u>11,124,651</u>	<u>11,765,223</u>	<u>11,689,477</u>
TOTAL PUBLIC WORKS	<u>15,505,211</u>	<u>15,937,662</u>	<u>15,957,150</u>

Of the total amounts appropriated, the maximum sum authorized for salaries and wages is \$2,289,274.

To meet said appropriation the sum of \$15,957,150 will come from the following sources:

To meet the appropriation for the Non-Enterprise accounts, \$4,223,803 is to be raised from the tax levy and \$43,870 to be raised from funds certified by the Department of Revenue as free cash.

To meet the appropriation for Water Operations and Improvement and for the MWRA Water Assessment and the DEP Assessment, the sum of \$0 is to be transferred from the water surplus as of June 30, 2014 and the sum of \$4,939,196 is to be raised from the tax levy. This sum of \$4,939,196 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.

To meet the appropriation for Sewer Operations and Improvement and for the MWRA Sewer Assessment, the sum of \$0 is to be transferred from the Sewer Surplus as of June 30, 2014, and the balance of \$6,750,281 is to be raised from the tax levy. This sum of \$ 6,750,821 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.

The Public Works Department is hereby authorized to sell at a private or public sale, with the approval of the Board of Selectmen, equipment that is no longer needed by the department. It is further authorized to exchange or trade in old equipment for similar materials in the usual course of its operations to provide for replacement items.

COMMENT: Changes to the Water and Sewer Appropriation are expected but are not known at this time. When the Town does its recapitulation in the fall to set the tax rate, the DOR expects to see that sufficient revenue is raised by the water and sewer rates to meet the financial obligations of the MWRA assessment. The DPW received funds to cover steps and longevity increases to avoid a decrease in services provided which would have otherwise been necessary. Additionally, the DPW received \$56,844 to cover increased costs of solid waste, vehicle maintenance, and buildings and grounds. One time funds of \$41,870 were provided for landscape services related to a drainage problem, drain cleaning services, signage requests and sidewalk repairs.

ARTICLE 17 To see what sum of money the Town will vote to appropriate for a feasibility study of potential uses of the DPW yard, so-called, on Randolph Avenue, including without limitation use to support cemetery, consolidated facilities, and park operations, to determine how said appropriation shall be raised, whether by transfer from available funds, borrowing under applicable provisions of law, or otherwise;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to appropriate the sum of \$35,000 for the purposes set forth in this article and that to meet set appropriation the sum of \$35,000 be raised from funds certified by the Department of Revenue as free cash.

COMMENT: DPW facilities in the DPW yard are in poor condition. Some are more than 100 years old. All are badly in need of replacement or major refurbishment. Additionally, the Consolidated Facilities Department has no space of its own. Potential exists to consolidate some required facilities for the DPW, Parks, Cemetery, and The CFD to gain some savings and efficiencies. This study will examine these issues and provide the town options for dealing with its serious facility infrastructure challenges. The study is projected to cost \$35,000.

ARTICLE 18 To see what sum of money the Town will vote to appropriate for the maintaining, repairing, improving and constructing of ways under the provisions of General Laws, Chapter 90, said sum or any portion thereof to be used in conjunction with any money which may be allotted by the State for this purpose; to determine how said appropriation shall be raised, whether by borrowing or otherwise; and to act on anything relating thereto.

RECOMMENDED that the sum of \$622,060 be appropriated for the purposes set forth in this article, that to meet said appropriation the Treasurer be authorized to issue, with the approval of the Board of Selectmen, bonds or secured notes in the amount of \$622,060; that the Town vote to accept grants under the provisions of M.G.L. Chapter 90 in the amount of \$622,060, the said reimbursements from the state (100%) to be restored upon their receipt to the Town Treasurer.

COMMENT: The Town receives annual grants from the Commonwealth for roadwork. The principal source of funding is the gasoline tax. Eligible projects include resurfacing, repairs and alterations to roadways, drainage ways, sidewalks, bridges and embankments. In FY15, the Department of Public Works plans to use the Chapter 90 funds in paving and roadway reconstruction on:

- *Central Avenue*
- *Spafford Road*
- *Longmeadow Road*
- *Pinehurst Drive*
- *Saddle Ridge Road*
- *Pleasant St. (from Vinewood to Gordon)*

ARTICLE 19 To see what sum of money the Town will vote to appropriate to provide rehabilitation, replacement or enhancement of the town’s water system, and to authorize the Board of Selectmen, on behalf of the Town, to apply for and use federal, state, MWRA or other funds for this purpose, to determine how such appropriation shall be raised; whether by borrowing or otherwise; and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the sum of \$500,000 be appropriated for the purpose of financing the rehabilitation, replacement or enhancement of the Town’s water system, including costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$ 500,000 under and pursuant to Chapter 44, Section 8 (5) of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor and that the Board of Selectmen be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from the Massachusetts Water Resources Authority or any other public or private funding source.

COMMENT: Passage of this article would authorize the Town to borrow money from the Massachusetts Water Resources Authority (“MWRA”) at an interest rate of zero percent. The MWRA provides financial assistance for local water pipeline rehabilitation or replacement in order to maintain water quality.

ARTICLE 20 To see what sum of money the Town will vote to appropriate to provide rehabilitation, replacement or enhancement of the Town’s surface drain system, including costs incidental and related thereto, and to authorize the Board of Selectmen, on behalf of the Town, to apply for and use federal, state, or other funds for this purpose; to determine how such appropriation shall be raised, whether by borrowing or otherwise; and to act of anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the sum of \$200,000 be appropriated for the purpose of financing the rehabilitation, replacement, or enhancement of the Town’s surface drain system, including costs incidental and related thereto; that to

meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$200,000 under and pursuant to Chapter 44, Sections 7(1) and 8(15) of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Board of Selectmen be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from any other public or private funding source.

COMMENT: Last year Town Meeting appropriated the sum of \$300,000 for the repair and rehabilitation of the Town's surface drains. In each of the previous seven fiscal years, Town Meeting appropriated the sum of \$500,000 in accordance with a ten-year storm water master plan. The Capital Planning Committee can only project affordance of \$200,000 this year, and we feel this important investment in the infrastructure of the Town should continue to the extent possible.

ARTICLE 21 To see what sum of money the town will vote to appropriate to provide capital needs for the Town's sewer system, including costs incidental and related thereto, and to authorize the Board of Selectmen, on behalf of the Town, to apply for and use federal, state, MWRA or other funds for this purpose, to see how such appropriation shall be raised; whether by borrowing under applicable provisions of law or otherwise; and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the sum of \$485,000 be appropriated for the purpose of financing the capital needs of the Town's sewer system, including costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$485,000 under and pursuant to Chapter 44, Section 8(5) of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor and that the Board of Selectmen be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from the Massachusetts Water Resources Authority or any other public or private funding source.

COMMENT: Passage of this article would authorize the Town to borrow money from the Massachusetts Water Resources Authority ("MWRA") at an interest rate of zero percent. The MWRA provides a program for improvements to the Town's Sewer system including an outright grant for 45% of the program's cost.

ARTICLE 22 To see what sum of money the Town will vote to appropriate for Health and Sanitation for the twelve month period beginning July 1, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

BOARD OF HEALTH	Actual FY 13	Approp. FY 14	Recomm. FY 15
Salaries & Wages	182,167	182,208	185,440
General Expenses	3,298	2,000	2,000
TOTAL BOARD OF HEALTH	185,465	184,208	187,440

and that to meet said appropriation the sum of \$187,440 be raised from the tax levy.

COMMENT: The former health agent of the Board of Health is the current Assistant Town Administrator. At this writing the position of health agent is vacant, and the budget is as high as possible to accommodate the hiring process. If a candidate with less experience is hired, this budget should return money to the General Fund.

ARTICLE 23 To see if the Town will amend Section 10 of the General Bylaws known as the Zoning By-laws, by adding the following Subsection O to Section III, and to act on anything related thereto.

Submitted by the Planning Board

O. Medical Marijuana Facilities

1. Purposes

The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

2. Definitions

The following definitions apply to the terms found in this subsection.

- a. *Medical Marijuana Facility (“MMF”)* – A “Medical marijuana treatment center” which is a not-for-profit entity, as defined by Massachusetts General Laws Chapter 369 of the Acts of 2012, Section 1(H) only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana for medical use, products containing marijuana for medical use, related supplies, or educational materials to qualifying patients or their personal caregivers as authorized by state law. These facilities shall be located inside a building as provided in this subsection.

- b. Marijuana – The same substance defined as “marijuana” under Chapter 94C of the Massachusetts General Laws.
- c. Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients, as defined by Massachusetts General Laws Chapter 369 of the Acts of 2012, Section 1(K), as determined pursuant to applicable law.

3. *Applicability*

- a. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as an MMF under this Section III Subsection O.
- b. No MMF shall be established or maintained except in compliance with the provisions of this subsection and applicable law.
- c. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- d. If any provision of this subsection or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this subsection are severable.

4. *Eligible Locations for Medical Marijuana Facilities*

As provided in Paragraph 6, the Planning Board may issue a special permit for an MMF upon terms and conditions meeting the requirements of this subsection and upon such other terms and conditions as the Planning Board may reasonably find to be appropriate.

- a. Business District – An MMF may be allowed by Special Permit from the Milton Planning Board in the Business District provided the requirements of this subsection have been met.
- b. Residence Districts – An MMF is not allowed in Residence Districts.

5. *General Requirements and Conditions for all Medical Marijuana Facilities*

- a. An MMF shall be contained within a building, and shall meet the following additional requirements:
 - i. An MMF shall not be located in a building that contains any medical doctors’ offices or the offices of any other professional practitioner authorized to prescribe the use of marijuana for medical uses;

- ii. No MMF shall be located inside a building containing residential units, including transient housing, such as dormitories, or inside a movable or mobile structure; and
 - iii. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an MMF.
- b. Retail Use – An MMF in the Business District with retail use only shall be compliant with all zoning requirements for the Business District and shall meet the following additional requirements:
- i. The space will be dedicated to the MMF as the sole use;
 - ii. The interior square footage will be no less than 500 square feet and no more than 1,500 square feet;
 - iii. The space shall meet all requirements applicable for a business use of the space, including any requirements imposed by Site Plan Approval; the walls, ceilings, floors, windows and doors shall be reinforced so as to be reasonably resistant to unauthorized entry; and
 - iv. The space shall provide a secure facility meeting all reasonable requirements established by the Milton Police Department and the Milton Board of Health. These requirements shall include a security system.
- c. Cultivation, Processing and/or Packaging Use – An MMF in the Business District with both retail use and cultivation, processing and/or packaging use shall be compliant with all zoning requirements and shall meet the following additional requirements:
- i. The total interior square footage will be no less than 1,500 square feet and no more than 2,500 square feet provided that a greater square footage may be permitted upon a showing that a greater area is necessary for the operations of the MMF;
 - ii. If there is more than one use in the building, the MMF shall be in a secure section or sections of the building. The walls, ceilings, floors, windows and doors of each section shall be reinforced so as to be reasonably resistant to unauthorized entry. The retail operations shall be separated from the growing and processing operations. The cultivation and processing operations shall be inaccessible to customers of the retail operations; and
 - iii. The building shall provide a secure facility meeting all reasonable requirements established by the Milton Police Department and the Milton Board of Health. These requirements shall include a security system.

- d. Parking – Parking for an MMF shall be as provided in Section VII.C.5, provided that the Planning Board shall determine the number of parking spaces necessary. If the parking is constructed for the MMF, parking shall be convenient to the building and shall be screened from abutting residential areas.
- e. Signage – Signage for an MMF shall meet all requirements imposed pursuant to Section III.C. A notice at the entry of the MMF shall include the following language: “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height.
- f. Lighting – Lighting shall be sufficient to ensure safety and positioned to avoid off-site light overspill.
- g. Trash – Provision shall be made for secure trash receptacles in the building. In the event marijuana residues are discarded, disposal shall be as required by applicable regulations.
- h. Operations – All operations shall be strictly in accordance with applicable law and regulations, directives and guidelines of the Department of Public Health, the Milton Board of Health, the Milton Police Department and these Bylaws.
- i. Hours of Operation – The hours of operation of an MMF shall be set in the Special Permit, but in no event shall an MMF be open for retail sales between the hours of 8:00 P.M. and 8:00 A.M.
- j. Security System – The security system shall meet the requirements issued by the Police Department and any specifications set forth in the Special Permit. An alarm system and cameras, in addition to other measures, may be required.
- k. Notification of Town Departments – An MMF shall provide the Milton Police Department, the Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom notice can be provided and from whom assistance can be secured if there are operating problems associated with the MMF.

6. Special Permit Requirements

An MMF shall only be allowed by special permit from the Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

- a. Allowable Uses – A special permit for an MMF shall be limited to one or more of the following uses:
 - i. Cultivation of Marijuana for Medical Use;

- ii. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and
 - iii. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients as defined in Department of Public Health regulations in a Business District only.
- b. Site Plan Approval – An application for a special permit for an MMF shall include a plan meeting the requirements for a site plan specified in Section VII.D.2 of the Bylaws and such other requirements as may be specified by the Planning Board. The site plan for the MMF may be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor. A site plan approved by the Planning Board is a prerequisite for a special permit for an MMF granted under this subsection. Construction of the MMF shall be strictly in accordance with the approved site plan and the provisions of the special permit.
- c. Required documentation – In addition to other documentation that the Planning Board may deem necessary, the following plans, elevations, illustrations and documentation are required as part of the special permit application:
 - i. Concept plans and illustrations for the facility, including the following: exterior and interior elevations of the proposed facility with dimensions, an interior floor plan and floor layout with square footage, and designation of uses;
 - ii. Perspective renderings as needed;
 - iii. Lighting plan showing all exterior lighting;
 - iv. The proposed location of the sign for the MMF and its proposed sign and construction;
 - v. Security plan; and
 - vi. Proposed signage and signage placement.
- d. Additional Requirements – In addition to the application requirements set forth above, a special permit application for an MMF shall include the following:
 - i. The name and address of each owner of the MMF;
 - ii. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the MMF;
 - iii. Evidence of the applicant’s right to use the site of the MMF for the MMF, such as a deed, or lease; and

- iv. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all of its direct and indirect owners so that the disclosure contains the names of the individuals who are the ultimate parent(s) of the applicant.
- e. Mandatory Findings – The Planning Board shall not issue a special permit for an MMF unless it finds that:
 - i. The MMF is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
 - ii. The MMF demonstrates that it will meet all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - iii. The applicant has satisfied all of the conditions and requirements of this subsection.
- f. Annual Report – An MMF shall, as a condition of its special permit file, an annual report with the Town Clerk no later than January 31 of each year. Said annual report shall provide a copy of all current applicable state licenses for the MMF and/or its owners with an attestation of compliance with the conditions of the special permit for the prior calendar year.
- g. Term Limitation – A special permit for an MMF shall have a term limited to the duration of the applicant’s ownership of the premises as a MMF. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit after submittal of an application with all information required in this subsection.

7. Abandonment or Discontinuance of Use

- a. A Special Permit shall lapse if not exercised within one year of issuance.
- b. An MMF shall be required to remove all material, plants, equipment and other paraphernalia:
 - i. Prior to surrendering its state issued licenses or permits; or
 - ii. Within six months of ceasing operations; whichever comes first.

RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws known as the Zoning By-laws, by adding the following Subsection O to Section III, and to act on anything related thereto.

Submitted by the Planning Board

O. Medical Marijuana Facilities

1. Purposes

The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

2. Definitions

The following definitions apply to the terms found in this subsection.

- a. *Medical Marijuana Facility (“MMF”)* – A “Medical marijuana treatment center” which is a not-for-profit entity, as defined by Massachusetts General Laws Chapter 369 of the Acts of 2012, Section 1(H) only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana for medical use, products containing marijuana for medical use, related supplies, or educational materials to qualifying patients or their personal caregivers as authorized by state law. These facilities shall be located inside a building as provided in this subsection.
- b. *Marijuana* – The same substance defined as “marijuana” under Chapter 94C of the Massachusetts General Laws.
- c. *Marijuana for Medical Use* – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients, as defined by Massachusetts General Laws Chapter 369 of the Acts of 2012, Section 1(K), as determined pursuant to applicable law.

3. Applicability

- a. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as an MMF under this Section III Subsection O.
- b. No MMF shall be established or maintained except in compliance with the provisions of this subsection and applicable law.
- c. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

- d. If any provision of this subsection or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this subsection are severable.

4. Eligible Locations for Medical Marijuana Facilities

As provided in Paragraph 6, the Planning Board may issue a special permit for an MMF upon terms and conditions meeting the requirements of this subsection and upon such other terms and conditions as the Planning Board may reasonably find to be appropriate.

- a. **Business District** – A MMF may be allowed by Special Permit from the Milton Planning Board in the Business District provided the requirements of this subsection have been met.
- b. **Residence Districts** – An MMF is not allowed in Residence Districts.

5. General Requirements and Conditions for all Medical Marijuana Facilities

- a. An MMF shall be contained within a building, and shall meet the following additional requirements:
 - i. A MMF shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of marijuana for medical uses;
 - ii. No MMF shall be located inside a building containing residential units, including transient housing, such as dormitories, or inside a movable or mobile structure; and
 - iii. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a MMF.
- b. **Retail Use** – A MMF in the Business District with retail use only shall be compliant with all zoning requirements for the Business District and shall meet the following additional requirements:
 - i. The space will be dedicated to the MMF as the sole use;
 - ii. The interior square footage will be no less than 500 square feet and no more than 1,500 square feet;
 - iii. The space shall meet all requirements applicable for a business use of the space, including any requirements imposed by Site Plan Approval; the walls, ceilings, floors, windows and doors shall be reinforced so as to be reasonably resistant to unauthorized entry; and

- iv. The space shall provide a secure facility meeting all reasonable requirements established by the Milton Police Department and the Milton Board of Health. These requirements shall include a security system.
- c. **Cultivation, Processing and/or Packaging Use** – An MMF in the Business District with both retail use and cultivation, processing and/or packaging use shall be compliant with all zoning requirements and shall meet the following additional requirements:
 - i. The total interior square footage will be no less than 1,500 square feet and no more than 2,500 square feet provided that a greater square footage may be permitted upon a showing that a greater area is necessary for the operations of the MMF;
 - ii. If there is more than one use in the building, the MMF shall be in a secure section or sections of the building. The walls, ceilings, floors, windows and doors of each section shall be reinforced so as to reasonably resistant to unauthorized entry. The retail operations shall be separated from the growing and processing operations. The cultivation and processing operations shall be inaccessible to customers of the retail operations; and
 - iii. The building shall provide a secure facility meeting all reasonable requirements established by the Milton Police Department and the Milton Board of Health. These requirements shall include a security system.
- d. **Parking** – Parking for an MMF shall be as provided in Section VII.C.5, provided that the Planning Board shall determine the number of parking spaces necessary. If the parking is constructed for the MMF, parking shall be convenient to the building and shall be screened from abutting residential areas.
- e. **Signage** – Signage for a MMF shall meet all requirements imposed pursuant to Section III.C. A notice at the entry of the MMF shall include the following language: “Registration card issued by the MA Department of Public Health required.” The required text shall be a minimum of two inches in height.
- f. **Lighting** – Lighting shall be sufficient to ensure safety and positioned to avoid off-site light overspill.
- g. **Trash** – Provision shall be made for secure trash receptacles in the building. In the event marijuana residues are discarded, disposal shall be as required by applicable regulations.
- h. **Operations** – All operations shall be strictly in accordance with applicable law and regulations, directives and guidelines of the

Department of Public Health, the Milton Board of Health, the Milton Police Department and these Bylaws.

- i. **Hours of Operation** – The hours of operation of an MMF shall be set in the Special Permit, but in no event shall an MMF be open for retail sales between the hours of 8:00 P.M. and 8:00 A.M.
- j. **Security System** – The security system shall meet the requirements issued by the Police Department and any specifications set forth in the Special Permit. An alarm system and cameras, in addition to other measures, may be required.
- k. **Notification of Town Departments** – An MMF shall provide the Milton Police Department, the Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom notice can be provided and from whom assistance can be secured if there are operating problems associated with the MMF.

6. Special Permit Requirements

An MMF shall only be allowed by special permit from the Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

- a. **Allowable Uses** – A special permit for an MMF shall be limited to one or more of the following uses:
 - i. Cultivation of Marijuana for Medical Use;
 - ii. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and
 - iii. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients as defined in Department of Public Health regulations in a Business District only.
- b. **Site Plan Approval** – An application for a special permit for an MMF shall include a plan meeting the requirements for a site plan specified in Section VII.D.2 of the Bylaws and such other requirements as may be specified by the Planning Board. The site plan for the MMF may be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor. A site plan approved by the Planning Board is a prerequisite for a special permit for an MMF granted under this subsection. Construction of the MMF shall be strictly in accordance with the approved site plan and the provisions of the special permit.

- c. **Required documentation** – In addition to other documentation that the Planning Board may deem necessary, the following plans, elevations, illustrations and documentation are required as part of the special permit application:
 - i. Concept plans and illustrations for the facility, including the following: exterior and interior elevations of the proposed facility with dimensions, an interior floor plan and floor layout with square footage, and designation of uses;
 - ii. Perspective renderings as needed;
 - iii. Lighting plan showing all exterior lighting;
 - iv. The proposed location of the sign for the MMF and its proposed sign and construction;
 - v. Security plan; and
 - vi. Proposed signage and signage placement.
- d. **Additional Requirements** – In addition to the application requirements set forth above, a special permit application for an MMF shall include the following:
 - i. The name and address of each owner of the MMF;
 - ii. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the MMF;
 - iii. Evidence of the applicant’s right to use the site of the MMF for the MMF, such as a deed, or lease; and
 - iv. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all of its direct and indirect owners so that the disclosure contains the names of the individuals who are the ultimate parent(s) of the applicant.
- e. **Mandatory Findings** – The Planning Board shall not issue a special permit for an MMF unless it finds that:
 - i. The MMF is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
 - ii. The MMF demonstrates that it will meet all of the permitting requirements of all applicable agencies within the

Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

- iii. The applicant has satisfied all of the conditions and requirements of this subsection.
- f. **Annual Report** – An MMF shall, as a condition of its special permit file, an annual report with the Town Clerk no later than January 31 of each year. Said annual report shall provide a copy of all current applicable state licenses for the MMF and/or its owners with an attestation of compliance with the conditions of the special permit for the prior calendar year.
- g. **Term Limitation** – A special permit for an MMF shall have a term limited to the duration of the applicant’s ownership of the premises as a MMF. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit after submittal of an application with all information required in this subsection.

7. Abandonment or Discontinuance of Use

- a. A Special Permit shall lapse if not exercised within one year of issuance.
- b. A MMF shall be required to remove all material, plants, equipment and other paraphernalia:
 - i. Prior to surrendering its state issued licenses or permits; or
 - ii. Within six months of ceasing operations; whichever comes first.

COMMENT: At the May 2013 Town Meeting, no recommendation was made by the Warrant Committee in wait of anticipated legal guidelines by the Commonwealth of Massachusetts. These legal guidelines have since been formulated, and twenty (20) licenses to operate dispensaries of medical marijuana were granted in November of 2013 to various locations in the state. Presently none of the 20 dispensaries are to be located in Milton. This article would give the Town of Milton control over the zoning of dispensaries in the future, should such an application arise to be located within the Town, and should such application be approved by the Massachusetts Department of Health and Human Services. Zoning parameters will include the situation of dispensaries in areas already classified as business zoning, and at adequate distances from schools.

ARTICLE 24 To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Section XIV:

SECTION XIV TEMPORARY MORATORIUM ON MEDICAL
MARIJUANA TREATMENT CENTERS

1. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the Massachusetts Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaws, a medical marijuana treatment center is not defined and is not a permitted use in the Town. Any regulations promulgated by the Massachusetts Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana raises novel and complex legal, planning, public safety and public health issues. The Town needs time to study and consider the regulation of medical marijuana treatment centers and to address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers will allow sufficient time for the Town to conduct a comprehensive planning process to address zoning issues related to this use and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

2. DEFINITION

“Medical marijuana treatment center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium shall be in effect through **December 31, 2014**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana and of medical marijuana treatment facilities in the Town, shall consider the Massachusetts Department of Public Health regulations

regarding medical marijuana treatment centers and related uses, and shall consider adopting new zoning bylaws to address the impact and operation of medical marijuana treatment centers and related uses.

RECOMMENDED that the Town vote to amend Section XIV of the Zoning Bylaws, entitled TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, added by vote of the 2013 Annual Town Meeting under Article 42, as follows:

1. In Section 1, second sentence, delete “is required to issue regulations regarding implementation within 120 days of the law’s effective date” and insert in its place “subsequently issued final regulations regarding implementation of the law, which the Town is currently considering as part of addressing related zoning issues”.
2. In Section 1, fourth sentence, delete “are expected to”.
3. In Section 2, insert the current definition of Medical Marijuana Treatment Center, set forth in 105 CMR 725.004.
4. In Section 3, second sentence, delete “June 30, 2014” and insert in its place “December 31, 2014, or the date of final approval by the Massachusetts Attorney General of an amendment to the Milton Zoning Bylaws which regulates medical marijuana treatment centers, whichever date occurs earlier”.

As amended, Section XIV would read:

“SECTION XIV TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

1. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the Massachusetts Department of Public Health subsequently issued final regulations regarding implementation of the law, which the Town is currently considering as part of addressing related zoning issues. Currently under the Zoning Bylaws, a medical marijuana treatment center is not defined and is not a permitted use in the Town. Any regulations promulgated by the Massachusetts Department of Public Health provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana raises novel and complex legal, planning, public safety and public health issues. The Town needs time to study and consider the regulation of medical marijuana treatment centers and to address such novel and complex issues, as well as to address the potential impact of the State regulations on local

zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers will allow sufficient time for the Town to conduct a comprehensive planning process to address zoning issues related to this use and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

2. DEFINITION

“Medical marijuana treatment center” shall mean a “not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIP’s, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana”.

3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium shall be in effect through December 31, 2014, or the date of final approval by the Massachusetts Attorney General of an amendment to the Milton Zoning Bylaws which regulates medical marijuana treatment centers, whichever date occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana and of medical marijuana treatment facilities in the Town, shall consider the Massachusetts Department of Public Health regulations regarding medical marijuana treatment centers and related uses, and shall consider adopting new zoning bylaws to address the impact and operation of medical marijuana treatment centers and related uses.”

COMMENT: Should the previous article fail to be passed by Town Meeting, or in case upon review the Attorney General of Massachusetts finds legal grounds to reject or alter the previous article as passed by Town Meeting, this article would extend the Town’s current moratorium on medical marijuana dispensaries past the current June 30 deadline, toward a new deadline of December 31, 2014. The issue would be revisited if necessary for the fall Town Meeting of this year.

ARTICLE 25 To see what sum of money the Town will vote to appropriate for the Public Library for the twelve month period beginning July 1, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

LIBRARY	Actual FY 13	Approp. FY 14	Recomm. FY 15
Salaries & Wages	821,808	879,201	891,901
General Expenses	124,378	127,605	137,700
Old Colony Network	31,037	33,700	32,161
Books & Related Materials	90,000	91,410	78,301
TOTAL LIBRARY	1,067,223	1,131,916	1,140,063

and that to meet said appropriation the sum of \$1,140,063 be raised from the tax levy.

COMMENT: The Library Director and its Board of Trustees presented the Warrant Committee with a budget request for level service about \$84,000 higher than its level dollar budget, but only about \$40,000 higher than its total appropriation from FY14. Last year the Library needed an additional \$44,000 to bring its Books budget up to the level required by the State for continued accreditation. We had no operational wherewithal last year, but were able to cover this requirement with free cash. The Warrant Committee feels that recurrent expense is best funded with recurrent revenues if possible. This year we were able to add \$52,623 in permanent funding to the Library’s budget, while they were able to help themselves for one year with an extra \$20,000 from their revolving fund. The Library is also receiving a \$25,000 capital purchase of replacement computers.

ARTICLE 26 To see what sum of money the Town will vote to appropriate for the maintenance and improvement of the Cemetery for the fiscal year beginning July 1, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

CEMETERY	Actual FY 13	Approp. FY 14	Recomm. FY 15
Salaries & Wages	569,746	563,535	599,091
General Expenses	128,446	159,282	145,937
TOTAL CEMETERY	698,192	722,817	745,028

and to meet said appropriation the sum of \$733,328 be raised from the tax levy and that the sum of \$11,700 be raised from funds certified by the Department of Revenue as free cash.

The Department is hereby authorized to sell or exchange old equipment to furnish additional funds for new equipment

COMMENT: The Cemetery’s level service request was some \$32,000 above level dollar. As with other Departments, The Cemetery received \$10,511 above level dollar funding to cover cuts in service that would have been encountered due to the absorption of step and longevity increases. The Cemetery received one-time funds of \$6,700 for services of an arborist to train Cemetery personnel and a consultant to train personnel in the restoration and preservation of 17th and 18th Century gravestones. Additionally \$5,000 of one-time funds have been provided for surveying services.

ARTICLE 27 To see what sum of money the Town will vote to appropriate for the twelve month period beginning July 1, 2014 for the operation of Parks and Recreation; and to see if the Town will vote to authorize the continued use of the Park and Recreation Revolving Fund pursuant to the provisions of Chapter 18 of the General Bylaws of the Town; and to act on anything relating thereto.

RECOMMENDED that the Town authorize the continued use of the Park and Recreation Revolving Fund pursuant to the provisions of Chapter 18 of the General Bylaws of the Town and that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

PARKS AND RECREATION	Actual FY 13	Approp. FY 14	Recomm. FY 15
Salaries & Wages	312,071	323,127	326,876
General Expenses	77,290	78,195	87,533
Special Needs Program	1,000	1,000	1,000
TOTAL PARKS AND RECREATION	390,361	402,322	415,409

and that to meet said appropriation the sum of \$411,734 be raised from the tax levy and that the sum of \$3,675 be raised from funds certified by the Department of Revenue as free cash.

COMMENT: The Park Department presented a level service budget \$42,603 higher than level dollar. Steps and an additional \$5,000 brought the unmet request down to \$33,191 of which \$29,049 was for a position (W2 Laborer) newly created last year but yet unfunded. Last year the Warrant Committee was able to supplement the Park’s budget for seasonal labor by \$10,000 in lieu of funding the

new position. This year the Park department also received \$3,675 for an equipment trailer.

ARTICLE 28 To see what sum of money the Town will vote to appropriate for the support of schools for the twelve month period beginning July 1, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

SCHOOLS	Actual FY 13	Approp. FY 14	Recomm. FY 15
School Department	35,433,258	37,566,551	39,357,890
TOTAL SCHOOLS	35,433,258	37,566,551	39,357,890

and that to meet said appropriation the sum of \$38,857,890 be raised from the tax levy, and that \$500,000 be raised from funds certified by the Department of Revenue as free cash.

COMMENT: The Warrant Committee recommends that the sum of \$39,357,890 be appropriated to the School Department for FY15. This appropriation is \$1,962,391 above the FY14 appropriation of \$37,566,551 and \$316,252 less than the School Committee budget request of \$39,674,142. The School Committee has identified budget driver increases in non-salary items totaling \$571,252. Additionally, the School Committee is in the second year of an advancement initiative that targets early literacy achievement, closing proficiency gaps, and advancing STEM (science, technology, engineering and math) at a cost of \$538,000 including the hiring of 3.0 full time equivalent staff members and an additional \$67,000 in teaching stipends. \$500,000 of the appropriation is earmarked for expenditures not expected to be recurrent in FY16 and beyond, including materials and training for the advancement initiative, technology and training for the new PARCC testing and a change in out-of-district SPED placements. The School Committee has identified \$250,000 of non-position reductions and the loss of 1.2 full time equivalent staff members to address an appropriation that is \$316,252 less than requested.

ARTICLE 29 To see what sum of money the Town will vote to appropriate for the support of the Blue Hills Regional Technical School for the twelve month period beginning July 1, 2014 and to act on anything relating thereto.

RECOMMENDED that the sum of \$882,674 be appropriated for the purpose set forth in this article and that to meet said appropriation the sum of \$882,674 be raised from the tax levy.

COMMENT: The Blue Hills Regional Technical School met with the Warrant Committee to discuss its budget request which reflects an increase of 4.77% over FY14. Total Town of Milton students enrolled for FY14 remains 49.

ARTICLE 30 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, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

CONSOLIDATED FACILITIES	Actual FY 13	Approp. FY 14	Recomm. FY 15
Salaries & Wages	462,351	488,995	544,648
General Expenses	139,237	144,139	228,044
TOTAL CONSOLIDATED FACILITIES	601,588	633,134	772,692

and that to meet said appropriation the sum of \$686,892 be raised from the tax levy and the sum of \$85,800 be raised from funds certified by the Department of Revenue as free cash.

COMMENT: The Consolidated Facilities Department (CFD) oversees all of the day to day building maintenance, engineering and capital planning for both Town and School buildings. The CFD manages 900,000 square feet of space covering 22 buildings. There are currently 7 positions in the CFD budget (8 with the passage of this article) 25 school custodians and 2 maintenance staff are carried in the School Department but under the supervision of the CFD. The department also handles all vendor contracts, state and regulatory inspections as well as energy efficiency upgrades. The purchasing of supplies, materials and utilities are currently carried in the individual department budgets but overseen by the CFD. All maintenance labor is carried in the CFD budget. The CFD has consolidated many vendor contracts, paper products, generators, elevators, boiler and machinery and the purchasing of supplies to achieve best price that has benefited everyone.

Since FY12 the Operations Manager, Licensed Electrician, Maintenance Craftsman (W4) and Maintenance Man (W3) positions have been filled.

Last year our comment included the following paragraph:

The Warrant Committee notes that while the CFD has assumed many of the responsibilities envisioned in its establishment, that process is not yet complete,

nor is there a plan in place to get to that completion. The Warrant Committee strongly recommends that the Town Administrator and CFD Director develop such a plan in coordination with the School Department and Board of Selectmen. This plan should be submitted with the budget for FY15.

The Warrant Committee has concluded that the CFD’s capacity merits expansion to prevent the neglect of deferred maintenance. As we feel any funds or positions added to the department benefit Milton entirely, we have added (including steps) \$64,258 operationally to include a new position, and \$85,800 in one-time monies for projects all over town.

ARTICLE 31 To see what sum of money the Town will vote to appropriate for Interest and Maturing Debt for the twelve month period beginning July 1, 2014, and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the amounts shown in the following tabulation under the heading “Recommended”:

INTEREST AND MATURING DEBT	Actual FY13	Approp. FY14	Recomm. FY15
Interest	1,356,996	1,289,254	1,264,423
Maturing Debt	2,654,045	2,597,379	3,038,561
TOTAL INTEREST AND MATURING DEBT	4,011,041	3,886,633	4,302,984

and that to meet said appropriation the following sums be applied: \$27,074 from bond premiums from the School Building Project, \$119,928 from the return of a deposit against potential worker’s compensation claims on the School Building Project, \$176,847 from the Capital Stabilization Fund, \$341,484 from funds released from the Overlay Reserve, \$550,602 from funds certified by the Department of Revenue as free cash, and the remainder of \$3,087,049 from the tax levy.

COMMENT: Please see the report of the Warrant Committee for greater detail on the increase in debt service over last year. As this article requests a withdrawal from the Capital Stabilization Fund, please note that those funds were placed in the Capital Stabilization Fund in FY14 through Article 1 of the Special Town Meeting of May 5, 2014 for the express purpose of being available for this withdrawal.

ARTICLE 32 To see what sum of money the Town will vote to appropriate for the Stabilization Fund, the Capital Stabilization Fund, and the Post-Employment Benefits Stabilization Fund, in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B; to determine how said

appropriation shall be raised, whether by transfer from available funds, borrowing or otherwise; and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town appropriate the amount shown in the following tabulation under the heading “Recommended”:

STABILIZATION FUNDS	Actual FY13	Approp. FY14	Recomm. FY15
Stabilization Fund	490,859	284,112	200,000
Capital Stabilization Fund	134,983	142,056	0
Post –Employment Benefits Stabilization Fund	134,983	142,056	100,000
GRAND TOTAL	760,825	568,224	300,000

and that to meet said appropriation the sum of \$300,000 be appropriated from funds certified by the Department of Revenue as free cash.

COMMENT: The Warrant Committee believes that it is important to continue to fund the Town’s Stabilization Funds to help maintain the Town’s bond rating and to continue to improve the available resources for future contingencies. A formula for funding the stabilization funds collectively at two-thirds of one percent of revenue has been used the last two years. The Warrant Committee hopes to return funding to that level next year. This year scheduled funding of \$281,984 for the Stabilization Fund and \$140,992 each for the Capital Stabilization Fund and the Post-Employment Benefits Fund was interrupted by the unanticipated increase in the cost of debt service, as discussed in the Warrant Committee’s report.

In June 2004, the Governmental Accounting Standards Board (GASB) issued Statement No. 45 requiring municipalities to reflect the ongoing costs of post-employment benefits on an accrual basis rather than the historical “pay as you go” basis (i.e. calculate the cost of providing benefits for all currently retired employees as well as for those employees who are currently active). As a result, effective December 15, 2007, the Town had to begin reporting its unfunded liabilities associated with these benefits.

The Town’s latest study, effective July 1, 2013, reports an unfunded liability associated with GASB 45 of \$92.8 million, down from \$107.6 million two years ago due to a change of benefits funded.

In prior years, bonding agencies were not overly concerned with whether municipalities were funding this liability. However, this view is changing and as a result the Selectmen requested the Town begin funding this liability.

GASB 45 funds can either be appropriated to a post-employment benefits stabilization fund for the purpose or a special trust can be established. With a trust the funds are locked up in perpetuity for GASB 45 and there are annual operating fees. With the stabilization fund, Town Meeting controls the appropriation out of the fund. It is expected that at some point in the future we will establish a trust fund for this liability.

Balances as of March 24, 2014:

<i>Stabilization Fund</i>	<i>3,461,574</i>
<i>Capital Stabilization Fund</i>	<i>738,125</i>
<i>Post-Employment Benefits Stabilization Fund</i>	<i>283,986</i>

ARTICLE 33 To see what sum of money the Town will vote to appropriate for the Reserve Fund for extraordinary or unforeseen expenditures for the twelve month period beginning July 1, 2014 and to apply from the Overlay Reserve such amounts as the Town shall determine to meet in whole or in part such appropriation; and to act on anything relating thereto.

RECOMMENDED that the Town appropriate the sum of \$450,000 for the Reserve Fund for extraordinary or unforeseen expenditures for the twelve month period beginning July 1, 2014; and that to meet said appropriation the sum of \$200,000 is to be raised from the tax levy and the sum of \$250,000 be appropriated from funds certified by the Department of Revenue as free cash.

COMMENT: In the Financial Management Review performed by the Division of Local Services of the Massachusetts Department of Revenue for the Town of Milton, a small recommendation was to stop the practice of funding certain foreseeable requests through the Reserve Fund. About \$50,000 for these items was restored to individual departments. As a result we anticipate \$50,000 less in requests for transfer from the fund and have lowered its initial funding. However we added \$250,000 to the fund to prepare the Town for the possible cost of demolition of the Town-owned building located at 0 Central Avenue, a need as yet uncertain.

ARTICLE 34 To see if the Town will vote to authorize the use of revolving funds previously established pursuant to votes of Town Meeting, and to determine: 1) the programs and purposes for which each such revolving fund may be expended; 2) the departmental receipts which shall be credited to each such revolving fund; 3) the board, department or officer authorized to expend money from each such revolving fund; and 4) a limit on the total amount which may be expended from each such revolving fund in the fiscal year which begins on July 1, 2014; and to act on anything relating thereto.

RECOMMENDED that the Town continue the revolving funds created under Chapter 44, Section 53E½ of the Massachusetts General Laws and established by votes of the Annual Town Meeting as indicated in the tabulation below:

Annual Town Meeting	Department	Purpose	Revenue Source	Limit
March 1994 Article 37	Board of Park Commissioners	Maintenance and repair of Town parks and recreational facilities	Fees received from the use of Town parks and recreational facilities	\$75,000
May 1996 Article 31	Board of Library Trustees	Purchasing new books and other related materials	Fines for overdue materials and from charges for lost or damaged materials, printer use fees and receipts from the sale of trash stickers	\$85,000
May 2001 Article 29	Board of Selectmen	Operation, repair, rental and maintenance of the Senior Center	Fees received from rental of the facilities at the Senior Center	\$25,000
May 2004 Article 28	Board of Health	Operation of health programs and for the purchase of additional vaccine for Town of Milton residents	Fees and charges received from the operation of influenza and pneumonia clinics, a year round immunization program, other health programs	\$10,000
May 2008 Article 30	Board of Library Trustees	Operation, repair, rental and maintenance of the library facilities	Fees and charges received from rental of library facilities	\$25,000
May 2009 Article 40	Cemetery Department	Purchasing, storing and installing grave liners and other related materials and equipment	Fees for providing and installing grave liners	\$60,000

May 2011 Article 32	Conservation Commission	Purchasing and installation of trees, shrubs and plants, cleaning of waterways and removal of invasive species and improving drainage	Fees charged for fines imposed for the violation of the Wetlands Protection Act and the Town of Milton Wetlands Bylaw.	\$15,000
January 2012 STM Article 5	Board of Selectmen	Building maintenance, repair and improvement	Revenue collected from rent or fees for occupancy or use of the former East Milton Library	\$6,000

COMMENT: All revolving funds are continued at the same level of permitted expenditures authorized last year with the exception of the Library’s revolving fund established in May 1996 with the purpose of purchasing new books and other related materials. The Library Trustees have requested, and the Warrant Committee recommends, an increase in the annual maximum expenditure from this fund from \$65,000 to \$85,000. The annual revenue stream to this fund has not increased \$20,000, but that much is trapped below the annual activity. Without this change that asset could never be used, but it is a resource to the Library for one year only.

ARTICLE 35 To see if the Town will vote to amend Chapter 10 of the General By-laws, known as the Zoning By-laws, by reformatting the written Bylaws as presented in the following Table of Contents:

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 A. Residence AA, A, B, and C District Uses: 5

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 D. Residence D, D-1, D-2 Use 17

 E. Residence E Use 18

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RECOMMENDED that the Town vote to amend Chapter 10 of the General By-laws, known as the Zoning By-laws, by reformatting the written Bylaws, to read as set forth in the following Table of Contents:

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MILTON ZONING BYLAWS**

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TOPIC	SECTION	PAGE
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Note to Table of Contents

Provisions concerning Residence D, D-1 and D-2 districts are not listed in this Table of Contents but are contained in Sections III D, VB, C and D, VIA, 4, 5 and 8, VIB 5 and 6 VICI, VID3, VIF, VI.G, VI.H, VI.I, VIII

Provisions concerning Residence E districts are not listed in this Table of Contents but are contained in Sections III E, VIII. The following provisions which are part of the Zoning By-Law are contained in the Appendix of Provisions for Special Permits/Business Certificate:

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Special Permit 1. (Special Permit for Detached One-family Dwelling with Temporary Apartment)	Section III Subsection A Paragraph 9	
Special Permit 2. (Special Permit for Business District Adult Live Entertainment Establishment, Adult Theatre or Sexually Oriented Business)	Section III. Subsection C Paragraph 6	
Special Permit 3. (Special Permit for Drive-Through Food Service Facility)	Section III. Subsection C Paragraph 8	
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Special Permit 6. (Special Permit for Milton Village/ Central Avenue Business District Planned Unit Development)	Section III Subsection I	

Permit # and Name	Section	Page
Special Permit 7. (Special Permit for Central Avenue Planned Unit Development)	Section III Subsection J	
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Special Permit 9. (Special Permit for Assisted Living Residence Development)	Section III Subsection L	
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Special Permit 11. (Special Permit Construction and Operation of Wind Turbine)	Section IV Subsection D	
Special Permit 12. (Special Permit for Cluster Development)	Section VI Subsection J	
Special Permit 13. (Special Permit for Attached Cluster Development)	Section VI Subsection K	
Special Permit 14. (Special Permit for Condominium Conversion)	Section VI Subsection L	
Special Permit 15. (Special Permit for Open Space Development)	Section VI Subsection M	

COMMENT: Since originally written and promulgated in 1938, the Zoning Bylaws have become increasingly cumbersome to use as each Special Permit and changes have been added. The Planning Board and the Director of Planning undertook an effort to reformat the Bylaws, modifying the Table of Contents such that the Bylaws are in the main body and the Special Permits are in Appendices. Cross-referencing between the body and the Appendices makes it easy to use. No Bylaw or Special Permit has been changed.

ARTICLE 36 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as The Zoning Bylaws by amending Subsection J of Section VI (“Cluster Developments”) as follows:

1. By striking Paragraph 1.(a) and by substituting the following Paragraph 1. (a):

“(a) Definition – As use herein “Cluster Development” means a planned unit development, as defined in G.L.c.40A Sec. 9, in which residential use and open space use are mixed, with the buildings and accessory uses clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open space (herein referenced as “Open Land”).”

2. By substituting the word “encourage” for the word “permit” in Paragraph 1. (b) (i) and by adding the following sentence: -

“The process for securing approval of an application for Cluster Development is intended to enable such development without unnecessary delays or expense.”

3. By striking Paragraph 4 and by substituting the following Paragraph 4: -

“ 4. Except as provided herein, in a Cluster Development the number of lots on which single family dwellings may be erected or maintained shall not exceed the number of building lots which would be available in a subdivision, in which: each lot in a Residence AA zone has at least 60,000 square feet of area and at least 150 feet of frontage; each lot in a Residence A district has at least 30,000 square feet of area and at least 125 feet of frontage; each lot in a Residence B district has at least 20,000 square feet of area and at least 100 feet of frontage; each lot in a Residence C district contains at least 7,500 square of area and at least 75 feet of frontage; each lot has a non-wetland area suitable for construction of a dwelling; and there is suitable access to each lot. The Planning Board shall determine these matters on the basis of a preliminary plan which shows a subdivision which in the Planning Board’s opinion would be likely to receive subdivision approval under the Subdivision Control Law with such waivers of the Planning Board’s Rules and Regulations as it would deem reasonable. To the number of building lots so determined one additional building lot shall be added if the development parcel contains at least 425,000 square feet of non-wetland area in a Residence AA district or at least 325,000 square feet of non-wetland area in a Residence A, B or C district. To this number of building lots so determined may also be added one additional building lot to be used for a single family dwelling suitably restricted so as to count on the state’s Subsidized Housing Inventory or its future equivalent. In considering any wetlands issues the Planning Board shall seek the advice of the Conservation Commission.

4. By striking Paragraph 6 and by substituting the following Paragraph 6: -

“6. In a Cluster Development containing less than 10 building lots, an application may provide for an additional building lot to be used for a single-family dwelling, suitably restricted so as to count on the state’s Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town’s Affordable Housing Trust Fund in an amount which is reasonable as determined by the Planning Board under the relevant circumstances. In a Cluster Development containing 10 or more lots 10% of the lots (rounded to the nearest whole number) shall be suitably restricted so that the single-family dwellings built thereon shall count on the SHI or its future equivalent.”
5. By striking the following sentence in Paragraph 8 “Open Land shall not be used for residential accessory uses such as parking or roadway or any other use of Open Land prohibited by G.L.c. 40A, S9 or successor statutory provision” and by substituting the following sentence:

“Open Land shall not be used for parking or roadways but may include paths or walkways.”
6. By adding the following sentence to Paragraph 8 after the words “underground utility services.” -

“Open Land may be used for underground septic systems and the underground structures and pipes necessary for such systems, each of which may serve one or more dwellings as approved by the Board of Health.”
7. By striking Paragraph 11 and by substituting the following Paragraph 11:-

“11. The special permit for a Cluster Development may make reasonable provision for daytime foot passage by the public on some or all paths or walkways on Open Land. The use of recreational facilities, not owned by the Town, may be restricted to residents and their guests.”
8. By striking Paragraph 14 and by substituting the following Paragraph 14: -

“14.(a) Every application for a special permit for Cluster Development shall include a preliminary plan which shows the number of lots which could be contained in a conventional subdivision meeting the requirements of Paragraph 4. The preliminary plan shall be accompanied by such additional information as the Planning Board deems reasonably necessary for its determination of the number of lots which would likely be possible in a conventional subdivision.

(b) Every application for a special permit for Cluster Development shall include: a Site Plan meeting the requirements of Paragraph 15; copies of all proposed deeds, documents and other instruments required by this Subsection; and such other information deemed reasonably necessary by the Planning Board.”

9. By striking Paragraph 16 and by substituting the following Paragraph 16:-
“16. Every application for a special permit for a Cluster Development under this Subsection shall be referred to the Conservation Commission and Board of Health. The Conservation Commission and Board of Health shall act upon the referral in the same manner as upon an application for subdivision approval under the Subdivision Control Law.”
10. By striking the following sentence in Paragraph 17:-
“Prior to the date of the public hearing, the Conservation Commission and Board of Health shall transmit their reports and recommendations to the Planning Board.”
11. By adding the following sentence to Paragraph 17:-
“An applicant may require compliance with the timelines set out herein, but deviation from such timelines shall not be cause for constructive approval of the application.”
12. By striking Paragraph 18 and by substituting the following Paragraph 18:-
“18. The Planning Board shall grant a special permit for Cluster Development pursuant to the authority of and subject to the conditions in Section IX.C if it finds that the proposed Cluster Development meets the requirements set out in this Subsection, provided that the Planning Board may permit modification of the requirements if it finds that such modifications are needed to enable the application to go forward and if it finds that modifications are reasonable, compliant with the law, consistent with the purpose of this Subsection and without any adverse or undesirable impacts. In granting a special permit for Cluster Development, the Planning Board shall impose any reasonable restrictions or requirements requested by the Conservation Commission or Board of Health and such additional conditions or restrictions which it may deem reasonably necessary to accomplish the purpose or satisfy the requirements of this Subsection.”

RECOMMENDED that the Town will vote to amend Chapter 10 of the General Bylaws known as The Zoning Bylaws by amending Subsection J of Section VI (“Cluster Developments”) as follows:

J. Cluster Developments.

1. (a) ***Definition*** – As used herein “Cluster Development” means a planned unit development, as defined in G.L.c.40A Sec. 9, in which residential use and open space use are mixed, with the buildings and accessory uses clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open space (herein referenced as “Open Land”).”

(b) Purpose – This subsection relating to Cluster Development is intended, (i) to encourage development on large tracts of land in a manner which preserves open space and topography, wooded areas, and natural features of substantial portions of those tracts, and (ii) to provide a process requiring careful site planning and high quality design resulting in developments in harmony with the surrounding open spaces, which enhance the neighborhoods in which they occur and the Town as a whole. The process for securing approval of an application for Cluster Development is intended to enable such development without unnecessary delays or expense.

- 2.** A Cluster Development shall be established on a parcel of land in one ownership containing not less than ten (10) acres, provided that the Planning Board may permit a Cluster Development to be established on a parcel of land in one ownership, containing not less than five (5) acres, if the Planning Board determines that such a Cluster Development on the parcel is, under the circumstances, demonstrably superior in design, visual appearance, and land use to a subdivision which meets the usual lot size and frontage requirements of this Section.
- 3.** A Cluster Development may be established in a Residence AA, A, B, or C district or on a parcel of land lying in more than one of such residence districts.
- 4.** Except as provided herein, in a Cluster Development the number of lots on which single family dwellings may be erected or maintained shall not exceed the number of building lots which would be available in a subdivision, in which: each lot in a Residence AA zone has at least 60,000 square feet of area and at least 150 feet of frontage; each lot in a Residence A district has at least 30,000 square feet of area and at least 125 feet of frontage; each lot in a Residence B district has at least 20,000 square feet of area and at least 100 feet of frontage; each lot in a Residence C district contains at least 7,500 square of area and at least 75 feet of frontage; each lot has a non-wetland area suitable for construction of a dwelling; and there is suitable access to each lot. The Planning Board shall determine these matters on the basis of a preliminary plan which shows a subdivision which in the Planning Board's opinion would be likely to receive subdivision approval under the Subdivision Control Law with such waivers of the Planning Board's Rules and Regulations as it would deem reasonable. To the number of building lots so determined one additional building lot shall be added if the development parcel contains at least 425,000 square feet of non-wetland area in a Residence AA district or at least 325,000 square feet of non-wetland area in a Residence A, B or C district. To this number of building

lots so determined may also be added one additional building lot to be used for a single family dwelling suitably restricted so as to count on the state's Subsidized Housing Inventory or its future equivalent. In considering any wetlands issues the Planning Board shall seek the advice of the Conservation Commission.

5. In a Cluster Development, no dwelling shall be erected or maintained except on a "Buildable Lot". A "Buildable Lot" is a lot containing not less than 10,000 square feet of land, exclusive of wetlands, and having a frontage deemed adequate by the Planning Board. Not more than one dwelling shall be erected or maintained on any Buildable Lot. Each Buildable Lot shall have a location, size and shape to provide a building site for a dwelling and an attached or unattached garage. No more than thirty-five percent (35%) of the area of any Buildable Lot shall be covered by buildings or other impervious surface unless the Planning Board determines that special circumstances justify a greater coverage.
6. In a Cluster Development containing less than 10 building lots, an application may provide for an additional building lot to be used for a single-family dwelling, suitably restricted so as to count on the state's Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town's Affordable Housing Trust Fund in an amount which is reasonable as determined by the Planning Board under the relevant circumstances. In a Cluster Development containing 10 or more lots 10% of the lots (rounded to the nearest whole number) shall be suitably restricted so that the single-family dwellings built thereon shall count on the SHI or its future equivalent.
7. All utilities in a Cluster Development, including the wiring for lights on the Open Land, paths, and driveways, shall be placed underground. Subject to the approval of the Planning Board, provision may be made for additional parking areas for the residents and guests of the Buildable Lots. Suitable provision shall be made for ownership and maintenance of such parking areas by the owners of the Buildable Lots.
8. Every Cluster Development shall include "Open Land", which, for the purposes of this subsection, shall mean land left in its natural state, gardens, and other open land suitably landscaped in harmony with the terrain of the site and its other features. Open Land shall not be used for parking or roadways but may include paths or walkways. Insofar as permitted thereunder and subject to the approval of the Planning Board, Open Land may be used for non-commercial

outdoor recreational purposes, including playgrounds, tennis courts, basketball courts and swimming pools, but no more than 20% of the Open Land may be used for such purposes unless the Open Land is owned by the Town of Milton or open to public use. Open Land may be used for necessary underground utility services. Open Land may be used for underground septic systems and the underground structures and pipes necessary for such systems, each of which may serve one or more dwellings as approved by the Board of Health. The Planning Board may permit Open Land to be utilized for the coursing or temporary retention of storm drainage. No structure shall be erected or maintained on Open Land except as may be reasonably necessary for and incidental to the use of Open Land, such as lampposts, benches, small sheds for tools or sports equipment, bath houses, and fences. The number, use, characteristics, and location of structures shall be subject to the approval of the Planning Board.

9. At least 35% of the total land area of the Cluster Development, exclusive of the land set aside for streets, shall be Open Land, and at least 35% of the non-wetland area of the Cluster Development, exclusive of the land set aside for streets, shall be Open Land. Land which is subject to rights or easements inconsistent with the use of Open Land shall not be counted as Open Land in determining these percentages.
10. Open Land in a Cluster Development shall be contained in one or more parcels of such size, shape and location so that the purposes of this subsection are met. Narrow strips of land, which are not necessary for a high-quality site design, shall not be a part of the Open Land. Open Land shall be situated so that each Buildable Lot is adjacent to Open Land or has convenient access to Open Land.
11. The special permit for a Cluster Development may make reasonable provision for daytime foot passage by the public on some or all paths or walkways on Open Land. The use of recreational facilities, not owned by the Town, may be restricted to residents and their guests.
12. Open Land in a Cluster Development may be owned (a) by the Town of Milton for park or open space use with the Town's consent, (b) by a non-profit organization, the principal purpose of which is the conservation of open space and which agrees by suitable guarantees to maintain the Open Land for such purpose in perpetuity and which in the opinion of the Planning Board, has sufficient resources to provide adequate maintenance of the Open Land and/or (c) by a corporation or trust as described in Paragraph 13 of this subsection. In any case where the Open Land is not conveyed to the Town of

Milton, a perpetual conservation restriction pursuant to G.L.c184SS.31–33, shall be granted to the Town and recorded with the Norfolk County Registry of Deeds providing that such Open Land shall be kept in an open or natural state and not built for commercial or residential use or developed for accessory uses such as parking or roadway.

13. Any corporation or trust, which owns Open Land in a Cluster Development, shall be owned by the owners of the Buildable Lots. Each such owner’s interest in the corporation or trust shall be subordinate to the conservation restriction granted to the Town and shall pass with conveyance of his or her Buildable Lot. Such corporation or trust shall be responsible for the maintenance of the Open Land. The deed of the Open Land to such corporation or trust shall restrict the use of the Open Land to all or some of the uses set forth in this subsection. Each deed to a Buildable Lot shall obligate the owner and his successors in title to pay a pro rata share of the expenses of the corporation or trust and any successor in title in maintaining the Open Land. The corporation or trust by unamendable provision in this charter or trust indenture (a) shall be obligated to maintain the Open Land, (b) shall be prohibited from mortgaging or pledging the Open Land, and (c) shall be prohibited from conveying or assigning the Open Land, except to an entity described in Paragraph 12 of this subsection, with the consent of the Planning Board. In the event that such corporation or trust shall be legally terminated, another corporation or trust constituted pursuant to the requirements of this paragraph subject to the rights and obligations provided herein shall take title to the Open Land.
14. (a) Every application for a special permit for Cluster Development shall include a preliminary plan which shows the number of lots which could be contained in a conventional subdivision meeting the requirements of Paragraph 4. The preliminary plan shall be accompanied by such additional information as the Planning Board deems reasonably necessary for its determination of the number of lots which would likely be possible in a conventional subdivision.

(b) Every application for a special permit for Cluster Development shall include: a Site Plan meeting the requirements of Paragraph 15; copies of all proposed deeds, documents and other instruments required by this Subsection; and such other information deemed reasonably necessary by the Planning Board.
15. A. The Site Plan for a Cluster Development may be contained in, one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor,

and in accompanying text and material. Applicants are encouraged to secure the assistance of a Registered Architect or Landscape Architect in preparation of the Site Plan. A Site Plan, approved by the Planning Board, is a prerequisite of a special permit for a Cluster Development granted under this subsection, and construction of the Cluster Development shall be in accordance with the approved site Plan. The Site Plan shall show:

- (a) The existing topography of the land showing existing and proposed two-foot contours.
- (b) A mapping of all wetlands, a description of these wetlands, and any proposed alteration of wetlands.
- (c) Major site features such as large trees, wooded areas, rock-ridges and outcroppings, water bodies, meadows, stone walls, and buildings, a description of these features, and any proposed removal or changes in these features.
- (d) The siting, grading, and landscape plan for all proposed streets, Buildable Lots, Open Land, parking areas, paths, walkways, driveways, tennis courts, basketball courts, ball fields, swimming pools, any other athletic facility, playgrounds, gardens and fences.
- (e) A written description of the landscape characteristics of the site and its contiguous neighborhood and of the effects of the Cluster Development on such characteristics, including the passage of water through the site and to and from contiguous property.
- (f) A written description of the site's current uses, such as watershed, wildlife habitat, woodland, or meadowland and of the effect of the Cluster Development on such uses.
- (g) A statement of all significant impacts, which the Cluster Development is likely to cause, and a description of any measures proposed to deal with these impacts.
- (h) The design of all structures, proposed for the Open Land or for common parking areas, and the design of the lighting for streets, walkways, paths and common parking areas.

B. The Site Plan shall be prepared in conformity with the purpose and specific requirements of this subsection including the following design standards:

- (a) The existing terrain, whether part of the Open Land or a Buildable Lot, shall be preserved insofar as reasonably possible, and earth moving shall be minimized except as may be required for a site design meeting the purpose and requirements of this subsection.

- (b) Existing trees and significant natural features whether on the Open Land or a Buildable Lot, shall be preserved and integrated into the landscape design plan insofar as reasonably possible and appropriate to a site design meeting the purpose and requirements of this subsection.**
- (c) Street layouts shall take account of the existing terrain and landscape features, and there shall be no extreme or ill designed cuts or fills. The width, construction and lighting of streets shall be appropriate for their intended use.**
- (d) Preservation of views of the Open Land from existing streets and creation of views of the Open Land from new streets in the Cluster Development shall be among the objectives of overall site design.**
- (e) The Buildable Lots shall be arranged and oriented to be compatible with the terrain and features of surrounding land and shall be sited so that the arrangement of the Buildable Lots fronting a street creates a landscape setting in context with the street and the surrounding land.**
- (f) The Buildable Lots shall not be located in such a manner that densities of dwelling units are increased in the immediate vicinity of any existing dwelling beyond the increase which would be caused by a conventional subdivision.**
- (g) Individually and commonly owned parking areas shall be designed with careful regard to topography, landscaping, ease of access and lighting and shall be developed as an integral part of overall site design.**
- (h) There shall be an adequate, safe and convenient arrangement of walkways, paths, driveways and parking areas and suitable lighting. Varied construction materials, such as brick or stone, shall be used when feasible and appropriate to site design.**
- (i) Suitable trees, shrubs and other plant material, used for screening or landscaping, shall be of a size and number sufficient for their purpose. The Site Plan shall specify the approximate location and approximate dimensions of all dwellings on the Buildable Lots in conformity with the following design standards:**
- (j) The dwellings on the Buildable Lots shall be conveniently accessible from the street without extreme or ill-designed cuts or fills and without removal of trees or other natural features beyond what is necessary to a site design meeting the purpose and requirements of this subsection.**
- (k) The dwellings on adjacent Buildable Lots shall be located with respect to each other so as to promote visual and audible privacy.**

- (l) The siting of a dwelling on a Buildable Lot shall take into account traditional neighborhood patterns for relationships of dwellings, yards, and common space.
- (m) The size of the dwelling on a Buildable Lot shall be commensurate with and appropriate to the size of the lot.

The Site Plan need not include architectural plans for dwellings, but, when prepared, such plans should make the appearance of each dwelling on its sides and rear at least equal in amenity and design to the appearance of the dwelling on its front.

16. Every application for a special permit for a Cluster Development under this Subsection shall be referred to the Conservation Commission and Board of Health. The Conservation Commission and Board of Health shall act upon the referral in the same manner as upon an application for subdivision approval under the Subdivision Control Law.
17. Every application for a special permit for a Cluster Development shall be filed with the Town Clerk and five copies of the application (including the date and time of filing certified by the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Board shall forthwith transmit a copy of the application to the Conservation Commission and a copy of the application to the Board of Health and shall specify the date of public hearing. After due publication notice, the Planning Board shall hold a public hearing within 65 days of the filing of the application or within such further time as may be permitted by G.L.c.40AS9 (or successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. The written decision of the Planning Board shall be made within 90 days from the date of public hearing or within such further time as may be permitted by G.L.c.40AS9 (or successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. An applicant may require compliance with the timelines set out herein, but deviation from such timelines shall not be cause for constructive approval of the application.
18. The Planning Board shall grant a special permit for Cluster Development pursuant to the authority of and subject to the conditions in Section IX.C if it finds that the proposed Cluster Development meets the requirements set out in this Subsection, provided that the Planning Board may permit modification of the

requirements if it finds that such modifications are needed to enable the application to go forward and if it finds that modifications are reasonable, compliant with the law, consistent with the purpose of this Subsection and without any adverse or undesirable impacts. In granting a special permit for Cluster Development, the Planning Board shall impose any reasonable restrictions or requirements requested by the Conservation Commission or Board of Health and such additional conditions or restrictions which it may deem reasonably necessary to accomplish the purpose or satisfy the requirements of this Subsection.

19. After a special permit for a Cluster Development has been granted, the development may be altered or amended only upon an application for such alteration or amendment complying with the pertinent requirements of this subsection and after notice and a public hearing and a finding by the Planning Board that the alteration or amendment (a) meets the requirements and purpose of this subsection, (b) is financially practical and in reasonable probability will be completed, and (c) is desirable or reasonably necessary for the Cluster Development. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it finds are reasonably necessary to accomplish the purpose or satisfy the requirements of this subsection.
20. In the event no substantial use of a special permit granted under this subsection is made and no substantial construction has commenced within 2 years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire, except for good cause. The Planning Board may set reasonable time limits for completion of parts or of the whole of the development and may determine the order of construction.
21. The amendments to Subsection J approved by Town Meeting in May, 2014 shall not apply to cluster development of a parcel of land which is subject to a purchase and sale agreement dated before July 1, 2013 if that agreement provides for cluster development of the land pursuant to Subsection J; with respect to cluster development of such a parcel of land subject to such an agreement, the provisions of Subsection J without the May, 2014 amendments shall apply, provided that the purchaser under the agreement may elect to be subject to Subsection J as amended. Such an election shall be made in writing in the application for a special permit and shall be irrevocable. In the event of such an election, after consultation with the Historical Commission, the Planning Board may authorize the

rehabilitation and/or expansion of an existing historic building or buildings for its or their conversion into 2 units of housing eligible for inclusion on the SHI in satisfaction or partial satisfaction of the requirement for SHI-eligible housing in Paragraph 6. These housing units shall be located on a parcel of land of not less than 20,000 square feet adjacent to but not part of the cluster development with access to a street as may be deemed adequate by the Planning Board.”

COMMENT: The Town has had a provision in the zoning bylaw, Subsection J of Section VI that allows cluster development. The provision has been in place for over 20 years, yet not a single project has been filed utilizing this provision. The Planning Board has determined that amendments to this section may encourage its use by developers of projects proposed on 8 acres or more of land. Cluster development is an alternative to traditional subdivision development in that it encourages the grouping of residential properties on a site in order to use extra land as permanently preserved open space. By grouping the properties, the site design can be considerate of natural features and protective of sensitive areas of the property. The proposed amendments would provide developers with incentives and flexibility in site planning, and the Planning Board with latitude in granting approvals. Incentives include two additional buildable lots above which would be allowed in a subdivision, one of which would be required to contribute to the town’s affordable housing inventory. It is anticipated that this section of the zoning bylaw could be advantageously applied to several properties in which redevelopment is currently contemplated. Paragraph 21 provides flexibility in the location of the affordable housing that would be required under this provision for cluster development if proposed at the former Town Farm.

ARTICLE 37 To see of the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection ___ to Section III:

___ Agricultural/Nursery/Landscaping Development

On a combination of lots located partially in a Residence A district and partially in a Residence AA containing at least 5 acres of land and containing an agricultural use (including businesses that are reasonably ancillary thereto) and a nursery business, which lots are owned and/or leased for the common use of such businesses, the Planning Board may grant to the owner and operator of such businesses a special permit for a landscaping business to be operated in conjunction with the agricultural and nursery businesses (an “Agricultural/Nursery/Landscaping Development”) upon satisfaction of all requirements specified in this Subsection and upon such other requirements, terms and conditions deemed necessary or appropriate by the Planning Board. The

application for a special permit shall be made by the owner/lessee of the property who shall be an owner of the agricultural, nursery and landscaping businesses.

1. Purpose

The purpose of this Subsection is to permit the operation of a landscaping business in conjunction with the ongoing operation of agricultural and nursery businesses which have existed since at least 1970. The permitting of the landscaping business will preserve the viability of the agricultural and nursery uses of the property, contribute to the preservation of the rural character of the Town, contribute to the preservation of open space, preserve employment and generate commercial tax revenues, thereby serving a public purpose.

2. Business Activities

For purposes of this Subsection, a landscaping business is a business concern whose primary business is the construction, installation and maintenance of lawns, yards, gardens, walls, patios and related grounds which are owned by others. Such landscaping business may employ employees and use trucks, dumpsters, lawnmowers, loaders, seeders and related equipment, which are owned by the landscaping business and stored on the lot(s), to perform such construction, installation and maintenance activities. The landscaping business may provide snow plowing and snow and ice removal services. Such landscaping business may store certain non-perishables on site, including mulch, loam, fertilizer, stone pavers, stone dust and gravel for use in its operations provided that dusty and odorous materials shall be covered and/or stored in locations to prevent odors and dust from impacting neighboring properties. Such landscaping business may be operated Monday through Saturday between the hours of 7:00 AM and 7:00 PM and on Sunday between the hours of 9:00 AM and 5:00 PM, except during snow and ice conditions where the snow plowing portion of the business may operate as necessary to address snow and ice removal and plowing.

The agricultural and nursery businesses may be operated Monday through Saturday between the hours of 7:00 AM and 7:00 PM and on Sunday between the hours of 8:00 AM and 6:00 PM, except during the period from the last Friday before Thanksgiving Day to the following January 1 the hours of operation may be from 8:00 AM to 9:00 PM. Such agricultural and nursery businesses may sell trees, shrubs, evergreens, fruits, vegetables, flowers, Christmas trees and wreaths, and other seasonal plants as well the products for the care and keeping of agricultural and nursery products, including but not limited to mulch, soil, fertilizers, etc. The businesses may also sell firewood and conduct farmer's markets on the property and may sell garden tools, lawn furniture, garden ornamentation and other related items from retail spaces on the property.

3. Site Plan

An application for a special permit under this Subsection shall include a plan meeting the requirements for a site plan specified in Section VIII.D.2 and such other requirements as may be specified by the Planning Board. The site plan may be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and material, and shall include the following:

- (a) An existing conditions plan;
- (b) A topographical plan with two-foot contours;
- (c) Parking plan;
- (d) Landscape and hardscape plan;
- (e) Lighting plan showing all exterior lighting; and
- (f) Plans for buildings and accessory structures, which shall include detailed elevations with dimensions and square footage.

4. Buildings and Site Requirements

An Agricultural/Nursery/Landscaping Development may contain the following buildings and shall have following site requirements:

- (a) There may be greenhouses, barns, retail spaces and garages, which shall be set back from neighboring residential properties by at least 20 feet.
- (b) There may be an office and related facilities to support the operations of the businesses.
- (c) Landscaping operations shall be set back from neighboring residential properties by at least 20 feet and shall be adequately buffered with appropriate fencing, vegetation and landscape features, including evergreens and related plantings. The fencing, vegetation and landscaped features shall be installed and maintained in accordance with a landscape plan and shall be maintained in good condition.
- (d) Lighting, including lighting installed for the prevention of theft, shall be at low level and reasonably sited so as to prevent light overspill onto neighboring properties.
- (e) The businesses may include dumpsters, sheds and other structures, provided that such shall be set back from neighboring residential properties by at least 20 feet and shall be screened with fencing and/or other landscaped features, and shall be used in a manner to minimize noise as much as possible, as well as to minimize noxious odors, and shall contain no food wastes.

5. Conditions of Operation

The businesses shall be operated in accordance with the following conditions and such other conditions as the Planning Board finds necessary and appropriate:

- (a) The landscaping business may be operated Monday through Saturday between the hours of 7:00 AM and 7:00 PM and on Sunday between the hours of 9:00 AM and 5:00 PM.
- (b) The cleaning and maintenance of vehicles shall be limited to the hours between 9:00 AM and 5:00 PM or shall be performed within barns or garages which shall be constructed and maintained for such purposes.
- (c) When not in use, or after business hours, the trucks, trailers and related equipment shall be screened from neighboring residential properties.
- (d) The movement and/or emptying of any dumpster shall be scheduled to occur on weekdays between 10:00 AM and 2:00 PM.
- (e) The businesses shall be conducted in a reasonably quiet and orderly manner respectful of their abutters.

6. Parking

There shall be 4 parking spaces per 1,000 square feet of office and retail space, or such lesser number of spaces determined to be adequate by the Planning Board considering all relevant circumstances.

7. Notice and Procedure for Decision

The notice and procedural requirements set out in Section IX.B and C and the standard to be used in rendering a decision set out in Section IX.C shall apply to special permits for an Agricultural/Nursery/Landscaping Development under this Section. The Planning Board may grant a special permit for an Agricultural/Nursery/Landscaping Development where it finds compliance with the purpose of this Subsection and with the foregoing standards and requirements and finds that the Development will not cause any substantial detriment to the neighborhood or to the intent of the bylaw. A special permit may be made subject to such terms and conditions as the Planning Board may find necessary or appropriate.

8. Decision

The special permit issued by the Planning Board shall be recorded with the Registry of Deeds by the Applicant at the Applicant's expense within thirty days after the Town Clerk has certified that the time for appealing the special permit has expired. A copy of the recorded document with recording information shall be provided to the Town Planner promptly after recording. The special permit shall

remain in effect for as long as the land and agricultural, nursery and landscaping businesses are owned and operated in common by the permittee (or a party that is related to the permittee) in accordance with the special permit and the special permit may not be transferred. In the event that the land and businesses are conveyed to a third party and said third party shall seek to continue operation of the agricultural, nursery and landscaping businesses then a new special permit application shall be required and the Planning Board may issue a new special permit in accordance with the provisions of this Subsection.

Presented for consideration by the undersigned citizens of the Town:

Janet Cahill	325 Hillside Street
Andrew Cahill	325 Hillside Street
Richard Mochen	555 Harland Street
Hanna Ricciardi	270 Hillside Street
Richard F. Ricciardi	270 Hillside Street
Margaret T. Oldfield	217 Hillside Street
Kenneth P. Mulvaney	633 Harland Street
Maryann Mulvaney	633 Harland Street
Stephen G. Hennessy	621 Harland Street
Christine Schoettle	27 Forest Street

RECOMMENDED that the subject matter of this article be referred to the Planning Board.

COMMENT: This citizens' petition is an effort to amend the Zoning Bylaws by adding a special permitting process to allow an "Agricultural/Nursery/Landscaping Development" to operate within a residential district. The Planning Board deemed it wholly inadequate for the protection of the neighborhood and recommended it be referred back to them. The Warrant Committee agreed. The same group of citizens in support of Thayer Nursery has advanced an article in the warrant for the Special Town Meeting of May 5, 2014. It is a subsequent attempt to amend the Zoning Bylaws by adding a special permitting process for "landscaping business use" in a residence zone.

ARTICLE 38 To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection _____ to Section III:

ATTACHED CONDOMINIUM RESIDENCE DEVELOPMENT (ACRD)

In a Residence "B" district on a lot (including a combination of lots in common ownership) which contains at least 35,000 square feet of land (exclusive of wetlands) with access (including by way of a Town access easement) to a state

highway at a fully signalized intersection, along with an additional emergency access, and providing the property abuts Town of Milton property, whereupon an Attached Condominium Residence Development may be permitted by Special Permit issued by the Planning Board upon terms and conditions meeting the requirements of this subsection, and upon such other terms and conditions as the Planning Board may consider reasonable and appropriate, and upon a finding that the ACRD will enhance the public good, provide significant public benefit, benefit the neighborhood and have no significant detrimental impacts.

Purpose

The purpose of this proposed subsection is to create greater diversity in the community's housing stock in order to meet the evolving housing needs of its residents. The Town's population is aging and a significant percentage seeks to remain in the community but desire to move into smaller housing in a managed development. Residents seek market-rate, newly constructed, condominium style housing in a non-age restricted development. In the Town, there is a limited quantity of this housing type and most of it is 30 plus years old. Few new units have been approved and built in the community since the 1980's due to the fact that suitable zoning does not exist. Therefore this ACRD zoning article is an attempt to replenish this limited inventory with new housing units. Approval of the ACRD zoning article by Town Meeting may permit a few small, quality condominium developments on specific and appropriate residential parcels. If this zoning article is approved by Town Meeting, then the path to create an ACRD is by "Special Permit", a process which requires an extensive review of any application by the Planning Board as well as by the public. An ACRD community would generate a substantial increase in tax revenue for the Town, as compared to the revenue generated by the permitted use under current zoning. An ACRD community will also provide other significant amenities for the public.

An Attached Condominium Residence Development (ACRD) shall meet the following requirements:

(1) Applicability

An ACRD shall be permitted in a residential district by "special permit" issued by the Special Permit Granting Authority pursuant to this Subsection ___ and in compliance with the requirements set forth in the Subsection ___. The lot(s) must be located in a Residence "B" district, contain a minimum area of 35,000 square feet of land (exclusive of wetlands), with frontage on an existing or a newly constructed approved way, the property must abut Town of Milton property and have access (including by way of Town access easement) to a state highway at a fully signalized intersection.

(2) Special Permit Granting Authority

The special permit granting authority for this Subsection __ shall be the Planning Board. The Planning Board may waive any requirements of this Subsection __ if it can be demonstrated that the request is consistent with the objectives of this Subsection __ and is in the best interest of the Town of Milton and its residents and provided the special permit may be granted without substantial detriment to the public good and without substantial derogation from the intent and purpose of the Zoning Bylaws with such conditions and limitations as may be necessary to safeguard the legitimate use of the property and to ensure the health and safety of the neighborhood (all as required by Section IX, subsection C), as well as the creation of an attractive residential dwellings.

(3) Definitions

In this Subsection __ the following terms have the following meanings:

Applicant: The person or persons, including any legal entity, who applies for issuance of a special permit for construction of an ACRD. The Applicant must own, or be the beneficial owner of, all the land included in the proposed development site, or have authority from the owner(s) to act for the owner(s) or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the development site.

Dwelling Unit: A structure which is used exclusively for human habitation.

Open Space: For the purposes of this subsection, open space shall mean a portion of a lot or of adjacent lots in common ownership exclusive of any building or buildings and/or their associated driveways and parking areas and shall include parks, lawns, gardens, landscaped areas, terraces, patios, areas left in their natural condition, athletic fields, open air athletic courts, playgrounds, open air swimming pools, and any open vegetated areas. Driveways and parking areas permanent or temporary shall not be counted as open space.

(4) Affordable Housing

In a ACRD, ten percent of the total housing units (rounded to the nearest whole number) shall be affordable housing, subject to long-term deed restrictions and a regulatory agreement; these units shall be affordable to and occupied exclusively by households whose annual income is less than 80% of the area-wide median as determined by the United States Department of

Housing and Urban Development adjusted for household size with reasonable asset limits, so that insofar as reasonably possible the housing qualifies for inclusion on the Subsidized Housing Inventory (SHI) created and maintained by the Commonwealth of Massachusetts Department of Housing and Community Development. Resident preference for such units shall be the maximum permissible for inclusion on the SHI.

(5) Use Restrictions and Dimensional Requirements

- A. Minimum Lot Size. No building or buildings shall be erected or maintained except on a lot containing not less than 35,000 square feet of land area (exclusive of wetlands).
- B. Minimum Frontage. ACRD sites shall have a minimum frontage of one hundred feet (100') on an existing approved way or on a newly constructed way which is part of the development proposal.
- C. Building Height. No building shall exceed 35' in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Accessory buildings, and other structures of whatever sort, shall not be erected or altered to exceed building height limits set forth in the underlying zoning in Section V.
- D. Allowed Density: The base number of housing units in an ACRD shall be one unit per the first 10,000 square feet of qualifying area and up to one unit per 2,500 square feet of the remaining qualifying area in the ACRD. Only "qualifying land" (35,000' square feet) shall be used to determine density. The base number should be rounded to the nearest whole number. The Planning Board shall have, at its sole discretion as the Special Permit Granting Authority, the option to grant some additional "bonus" units if it believes it is will enhance the public good, provide significant public benefit, benefit the neighborhood and have no significant detrimental impacts.
- E. Units and Number of Buildings: An ACRD building shall contain a minimum of two (2) units per building. The maximum number of buildings allowed shall not exceed four per ACRD site.
- F. Building Coverage: ACRD shall be subject to a maximum building coverage ratio of 30% unless waived by the Special Permit Granting Authority.

- G. Setbacks: The building(s) shall be set back a minimum of fifty (50) feet from the state highway and shall generally meet all other underlying zoning requirements for Residence “B” district unless waived by the Special Permit Granting Authority. Accessory buildings, including detached garages, shall not exceed 20’ in height and shall be setback a minimum of 15’ from adjoining lots.
- H. Open Space. In an ACRD at least 30% of the Buildable Area of the lot shall be open space (Open Space). Open Space shall include land left in its natural state, gardens, and other open land suitably landscaped in harmony with the terrain of the site and in harmony with the building(s) and any accessory building. Open Space shall not include driveways, sidewalks, and parking areas but may include walkways provided for enjoyment of the Open Space. The landscaping shall enhance the prospect of the building(s) viewed from outside the ACRD and provide attractive views from within the building(s). Driveways and sidewalks may be sited to pass through this area as necessary.
- I. Parking, Ways, and Lighting. The minimum parking required in an ACRD shall be two parking spaces for each residential unit with more than one bedroom and one for each one bedroom or studio unit. In addition there shall be such guest spaces and public parking as the Planning Board in its discretion may deem appropriate and adequate. In the event parking shall be provided beneath a building, there shall be no more than one level of such parking and it shall be, insofar as practicable, below mean finished grade, or, if not practicable for the entire parking level to be below such grade, then the maximum amount of the parking level, as is practicable, shall be below such grade. Garages shall be provided for no less than one space per housing unit. All required parking shall be exclusively reserved for motor vehicles of residents and guests. The main drives for ingress and egress shall be adequate for safe passage. Adequate lighting shall be provided for all drives and parking areas. All drives and parking areas shall be suitably graded and provided and maintained with permanent dust-free surface, adequate drainage and bumper guards when needed for safety.
- J. Utilities. All electric, gas, telephone, water distribution lines, and other utilities shall be placed underground.
- K. Water and Sewer. The ACRD shall be connected to Town water and sewer.

- L. Storm Water Management. The stormwater management system shall be designed in accordance with the DEP's Stormwater Management Guidelines and Regulations, as amended. A stormwater management systems or portion thereof which is located wholly or partially offsite is permitted.

(4) Design Review - Design Standards

In an ACRD, each building shall be designed to be architectural coherent and well sited on the lot, visually attractive and compatible with the existing architectural designs in the abutting neighborhoods. In addition the building(s) shall meet the following additional design standards:

- A. Architecture of the building(s) shall be coherent in all its elements and compatible with the architectural detail of the historic preservation building and complementary to its surroundings. The front and rear of the building(s) shall be given as much architectural care as the front of the building(s). The building(s) whether observed from the front, side or rear shall present an attractive appearance and to be architectural whole.
- B. The roof-line shall be visually coherent and architecturally well defined.
- C. Building materials should be of very good quality, and traditional materials that are in keeping with the architecture designs of the community.
- D. Building shall not rise in an uninterrupted plane for more than two stories.
- E. Some windows, doors, dormers, window bays, porches and other such features shall project or be recessed in order to relieve such flatness.
- F. Windows and doors shall be surrounded by appropriate architectural elements setting the windows and doors off from the plane of the façade. Each door, doorway, window or window grouping shall be suitably proportioned to the building.
- G. Parking structures shall be unobtrusive and designed to blend with the building and the neighborhood.
- H. Landscaping shall enhance the overall design of the building and provide attractive features which integrate the facility into the surroundings environment.

- I. Common area lighting shall be appropriate to the architecture and provide suitable lighting without detriment to nearby residents and to minimize light overspill.
- J. When possible, sustainable building practices and designs shall be employed.

(5) Site Plan

An application for an ACRD shall include a plan meeting the requirements for a site plan specified in Section VIII.D.2 and such other requirements as may be specified by the Planning Board. The site plan for an ACRD may be contained in, one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and material. Applicants are encouraged to secure the assistance of a Registered Architect or Landscape Architect in preparation of the Site Plan. A Site Plan, approved by the Planning Board, is a prerequisite of a special permit for an ACRD granted under this Subsection ____, and construction of the ACRD shall be in accordance with the approved site plan.

Included with application:

- (A) Existing conditions plan
- (B) Topographical plan with two-foot contours
- (C) Wetlands delineation plan (if applicable)
- (D) Utility plan
- (E) Storm water plan and drainage calculations
- (F) Concept plans for all new building; the design shall show the exterior dimensions, square footage, floor layouts and exterior elevations
- (G) Landscape and hardscape plan; including siting, grading, driveways, walkways, walls, parking plan, open space and showing other significant natural site features
- (H) Lighting plan showing all exterior lighting

(6) Application Review Fees

When reviewing an application for a special permit for an ACRD, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or because of the project's potential impact. The Planning Board may require that an applicant pay a review fee, consisting of the reasonable costs incurred

by the Planning Board for employment of outside consultants engaged by the Planning Board to assist in the review of an application. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers or other appropriate Professionals who can assist the Planning Board in analyzing the project to assure compliance with this bylaw and other laws, regulations and requirements. Expenditures may be made at direction of the Planning Board and shall be made only in connection with the review of the specific project for which the Review Fee has been collected from the applicant. Failure of an applicant to pay Review Fee shall be grounds for denial of the application. At the completion of the Planning Board's review of the project, any excess balance of review fee shall be returned to the applicant and a final report of expenditures shall be provided to the applicant.

(7) Notice, Procedures and Standards for Decision

The notice and procedural requirements set out in Section IX.B and C shall apply to special permits for ACRDs under this Section. The Planning Board may grant a special permit for an ACRD where it makes the following findings: (a) The ACRD meets the requirements of this Section which have not been waived by the Planning Board; and (b) The ACRD shall not cause substantial detriment to the neighborhood, will serve the public good and will provide a public benefit. A special permit may be made subject to such terms and conditions as the Planning Board may find necessary or appropriate.

The provisions of this Subsection ___ shall be construed as being in addition to and except as expressly stated in this Subsection ___ in substitution for all other provisions of Section VI. Otherwise ACRDs shall be subject to all other provisions of this bylaw where the intent and context permit.

Presented for consideration by the undersigned citizens of the Town:

Frank M. O'Neill	46 Columbine Road
Juanita O'Neill	46 Columbine Road
Paul J. Sullivan	21 Smith Road
Peter Kelly	71 Ford Ranch Road
Robert E. Hannigan	334 Thacher Street
Paul J. Cleary	54 Reservation Road
Mary E. Garrity-Sullivan	21 Smith Road
John P. Morey	15 Smith Road
Elise Sullivan	21 Smith Road
Mark Gibbons	84 Gulliver Street

RECOMMENDED that the subject matter of this article be referred to the Planning Board.

COMMENT: The Citizens' Petition recommending zoning for Attached Condominium Residence Development has been reviewed by the Planning Board and the proposer. Important elements necessary to fully develop a Special Permit are not yet available. Returning the article to the Planning Board will allow work to continue with the proposer to determine those elements and potentially lead to a new zoning article and Special Permit.

ARTICLE 39 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 authority of same, as follows:

SECTION 1. Notwithstanding the provisions of sections 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 554-558B Adams Street, which is owned by Franklin Realty, LLC or its 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 locate.

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 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 authority of same, as follows:

SECTION 1. Notwithstanding the provisions of sections 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 554-558B Adams Street, which is owned by Milton Theatre, LLC or its 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 locate.

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

COMMENT: Under this article, the Board of Selectmen seeks Town Meeting's approval to petition the State Legislature for authorization to issue a full liquor license for a restaurant yet unnamed located at 554-558B Adams Street. Town Meeting's approval of this article 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 554-558B Adams Street. If the Legislature approves the petition, the applicant, Milton Theatre LLC, 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 40 TO WHOM IT MAY CONCERN:

The neighbors to the Curry College D. Forbes Will Athletic Complex, including the Katz turf field request the following regarding the use of said Athletic Complex and turf field.

FIELD USE HOURS:

Weekdays:

8 am to 9 pm

Saturdays:

9 am to 9 pm

Sundays/Holidays:

12 pm to 6 pm

No Sunday/Holiday use of lights or sound system

LIGHTS:

Install light shields and turn lights off at 9 pm

Lights to be used only during scheduled Varsity games and NOT for Practices, intramurals or Field Rentals

SOUND SYSTEM/P.A.:

Music and P.A. used only during scheduled Varsity games and to only be played one half hour before game start

Reconfigure speakers to be pointed down toward field and not toward or near neighborhood – residences with volume no greater than that needed to be hard on field

BATTING CAGE:

Stop use of metal bats (use wood bats only) or move to a location away from neighborhood

LEAF BLOWING:

Not to begin before 7:30 am.

NOTE: INSTALL A SOUND FENCE AROUND THE PERIMETER OF THE ATHLETIC FIELD

Presented for consideration by the undersigned citizens of the Town:

Robert J. Uvello
Paul McGrath

711 Blue Hill Avenue
82 Dyer Avenue

Tracy A. Daly	711 Blue Hill Avenue
Mary F. Kane	17 Centre Lane
Patricia McGrath	163 Clapp Street
Charles Neumann	939 Brush Hill Avenue
Patrick F. Greeley	149 Bradlee Road
Anne H. Walsh	702 Blue Hill Avenue
Sheryl Fleitman	75 Crown Street
Susan Brady	226 Old Farm Road

RECOMMENDED that the Town refer the subject matter of this article to the Board of Selectmen and the Planning Board for further study, reporting thereon at the 2014 Fall Town Meeting.

COMMENT: The citizens' petition seeks to apply restrictions to the use of the Athletic Complex at Curry College. At issue is the abutting residential neighbors' concerns regarding the spread and hours of use of the field lights, the volume and hours of use of the sound system, and noises associated with the batting cage and landscape maintenance operations at early hours of the morning. The Warrant Committee recommends that the Board of Selectmen review its options to regulate light and noise pollution in the Town, and that the Planning Board review zoning amendment opportunities that would be in compliance with the Dover Amendment. The Dover Amendment is MGL Chapter 40A Section 3, which exempts agricultural, religious, and educational non-profit corporations from all but a limited number of municipal zoning regulations.

**TABLE 1
FULL-TIME AND PERMANENT PART-TIME POSITIONS**

	FY 2005		FY2012*		FY2013*		FY2014*		PROJECTED*	
	FT	PT								
Acct. & Retirement	3	2	1	0	1	0	1	0	1	0
Animal Control	1	0	1	0	1	0	1	0	1	0
Assessors	3	0	3	0	3	0	3	0	3	0
Board of Appeals	0	1	0	0	0	0	0	0	0	0
Cemetery	9	1	9	1	9	1	9	1	9	1
Central Business Office	0	0	6	0	5	0	5	0	5	0
Conservation	0	1	0	0	0	0	0	0	0	0
Consolidated Facilities	0	0	7	0	7	0	7	0	8	0
Council on Aging	2	2	2	2	2	2	2	2	2	2
Fire	57	1	58	0	58	0	58	0	58	0
Health	1	3	1	3	1	3	1	3	1	3
Information Technology	0	0	2	0	2	0	2	0	2	0
Inspectional Services	2	3	4	2	4	2	4	2	4	2
Library	11	8	11	7	11	7	12	6	12	6
Park	4	1	4	1	4	1	5	1	5	1
Personnel	0	1	0	1	0	1	0	1	0	1
Planning	0	0	0	1	0	1	0	1	0	1
Police	60	26	59	23	59	23	59	23	59	23
Public Works	40	1	38	0	36	0	36	0	36	0
Selectmen	2	2	3	1	3	1	3	1	4	1
Town Administrator	1	0	1	0	1	0	1	0	1	0
T.O.B. & Library Building	1	0	0	0	0	0	0	0	0	0
Town Clerk	3	0	3	0	3	0	3	0	3	0
Treasurers/Collector	4	1	4	1	4	1	4	1	4	1
Veterans' Agent	0	1	0	1	0	1	0	1	0	1
Wire	3	0	0	0	0	0	0	0	0	0
Youth	0	0	0	0	0	0	0	0	0	0
Total:	207	55	217	44	214	44	216	44	218	44
Grand Total:	262	262	261	261	258	258	260	260	262	262

*Not all position listed were funded

TABLE 2
MILTON PUBLIC SCHOOLS
PROFESSIONAL PERSONNEL REPORT
by FTE

Source	Category	2010-2011	2011-2012	2012-2013	2013-2014
EPIMS Oct 1	Administrators	23.40	28.80	29.20	29.60
EPIMS Oct 1	Instructional Staff	270.72	272.86	274.20	272.40
EPIMS Oct 1	Instructional Support Staff	14.80	9.80	9.60	10.23
EPIMS Oct 1	Instructional Support — Special Education Staff	6.90	9.00	10.50	10.50
EPIMS Oct 1	Paraprofessional Staff	66.00	68.70	65.70	64.75
EPIMS Oct 1	Special Education Related Staff	16.50	13.60	14.40	13.60
EPIMS Oct 1	Medical/Health Services	5.00	5.90	5.90	5.90
EPIMS Oct 1	Office/Clerical/Administrative Support	20.20	20.70	21.70	21.70
Payroll	Unit C Lunch/Recess Aides	6.00	6.00	5.20	5.20
Payroll	Facilities	28.10	29.00	27.00	27.00
Payroll	Cafeteria	19.95	17.60	18.30	19.39
	Total	477.57	481.96	481.70	480.27

This table format was introduced in the Spring 2011 ATM Warrant and uses the EPIMS (Education Personnel Information Management System) data that the Department of Elementary and Secondary Education requires every school system to provide semiannually. The October 1 filings are for the then-current academic year. All numbers are full-time equivalent positions.

Note: in 2011-2012, DESE reclassified Special Education Chairs as Administrators instead of Instructional Support Staff, causing a shift in the numbers in those lines.

**TABLE 3
RESERVE FUND TRANSFERS
FOR THE YEAR ENDED JUNE 30, 2013**

DATE	DEPARTMENT	DESCRIPTION	AMOUNT TRANSFERRED	BALANCE
7/1/12	Article 31	APPROPRIATED MAY 2012 TOWN MEETING	\$ 250,000	
10/22/12	Article 1	APPROPRIATED OCTOBER 2012 TOWN MEETING	\$ 198,278	
5/6/13	Article 40	APPROPRIATED MAY 2013 TOWN MEETING	<u>\$ 180,000</u>	
	Total Appropriated		<u>\$ 628,278</u>	\$628,278
9/4/12	Town Clerk	Voting booths	21,485	606,793
11/14/12	Treasurer	Interest on Verizon abatement	20,865	585,928
1/14/13	Board of Health	Emergency condemnation repair	1,300	584,628
4/3/13	Assessor	Consulting services - interim market adjustments	4,000	580,628
4/3/13	Selectmen E & R	4/30/13 Special Primary & 6/25/13 Special state elections	25,576	555,052
4/3/13	Fire	Ladder engine repair	43,258	511,794
5/1/13	Fire	Overtime related to blizzard	32,000	479,794
5/21/13	Police	Gasoline	25,000	454,794
5/21/13	Police	Overtime related to Marathon bombing	28,665	426,129
5/21/13	Police	Overtime related to Presidential election	6,233	419,896
5/21/13	Police	Overtime related to Special elections	5,000	414,896
6/28/13	Town Clerk	4/30/13 Special Primary & 6/25/13 Special state elections	9,500	405,396
6/28/13	Treasurer	Postage and forms	2,500	402,896
6/28/13	Unemployment	Unemployment benefits	15,967	386,929
6/28/13	Police	Bi directional amplifiers in schools	122,833	264,096
6/30/13	DPW	Snow and Ice deficit	<u>264,096</u>	-
	Total Transferred Out		<u>\$ 628,278</u>	\$ -
	Available Balance			\$ -

**TABLE 4
COMPARATIVE TAX RATE
AND TAX LEVY FOR TEN YEARS**

Year	Total Amount to be Raised	Actual Tax Levy	Tax Rate
2004-05	69,300,248	43,939,857	10.54 Residential 21.19 Commercial
2005-06	75,968,787	47,646,038	10.15 Residential 19.83 Commercial
2006-07	80,251,632	51,316,862	10.84 Residential 20.34 Commercial
2007-08	81,898,153	52,234,887	10.95 Residential 18.96 Commercial
2008-09	83,694,061	53,815,744	11.74 Residential 17.95 Commercial
2009-10	86,785,708	60,119,479	13.35 Residential 20.44 Commercial
2010-11	88,343,671	61,801,659	14.07 Residential 21.56 Commercial
2011-12	91,600,313	63,530,336	14.35 Residential 21.99 Commercial
2012-13	93,844,387	64,964,377	14.70 Residential 22.54 Commercial
2013-14	98,420,473	67,156,777	14.99 Residential 22.97 Commercial

TABLE 5
INTEREST AND MATURING DEBT - FISCAL YEAR 2015
JULY 1, 2014 - JUNE 30, 2015

	RATE	OUTSTANDING	PRINCIPAL	INTEREST	TOTAL
2005 School Bldg Project (\$10,000,000)	4.07%	\$ 5,000,000	\$ 500,000	\$ 270,000	\$ 770,000
2007 Multi-Purpose (\$2,191,000)	4.25%	\$ 1,160,000	\$ 120,000	\$ 52,275	\$ 172,275
2007 MSBA Low Interest Loan (\$6,787,577)	2.00%	\$ 4,411,925	\$ 339,379	\$ 95,026	\$ 434,405
2009 Multi-Purpose (\$12,419,455)	3.96%	\$ 8,470,000	\$ 655,000	\$ 362,643	\$ 1,017,643
2012 Multi-Purpose Series A (\$4,066,566)	2.23%	\$ 3,605,000	\$ 225,000	\$ 75,615	\$ 300,615
2012 Medical Expenses Series B (\$1,936,100)	3.21%	\$ 1,570,000	\$ 120,000	\$ 50,553	\$ 170,553
2013 Multi-Purpose (\$5,776,000)	2.06%	\$ 5,174,000	\$ 602,000	\$ 166,355	\$ 768,355
2014 Multi-Purpose (\$4,403,182)	2.14%	\$ 3,926,000	\$ 477,182	\$ 176,846	\$ 654,028
Short Term Interest				\$ 15,110	\$ 15,110
		\$ 33,316,925	\$ 3,038,561	\$ 1,264,423	\$ 4,302,984

**TABLE 6
ENCUMBERED FUNDS
FOR THE YEAR ENDED JUNE 30, 2013**

	<u>AMOUNT</u>
GENERAL GOVERNMENT:	
Selectmen	\$ 845
Town Clerk	\$ 2,903
General Insurance	\$ 250,000
Consolidated Facilities	\$ 19,733
Fire	\$ 9,334
Inspectional Services	\$ 8,000
DPW General	\$ 146,735
DPW Solid Waste General	\$ 4,575
DPW Landfill Closure Engineering	\$ 5,640
Library	\$ 1,284
Schools	\$ 6,231
TOTAL GENERAL GOVERNMENT	\$ 455,280
SEWER FUND	\$ 427,450
WATER FUND	\$ 135,033
TOTAL ENCUMBERED FUNDS	<u><u>\$ 1,017,763</u></u>

**TABLE 7
DEPARTMENT OF PUBLIC WORKS
FOR THE YEARS 2013 - 2015**

	ACTUAL FY 2013	APPROPRIATED FY2014	RECOMM. FY2015
Department of Public Works - General			
Salaries & Wages	\$ 778,037	\$ 758,506	\$ 761,907
One Time Funding {(Sidewalks fy13) (Retroreflectivity Signs fy14)}	-	20,000	-
Buildings / Grounds	28,699	3,600	12,444
Other Equipment	98,090	5,100	5,100
Equipment Rental	-	5,150	5,150
Water/Sewer Utility	7,721	6,650	8,100
Electric Utility	30,558	36,000	32,000
Heat Utility	33,031	25,750	35,000
Telephone Utility	28,581	25,500	29,000
Fuel / Oil	7,688	7,700	8,100
Street Lights Electricity	141,939	172,500	150,000
Training / Dues / Memberships	2,147	2,000	2,500
Professional Services	16,535	15,500	32,800
Office Supplies	2,634	4,100	4,000
Construction Supplies	26,438	31,250	27,250
Other Contracts	181,973	79,782	74,150
Postage	45	500	150
Printing	275	500	400
Cleaning Contract	-	3,100	3,200
Payments to Contractors	225,000	267,250	301,760
Uniforms/Clothing/Shoe Allowance	17,545	17,500	17,500
Advertising	-	1,000	1,000

Street Lights / Fire Alarm Supplies	\$	28,909	\$	41,100	\$	45,000
Lease Purchase Payment	\$	55,839	\$	57,500	\$	57,500
Signs / Traffic Paint	\$	7,903	\$	20,500	\$	20,500
Snow & Ice	\$	396,700	\$	150,000	\$	154,000
Traffic Commission signs	\$	-	\$	-	\$	5,000
Forestry	\$	-	\$	41,100	\$	45,200
Capital Outlay Trees	\$	-	\$	4,100	\$	-
Misc. Expense	\$	3,490	\$	5,294	\$	9,791
Subtotal Department of Public Works - General	\$	2,119,777	\$	1,808,532	\$	1,848,502

Department of Public Works - Vehicle Maintenance

Salaries & Wages	\$	175,853	\$	173,937	\$	184,646
Capital Equipment	\$	-	\$	-	\$	-
Buildings / Grounds	\$	4,051	\$	7,200	\$	4,100
Equipment Maintenance	\$	62,062	\$	81,000	\$	83,000
Water/Sewer Utility	\$	252	\$	350	\$	270
Electric Utility	\$	9,520	\$	9,250	\$	9,800
Heat Utility	\$	4,370	\$	3,300	\$	4,500
Telephone Utility	\$	416	\$	350	\$	400
Fuel / Oil	\$	91,946	\$	84,500	\$	96,000
Professional Services	\$	285	\$	6,500	\$	2,000
Supplies	\$	82,824	\$	53,889	\$	83,630
Other Equipment	\$	40,234	\$	13,250	\$	15,000
Uniforms/Clothing/Shoe Allowance	\$	-	\$	-	\$	-
Misc. Expenses	\$	-	\$	4,056	\$	-
Subtotal Department of Public Works - Vehicle Maintenance	\$	471,813	\$	437,582	\$	483,346

Department of Public Works - Solid Waste

Salaries & Wages	\$	48,300	\$	45,895	\$	50,715
Capital Equipment	\$	-	\$	-	\$	-
Collection of Refuse Payments to Contractor	\$	539,080	\$	548,760	\$	558,500
Refuse Disposal	\$	363,290	\$	447,410	\$	395,000
Collection of Curbside Recycling	\$	546,657	\$	548,760	\$	578,500
Single-Stream Processing Fee	\$	23,639	\$	10,000	\$	30,000
Professional Services	\$	6,011	\$	15,000	\$	10,610
Collection of Yard Waste	\$	205,000	\$	205,000	\$	207,500
Disposal of Yard Waste	\$	37,518	\$	51,500	\$	45,000
Other Recycling and Disposal	\$	-	\$	26,000	\$	30,000
Landfill Monitoring	\$	11,360	\$	18,000	\$	18,000
Household Hazardous Waste	\$	8,115	\$	10,000	\$	12,000
Uniforms/Clothing/Shoe Allowance	\$	-	\$	-	\$	-
Subtotal Department of Public Works - Solid Waste	\$	1,788,970	\$	1,926,325	\$	1,935,825

Department of Public Works - Water

Salaries & Wages	\$	666,017	\$	711,234	\$	709,319
Equipment Maintenance	\$	6,508	\$	26,053	\$	20,500
Equipment Rental	\$	1,120	\$	4,850	\$	5,000
Water/Sewer Utility	\$	296	\$	600	\$	700
Electric Utility	\$	1,054	\$	1,650	\$	1,800
Heat Utility	\$	2,624	\$	2,500	\$	3,000
Telephone Utility	\$	1,587	\$	2,000	\$	2,000
Fuel / Oil	\$	17,922	\$	78,500	\$	25,000
Dues & Memberships	\$	563	\$	1,850	\$	2,000
Professional Services	\$	37,023	\$	44,000	\$	46,000
Office Supplies	\$	2,589	\$	2,000	\$	2,800
Construction Supplies	\$	66,229	\$	185,500	\$	235,000

Postage	\$	7,092	\$	10,000	\$	10,000
Printing	\$	-	\$	250	\$	500
Outside Contractor	\$	82,962	\$	122,000	\$	125,000
Construction Contracts - Carried Over	\$	-	\$	-	\$	-
Miscellaneous	\$	1,444	\$	4,536	\$	9,634
Advertising	\$	-	\$	150	\$	500
Subtotal Department of Public Works - Water	\$	895,030	\$	1,197,673	\$	1,198,753

Other Direct & Indirect Costs Attributed to Water Enterprise

Direct Water Costs						
MWRA WATER ASSESSMENT (Preliminary)	\$	2,718,549	\$	2,839,810	\$	2,854,937
MA-DEP SDWA ASSESSMENT	\$	7,127	\$	9,000	\$	8,000
WATER LEAK DETECTION SURVEY	\$	12,000	\$	12,000	\$	12,000
WATER CAPITAL OUTLAY	\$	309,804	\$	364,992	\$	364,992
WATER CAPITAL DEBT SERVICE	\$	546,087	\$	546,305	\$	500,514
WATER PERSONNEL Salary & Wage Increases	\$	-	\$	-	\$	-
WATER PERSONNEL CH13 Salary & Wage Increases Article 11	\$	-	\$	1,080	\$	764
Setaside Article 8	\$	-	\$	13,774	\$	22,895
Indirect Water Costs						
MUNICIPAL AUDIT ALLOCATION	\$	2,871	\$	3,394	\$	2,984
EMPLOYEE BENEFITS ALLOCATION	\$	323,672	\$	333,400	\$	337,634
UNEMPLOYMENT BENEFITS ALLOCATION	\$	-	\$	-	\$	-
GENERAL MUNICIPAL GOVERNMENT ALLOCATION	\$	160,323	\$	162,446	\$	163,378
PERSONNEL BOARD ALLOCATION	\$	2,591	\$	2,662	\$	2,364
WAGE ADJUSTMENTS ALLOCATION CH13 Article 11	\$	-	\$	802	\$	198
Setaside Article 8	\$	-	\$	211	\$	1,537
Subtotal Other Direct & Indirect Costs Attributed to Water Enterprise	\$	4,083,024	\$	4,289,876	\$	4,272,197

Total Water Utility Enterprise Cost	\$	4,978,054	\$	5,487,549	\$	5,470,950
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Department of Public Works - Sewer

Salaries & Wages	\$	563,774	\$	582,529	\$	580,687
Capital Equipment	\$	-	\$	-	\$	-
Equipment Maintenance	\$	426	\$	2,200	\$	3,000
Equipment Rental	\$	-	\$	2,800	\$	2,000
Water/Sewer Utility	\$	112	\$	200	\$	8,500
Electric Utility	\$	29,390	\$	39,000	\$	30,000
Heat Utility	\$	3,161	\$	5,600	\$	5,000
Telephone Utility	\$	3,256	\$	3,600	\$	3,500
Fuel / Oil	\$	11,859	\$	12,500	\$	13,100
Professional Services	\$	41,317	\$	44,500	\$	44,000
Other Contractual Services	\$	22,365	\$	36,000	\$	35,500
Construction Carried Over	\$	-	\$	-	\$	-
Office Supplies	\$	678	\$	550	\$	700
Construction Supplies	\$	12,426	\$	25,500	\$	25,000
Postage	\$	6,836	\$	10,000	\$	9,500
Printing	\$	-	\$	-	\$	-
Uniforms/Clothing/Shoe Allowance	\$	-	\$	-	\$	1,400
Misc Exp.	\$	-	\$	913	\$	5,085
Subtotal Department of Public Works - Sewer	\$	695,600	\$	765,892	\$	766,972

Other Direct & Indirect Costs Attributed to Sewer Enterprise

Direct Sewer Costs						
MWRA SEWER ASSESSMENT (Preliminary)	\$	4,985,169	\$	5,024,646	\$	5,027,130
SEWER CAPITAL OUTLAY	\$	722,382	\$	774,694	\$	774,694
SEWER CAPITAL DEBT SERVICE	\$	232,903	\$	230,211	\$	181,485
SEWER PERSONNEL Salary & Wage increases	\$	-	\$	-	\$	-
SEWER PERSONNEL CH13 Salary & Wage Increases Article 11	\$	-	\$	1,080	\$	764
Setaside Article 8	\$	-	\$	8,487	\$	17,171
Indirect Sewer Costs						
MUNICIPAL AUDIT ALLOCATION	\$	2,233	\$	2,640	\$	2,321
EMPLOYEE BENEFITS ALLOCATION	\$	301,350	\$	310,407	\$	314,349
UNEMPLOYMENT BENEFITS ALLOCATION	\$	-	\$	-	\$	-
GENERAL MUNICIPAL GOVERNMENT ALLOCATION	\$	124,696	\$	126,347	\$	127,072
PERSONNEL BOARD ALLOCATION	\$	2,015	\$	2,071	\$	1,839
SEWER PERSONNEL CH13 Salary & Wage Increases Article 11	\$	-	\$	164	\$	154
Setaside Article 8	\$	-	\$	623	\$	1,196
Subtotal Other Direct & Indirect Costs Attributed to Sewer Enterprise	\$	6,370,748	\$	6,481,370	\$	6,448,175

Total Sewer Utility Enterprise Cost	\$	7,066,348	\$	7,247,262	\$	7,215,147
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**GRAND TOTAL
DEPARTMENT OF PUBLIC WORKS**

All General Fund and Enterprise Accounts	\$	16,424,962	\$	16,907,250	\$	16,953,770
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TABLE 8A
WATER ENTERPRISE
FOR THE FISCAL YEARS 2013 - 2015

	ACTUAL	APPROPRIATED	RECOMM.	ARTICLE
	FY 2013	FY2014	FY2015	REFERENCE
				FY15
REVENUE:				
Rate / User Fee Revenue	\$ 4,963,525	\$ 5,216,049	\$ 5,299,450	
Service and Miscellaneous Water Revenue	\$ 168,569	\$ 170,000	\$ 170,000	
Investment Income	\$ 1,211	\$ 1,500	\$ 1,500	
Total Revenue & Surplus	\$ 5,133,305	\$ 5,387,549	\$ 5,470,950	
COSTS:				
Water Direct Costs				
Water Operations & Improvements	\$ 895,030	\$ 1,197,673	\$ 1,198,753	16
MWRA WATER ASSESSMENT (FY15 - Preliminary)	\$ 2,718,549	\$ 2,839,810	\$ 2,854,937	16
MA-DEP SDWA ASSESSMENT	\$ 7,127	\$ 9,000	\$ 8,000	16
WATER LEAK DETECTION SURVEY	\$ 12,000	\$ 12,000	\$ 12,000	16
WATER PERSONNEL CH 13 Salary & Wage Increases	\$ 0	\$ 1,080	\$ 764	11
Set aside Article 8	\$ 0	\$ 13,774	\$ 22,895	8
WATER CAPITAL OUTLAY	\$ 309,804	\$ 364,992	\$ 364,992	16
WATER CAPITAL DEBT SERVICE	\$ 546,087	\$ 546,305	\$ 500,514	16
Subtotal Water Direct Costs	\$ 4,488,597	\$ 4,984,634	\$ 4,962,855	

Water Indirect Costs									
MUNICIPAL AUDIT ALLOCATION	\$	2,871	\$	3,394	\$	2,984			7
EMPLOYEE BENEFITS ALLOCATION	\$	323,672	\$	333,400	\$	337,634			9
UNEMPLOYMENT BENEFITS ALLOCATION	\$	0	\$	0	\$	0			10
GENERAL MUNICIPAL GOVERNMENT ALLOCATION	\$	160,323	\$	162,446	\$	163,378			14
PERSONNEL BOARD ALLOCATION	\$	2,591	\$	2,662	\$	2,363			15
WAGE ADJUSTMENTS ALLOCATION CH13 Article 11	\$	0	\$	802	\$	198			11
Set aside Article 8	\$	0	\$	211	\$	1,537			8
Subtotal Indirect Costs Attributed to Water Enterprise	\$	489,457	\$	502,915	\$	508,094			
Total Water Utility Enterprise Cost	\$	4,978,054	\$	5,487,549	\$	5,470,949			

TABLE 8B
SEWER ENTERPRISE
FOR THE FISCAL YEARS 2013 - 2015

	ACTUAL	APPROPRIATED	RECOMM.	ARTICLE
	FY 2013	FY2014	FY2015	REF.
				FY15
REVENUE:				
Rate / User Fee Revenue	\$ 6,778,250	\$ 6,744,762	\$ 7,012,647	
Service and Miscellaneous Sewer Revenue	\$ 206,268	\$ 200,000	\$ 200,000	
Investment Income	\$ 1,774	\$ 2,500	\$ 2,500	
Total Revenue & Surplus	\$ 6,986,292	\$ 6,947,262	\$ 7,215,147	

COSTS:

Sewer Direct Costs					
Sewer Operations & Improvements	\$ 695,600	\$ 765,892	\$ 766,972		16
MWRA Sewer ASSESSMENT (FY14 - Preliminary)	\$ 4,985,169	\$ 5,024,646	\$ 5,027,130		16
SEWER PERSONNEL Salary & Wage Increases	\$ 0	\$ 0	\$ 0		16
SEWER PERSONNEL CH13 Salary & Wage Increases	\$ 0	\$ 1,080	\$ 764		11
Set aside Article 8	\$ 0	\$ 8,487	\$ 17,171		8
Sewer CAPITAL OUTLAY	\$ 722,382	\$ 774,694	\$ 774,694		16
Sewer CAPITAL DEBT SERVICE	\$ 232,903	\$ 230,211	\$ 181,485		16
Subtotal Sewer Direct Costs	\$ 6,636,054	\$ 6,805,010	\$ 6,768,216		

Sewer Indirect Costs

MUNICIPAL AUDIT ALLOCATION	\$ 2,233	\$ 2,640	\$ 2,321		7
EMPLOYEE BENEFITS ALLOCATION	\$ 301,350	\$ 310,407	\$ 314,349		9
UNEMPLOYMENT BENEFITS ALLOCATION	\$ 0	\$ 0	\$ 0		10
GENERAL MUNICIPAL GOVERNMENT ALLOCATION	\$ 124,696	\$ 126,347	\$ 127,072		14
PERSONNEL BOARD ALLOCATION	\$ 2,015	\$ 2,071	\$ 1,838		15
WAGE ADJUSTMENTS ALLOCATION CH13 Article 11	\$ 0	\$ 164	\$ 154		11
Set aside Article 8	\$ 0	\$ 623	\$ 1,196		8
Subtotal Indirect Costs Attributed to Sewer Enterprise	\$ 430,294	\$ 442,252	\$ 446,930		

Total Sewer Utility Enterprise Cost

	\$ 7,066,348	\$ 7,247,262	\$ 7,215,146		
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TABLE 8C
GENERAL FUND SOLID WASTE OPERATIONS
FOR THE FISCAL YEARS 2013 - 2015

	ACTUAL	APPROPRIATED	RECOMM.	ARTICLE
	FY 2013	FY2014	FY2015	REF.
				FY15
REVENUE:				
Trash Sticker User Fee Revenue	\$ 865,312	\$ 975,000	\$ 880,000	
Tax Levy Support	\$ 923,658	\$ 951,325	\$ 1,055,825	
Landfill Escrow Account	\$ -	\$ -	\$ -	
Total Revenue & Surplus	\$ 1,788,970	\$ 1,926,325	\$ 1,935,825	
COSTS:				
Solid Waste Direct Costs				
Trash				
Solid Waste Operations	\$ 48,300	\$ 45,895	\$ 50,715	16
Capital Equipment	\$ 0	\$ 0	\$ 0	16
Collection of Refuse	\$ 539,080	\$ 548,760	\$ 558,500	16
Refuse Disposal	\$ 363,290	\$ 447,410	\$ 395,000	16
Landfill Monitoring	\$ 11,360	\$ 18,000	\$ 18,000	16
Subtotal Trash Cost	\$ 962,030	\$ 1,060,065	\$ 1,022,215	

Recycling									
Collection of Curbside Recycling	\$	546,657	\$	548,760	\$	578,500			16
Collection of Yard Waste	\$	205,000	\$	205,000	\$	207,500			16
Disposal of Yard Waste	\$	37,518	\$	51,500	\$	45,000			16
Other Recycling and Disposal	\$	23,639	\$	36,000	\$	60,000			16
Professional Services	\$	6,011	\$	15,000	\$	10,610			16
Household Hazardous Waste	\$	8,115	\$	10,000	\$	12,000			16
Subtotal Recycling Cost	\$	826,940	\$	866,260	\$	913,610			
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Total Solid Waste Utility Enterprise Cost	\$	1,788,970	\$	1,926,325	\$	1,935,825			
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TABLE 9
SCHOOL APPROPRIATION

PROGRAM AREA	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Appropriation	FY15 Requested	\$ Change FY14 to FY15	% Change FY14 to FY15
Policy and Administration							
Salaries	\$ 831,031	\$ 791,202	\$ 829,827	\$ 905,098	\$ 962,800	\$ 57,702	6.38%
Expenses	\$ 207,291	\$ 184,433	\$ 239,702	\$ 337,800	\$ 251,800	(\$86,000)	-25.46%
Total	\$ 1,038,322	\$ 975,635	\$ 1,069,529	\$ 1,242,898	\$ 1,214,600	(\$ 28,298)	-2.28%
Instructional Leadership							
Salaries	\$ 2,061,767	\$ 2,131,204	\$ 2,237,688	\$ 2,630,721	\$ 2,749,300	\$ 118,579	4.51%
Expenses	\$ 149,713	\$ 91,107	\$ 63,162	\$ 65,162	\$ 60,000	(\$ 5,162)	-7.92%
Total	\$ 2,211,480	\$ 2,222,311	\$ 2,300,850	\$ 2,695,883	\$ 2,809,300	\$ 113,417	4.21%
Instruction							
Salaries	\$ 15,849,069	\$ 16,392,546	\$ 16,748,443	\$ 17,663,497	\$ 18,599,200	\$ 935,703	5.30%
Expenses	\$ 597,997	\$ 443,148	\$ 367,739	\$ 548,727	\$ 763,042	\$ 214,315	39.06%
Total	\$ 16,447,066	\$ 16,835,694	\$ 17,116,182	\$ 18,212,224	\$ 19,362,242	\$ 1,150,018	6.31%
Instructional Services							
Salaries	\$ 2,131,987	\$ 2,251,580	\$ 2,166,805	\$ 2,224,225	\$ 2,365,000	\$ 140,775	6.33%
Expenses	\$ 433,964	\$ 338,969	\$ 433,640	\$ 428,640	\$ 537,000	\$ 108,360	25.28%
Total	\$ 2,565,951	\$ 2,590,549	\$ 2,600,445	\$ 2,652,865	\$ 2,902,000	\$ 249,135	9.39%

SPED

Salaries	\$ 4,707,210	\$ 5,040,944	\$ 5,831,969	\$ 5,607,348	\$ 5,850,000	\$ 242,652	4.33%
Expenses	\$ 2,751,814	\$ 3,223,630	\$ 3,518,073	\$ 4,028,309	\$ 4,185,000	\$ 156,691	3.89%
Total	\$ 7,459,024	\$ 8,264,574	\$ 9,350,042	\$ 9,635,657	\$ 10,035,000	\$ 399,343	4.14%

Technology

Salaries	\$ 294,357	\$ 272,409	\$ 320,907	\$ 332,777	\$ 340,000	\$ 7,223	2.17%
Expenses	\$ 235,123	\$ 164,264	\$ 158,891	\$ 176,716	\$ 245,000	\$ 68,284	38.64%
Total	\$ 529,480	\$ 436,673	\$ 479,798	\$ 509,493	\$ 585,000	\$ 75,507	14.82%

Facilities

Salaries	\$ 1,398,775	\$ 1,160,724	\$ 1,372,313	\$ 1,341,295	\$ 1,371,000	\$ 29,705	2.21%
Expenses	\$ 1,623,022	\$ 1,389,282	\$ 1,123,185	\$ 1,276,236	\$ 1,395,000	\$ 118,764	9.31%
Total	\$ 3,021,797	\$ 2,550,006	\$ 2,495,498	\$ 2,617,531	\$ 2,766,000	\$ 148,469	5.67%

Salaries	\$ 27,274,196	\$ 28,040,609	\$ 29,507,952	\$ 30,704,961	\$ 32,237,300	\$ 1,197,009	3.90%
Expenses	\$ 5,998,924	\$ 5,834,833	\$ 5,904,392	\$ 6,861,590	\$ 7,436,842	\$ 957,198	13.95%
Total	\$ 33,273,120	\$ 33,875,442	\$ 35,412,344	\$ 37,566,551	\$ 39,674,142	\$ 2,154,207	5.73%

TABLE 10
COMPARISON OF
REQUESTED AND RECOMMENDED EXPENDITURES

ARTICLE NO.		FY 15 REQUESTED	FY 15 RECOMMENDED	DOLLAR DIFFERENCE
8,11	Personnel (Chapter 13) / Collective Bargaining	591,333	590,086	(1,247)
6	Capital Items	1,817,049	1,817,049	0
7	Audit	58,200	58,200	0
9	EMPLOYEE BENEFITS			
	Contributory Retirement	4,957,787	4,957,787	0
	Group Health Insurance	10,223,873	10,223,873	0
	TOTAL EMPLOYEE BENEFITS	15,181,660	15,181,660	0
10	Employee Security	115,000	100,000	(15,000)
12	PUBLIC SAFETY			
	Fire	4,852,767	4,812,141	(40,626)
	Inspectional Services	387,139	387,139	0
	MEMA	10,615	10,615	0
	Police	6,359,609	6,353,515	(6,094)
	TOTAL PUBLIC SAFETY	11,610,130	11,563,410	(46,720)

GENERAL GOVERNMENT**Board of Selectmen**

Central Business Office	353,226	353,226	0
Election & Registration	69,380	69,380	0
General Insurance	950,647	950,647	0
Law	264,000	261,000	(3,000)
Information Technology	369,763	352,037	(17,726)
Annual Reports/Bylaws	6,300	6,300	0
Selectmen	532,525	532,330	(195)
Veterans' Benefits	181,388	141,388	(40,000)
Total Board of Selectmen	2,727,229	2,666,308	(60,921)

Other General Government

Board of Assessors	359,005	359,005	0
Town Clerk	248,708	248,708	0
Treasurer	349,840	345,111	(4,729)
Total Other General Government	957,553	952,824	(4,729)
TOTAL GENERAL GOVERNMENT	3,684,782	3,619,132	(65,650)

BOARDS & COMMITTEES

Conservation Commission	2,500	2,500	0
Council on Aging	203,781	203,781	0
Historical Commission	2,240	2,240	0
Personnel Board	46,112	46,112	0
Planning Board	32,331	32,331	0
Warrant Committee	10,261	10,261	0
TOTAL BOARDS AND COMMITTEES	297,225	297,225	0

16	DEPARTMENT OF PUBLIC WORKS				
	Total Public Works and Solid Waste	4,336,288	4,267,673	(68,615)	
	Total Water & Sewer Enterprise	11,765,223	11,689,477	(75,746)	
	TOTAL DEPARTMENT OF PUBLIC WORKS	16,101,511	15,957,150	(144,361)	
18	Chapter 90	622,060	622,060	0	
19	Water System Improvement	500,000	500,000	0	
20	Surface Drain System	500,000	200,000	0	
21	Sewer System Improvement	485,000	485,000	0	
22	Board of Health	187,890	187,440	(450)	
25	Library	1,171,662	1,140,063	(31,599)	
26	Cemetery	766,906	745,028	(21,878)	
27	Parks & Recreation	448,600	415,409	(33,191)	
28	School Department	39,674,142	39,357,890	(316,252)	
29	Blue Hills Regional Technical School	882,674	882,674	0	
30	Consolidated Facilities	790,869	772,692	(18,177)	
31	Interest & Maturing Debt	4,302,984	4,302,984	0	
32	Stabilization Fund	281,984	200,000	(81,984)	
32	Capital Stabilization Fund	140,992	0	(140,992)	
32	Post Employment Benefits Stabilization Fund (GASB 45)	140,992	100,000	(40,992)	
33	Reserve Fund	450,000	450,000	0	
17	Feasibility Study DPW	35,000	35,000	0	
	GRAND TOTAL APPROPRIATIONS	100,838,645	99,580,152	(1,258,493)	

Town of Milton
525 Canton Avenue
Milton, MA 02186

Town Election will be held on
Tuesday, April 29, 2014

Town Meetings will be held on
Monday, May 5, 2014
Beginning at 7:30 p.m. at Milton
High School Auditorium.

The Milton High School auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on Tuesday, May 6,
Thursday, May 8, Monday, May 12,
Tuesday, May 13 and Thursday, May 15

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