

**TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM**

April 2, 2018

2018 MAY -9 6:00 pm  
AM 10:29

---

Selectmen Present: Chairman Francis B. King, Vice-Chairman Sandra Cristo, Mary Krumsiek, Scott Despres, Jon Adams, Town Manager David Marciello, Andrew Vanni, Finance Director, Greg Myers, superintendent, Jen Nietupski, Kay Pelletier, Susan Spencer-T&G, and other concerned citizens

Motion made by Selectman Krumsiek to approve a motion to authorize Mr. E. Bernard Plante to act as the day to day contact between the Town of Millbury and the Owner's Project Manager for the R.E. Shaw School feasibility study and, furthermore, authorize Mr. E. Bernard Plante to act on behalf of the Town of Millbury in matters of the R.E. Shaw School feasibility study, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Marciello went through each warrant article \*attached.

**Article 4:**

Part C

Motion to change "gear" to "turnout gear" made by Selectman Krumsiek, seconded by Selectman Despres.

Part L

Motion to change "operational" to "operational/capital" made by Selectman Krumsiek, seconded by Selectman Despres.

Selectman Despres wanted to point out that this list of 19 items have been worked on by many boards/committees and a lot of time spent whittling down a much larger list; he is wondering why the Senior Center is not on the list.

Mr. Marciello said that the COA Parking lot, Town Hall Parking lot and sidewalks are included in the DPW money.

Chairman King asked for a 5 min recess at 6:25 pm returned at 6:27 pm

**Article 7-** Mr. Marciello is looking for percentages to be put in this article. He would like 50% (or \$250,000 whichever is more) of the marijuana law to go into Infrastructure loans. 16.66% into OPED, Retirement and Capital projects. If MS4 ends that amount will go 16.66% into OPEB, 16.66% Retirement and 16.66% Capital projects.

Motion to authorize Town Manager to sponsor Article 7 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Selectman Adams asked if the Selectman have to ratify contracts before they area signed. Yes. Jen Nietupski said that the school committee voted for Elmwood Street School but did not vote for Martin Street as they didn't have it before them.

**Article 36:** Mr. Marciello explained that the school needs this money; all of the surrounding towns are having the same problem. They are either dramatically cutting or looking for an override.

Selectman Despres about Article 37- he asked how someone would know what these places are by lots/maps.

Finance Committee Chairman asked how the override article will affect the budget. It is a stand-alone article, they just get the full amount on top of the budget.

Motion made by Selectman Krumsiek to close and approve the FY Annual Town Meeting Warrant as amended and incorporate the Finance Committee recommendations, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to adjourn by Selectman Krumsiek at 7:16 pm, seconded by Selectman Cristo.  
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams

\_\_\_\_\_

\_\_\_\_\_

*Mary Krumsiek*

*Scott Despres*

*Jon Adams*

\_\_\_\_\_

**TOWN OF MILLBURY  
127 ELM STREET  
MILLBURY, MA 01527**



**DRAFT**

**ANNUAL TOWN MEETING WARRANT**

**DRAFT**

**WORCESTER, S.S.**

Town of Millbury Constables: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millbury, qualified to vote in town affairs to meet at their respective meeting place the Millbury Memorial JR/SR High School Auditorium, 12 Martin Street in said Town on

**Tuesday, May 1, 2018 at 7:00 P.M.**

Then and there to vote on the following articles:

## TABLE OF CONTENTS

### ANNUAL TOWN ELECTION

---

ELECTION RACES  
NON-BINDING QUESTION

### ANNUAL TOWN MEETING

---

### FISCAL YEAR 2019 OPERATION BUDGET & CAPITAL IMPROVEMENT BUDGET & PUBLIC ACCESS BUDGET

---

ARTICLE 1 : REPORTS

ARTICLE 2: BUDGET

ARTICLE 3: PAVING OR REPAVING PUBLIC WAYS 1.1 MILLION

ARTICLE 4: CAPITAL IMPROVEMENT PROJECTS

ARTICLE 5: PEG ACCESS AND CABLE RELATED FUND

### STABILIZATION FUNDS

---

ARTICLE 6: ESTABLISH STABILIZATION FUNDS

### SPECIAL ACT FOR MARIJUANA ESTABLISHMENT REVENUES

---

ARTICLE 7: AUTHORIZE THE BOS/TM TO PETITION THE MASSACHUSETTS GENERAL COURT

### FISCAL YEAR 2019 RECURRING ANNUAL APPROPRIATIONS

---

ARTICLE 8: PERSONAL PROPERTY DAMAGE

ARTICLE 9: DISPOSAL OF ABANDONED PROPERTY

ARTICLE 10: TRANSFER SEWER STABILIZATION FUND

ARTICLE 11: REPLACEMENT OR REPAIRS FOR THE EXISTING PUMP STATIONS

ARTICLE 12: STABILIZATION FUND

ARTICLE 13: ELDERS COMMUNITY SERVICES PROGRAM

**AMENDMENTS TO THE ZONING BYLAWS - CONTINUED**

---

ARTICLE 35: SPECIAL REGULATIONS SECTION 53.3

**SCHOOL BUDGET SUPPLEMENTAL APPROPRIATION (OVERRIDE CONTINGENCY)**

---

ARTICLE 36: OVERRIDE CONCERNING THE SCHOOL OPERATING BUDGET

**CITIZENS PETITIONS**

---

ARTICLE 27: SOUTHWEST CUTOFF ZONING AMENDEMENT

ARTICLE 28: PILOT AGREEMENT

---

**MODERATOR'S RULES FOR THE CONDUCT OF THE MEETING**

**MUNICIPAL FINANCE TERMS**

---

---

***ANNUAL TOWN ELECTION***

---

**Tuesday, April 24, 2018**

Town of Millbury Constables:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millbury, qualified to vote in town affairs to meet at their respective voting places to wit: Precinct No. One (1); Precinct No. Two (2); Precinct No. Three (3) and Precinct No. Four (4) at the Millbury Memorial JR/SR High School Gymnasium on **Tuesday the 24th day of April, 2018 at 7:00 o'clock in the forenoon until 8:00 P.M.** then and there to bring their votes for the following town offices and ballot questions:

<b>Two</b>	<b>2</b>	<b>Selectmen for three (3) years</b>
<b>One</b>	<b>1</b>	<b>Assessor for three (3) years</b>
<b>Two</b>	<b>2</b>	<b>School Committee members for three (3) years</b>
<b>One</b>	<b>1</b>	<b>Board of Health member for three (3) years</b>
<b>Two</b>	<b>2</b>	<b>Planning Board members for three (3) years</b>
<b>Two</b>	<b>2</b>	<b>Board of Library Trustees for three (3) years</b>
<b>One</b>	<b>1</b>	<b>Town Moderator for three (3) years</b>

---

***Non-Binding Question***

---

**Shall the Town of Millbury establish a Town Beach on land located on the Westerly Side of Brierly Pond, which is currently owned by the Millbury Conservation Commission?**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**The polls will open at 7:00 A.M. and close at 8:00 P.M.**

---

# *ANNUAL TOWN MEETING*

---

---

## *FISCAL YEAR 2019 OPERATING BUDGET & CAPITAL IMPROVEMENT BUDGET*

*&*

## *PUBLIC ACCESS BUDGET*

---

**DRAFT**

**ARTICLE 1:** To hear the reports of several Town Officers and Committees, or take any action thereon. (Required Vote: Simple Majority)

**ARTICLE 2 :** To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of Millbury in Fiscal Year 2019, the period of July 1, 2018 through June 30, 2019, including, but not limited to: the salaries of Town Officers, costs of public education, debt and interest payments, expenses of the Sewer Enterprise Fund, and providing municipal services, or take any other action thereon. (Required Vote: Majority)

**ARTICLE 3 :** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$1,100,000, or any other sum, to pave or repave various public ways in the Town, including any necessary road, drainage, or culvert improvements, or other appurtenant improvements, and including all engineering, permitting, or other incidental costs; and to meet said appropriation authorize the Treasurer, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, Section 7, or any other authority, to borrow up to the sum of said appropriation; or take any other action thereon. (Town Manager) (Required Vote: 2/3rds Majority)

**ARTICLE 4:** To see if the Town will vote to transfer the following sums from free cash for any or all of the following capital improvement projects and purchases, or take any other action thereon. (Town Manager) (Required Vote: Majority)

	DEPT	REQUEST	AMOUNT
A	Manager	Town Hall Roof / Repair & Maintenance	\$20,000.00
B	Manager	Municipal Office Building / Library Phones	\$18,000.00
C	Schools	Operational / <i>capital</i>	\$100,000.00
D	Schools	Either a pick-up truck or a district-wide multi-purpose activity bus	\$55,000.00
E	DPW	Road Paving Program (no debt excl: Project completed within Levy Limit) \$1.1M B.A.N.- 10 year pay off schedule can be paid off early	\$180,000.00
F	DPW	Road Projects	\$260,000.00
G	DPW	TIP Project	\$250,000.00
H	DPW	Roll Off Trailer	\$100,000.00
I	DPW	Lease of Vehicles	\$158,000.00
J	DPW	Highway Garage Generator - Gas Pumps	\$50,000.00
K	DPW	Slope Mower - Ramshorn Dam and Transfer Station	\$10,000.00
L	Fire Dept.	<i>Town</i> Gear Washer and Dryer	\$28,000.00
M	Police	Radio Repeater	\$20,000.00
N	Police	Cruiser - (1) fully equipped cruiser	\$40,000.00
O	Clerk	Kings' System - Year two of the project	\$31,000.00
P	Library	HVAC	\$21,000.00
Q	Library	Roof	\$10,000.00
R	Planner	Woolie World - Repair and Renovation	\$30,000.00
S	Assessor	Assessing Software Upgrade Vision v8	\$20,000.00

*1.5 mil.*

**ARTICLE 5 :** To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of Two Hundred Thirty Nine Thousand Nine Hundred and Ninety One dollars and No cents (\$239,991.00) for the expenses of Public Access as follows, or take any action thereon. (Finance Director) (Required Vote: Majority)

Salaries/Wages	\$147,991.00
General Expenses	\$ 12,000.00
Capital Outlay	<u>\$ 80,000.00</u>
<b>Total:</b>	<b>\$239,991.00</b>



---

**STABILIZATION FUNDS**

---

**ARTICLE 6:** To see if the Town will vote pursuant to Massachusetts General Laws Chapter 40, Section 5B, to establish the following stabilization funds, or take any other action thereon. (Town Manager) (Required Vote: 2/3rds Majority)

<u>Name of Fund</u>	<u>Purpose</u>
1. Infrastructure Loans	To pay for current infrastructure loans.
2. Storm Water Improvements	To pay for improvements to the storm water system required by the MS4 permit, or a successor.
3. OPEB	To pay for Other Post-Employment Benefits (OPEB) expenses.
4. Unfunded Retirement Liability	To pay for unfunded retirement liability expenses.
5. Capital Projects	To pay for expenses related to infrastructure projects, public building construction, public building repair, and land acquisition for municipal buildings or parking lots, but not for open space or park purposes.

---

**SPECIAL ACT FOR MARIJUANA ESTABLISHMENT REVENUES**

---

**ARTICLE 7 :** To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to authorize the [Town Manager / Board of Selectmen], notwithstanding any general or special law to the contrary, to transfer to the Town's various stabilization funds according to guidelines established by the [Town Manager / Board of Selectmen] (i) funds received by the Town from host community agreements with marijuana establishments and registered marijuana dispensaries, (ii) funds received by the Town from local marijuana sales tax receipts, and (iii) unrestricted funds received by the Town from the Commonwealth from marijuana-related taxes or other marijuana-related receipts, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or take any other action thereon. (Town Manager) (Required Vote: Majority)

---

**FISCAL YEAR 2019 RECURRING ANNUAL APPROPRIATIONS**

---

**ARTICLE 8 :** To see if the Town will vote to transfer the sum of Five Hundred Dollars and No Cents (\$500.00) from Account #02.945.5200.02062.2016.560 to be used by the Town Manager to settle claims for personal property damage or incidental personal injury claims that may be brought against the Town, or take any action thereon. (Finance Director) (Required Vote: Majority)

**ARTICLE 9:** To see if the Town will vote to transfer the sum of Five Thousand Dollars and No Cents (\$5,000.00) from Account # 02.945.5200.02068.2016.560 to pay for the disposal of abandoned property, or take any action thereon. (Finance Director) (Required Vote: Majority)

**ARTICLE 10:** To see if the Town will vote to transfer the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer Stabilization Fund, or take any action thereon. (Sewer Commissioners) (Required Vote: Majority)

**ARTICLE 11:** To see if the Town will vote to appropriate the sum of Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00) from the Sewer Stabilization Fund for the purpose of completing replacement and/or repairs of the existing pump stations, or take any action thereon. (Sewer Commission) (Required Vote: 2/3rds Majority)

**ARTICLE 12:** To see if the Town will vote to transfer from available funds the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to the Stabilization Fund, or take any action thereon. (Finance Director) (Required Vote: Majority)

**ARTICLE 13 :** To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to fund an Elders Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides; said program shall be subject to the following conditions, in addition to any and all eligibility requirements promulgated by the Board of Selectmen, after receiving the recommendations of the Council-On-Aging: (a) participation in the program shall be limited to elderly residents of the Town who own property and are willing and able to provide services to the Town; (b) program participants shall receive compensation at a rate of \$8.00 an hour for each hour of service rendered for a total not to exceed One Thousand Five Hundred Dollars and No Cents (\$1,500.00) in any calendar year; (c) program participants must agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Tax Collector to be applied to the real estate obligations of the participant for the property in which the participant resides; (d) the Treasurer/Tax Collector shall comply with the wage, tax and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants or applying the net amount of wages earned to the real estate tax obligations of the participants; and (e) program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-served basis, or take any action thereon. (Board of Selectmen and Council-On-Aging) (Required Vote: Majority)

---

**GENERAL ARTICLES**

---

**ARTICLE 14:** To see if the Town will vote pursuant to Massachusetts General Laws Chapter 40D, Section 2, to dissolve the Millbury Industrial Development Financing Authority, or take any other action thereon. (Town Manager / IDFA) (Required Vote: Majority)

**ARTICLE 15:** To see if the Town will vote to transfer the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from the Cemetery Lots Fund for the cost of engineering services for the purpose of expansion of the cemetery, or take any other action thereon. (Cemetery Commission) (Required Vote: Majority)

**ARTICLE 16:** To see if the Town will vote to accept the provisions Massachusetts General Laws Chapter 90, Section 17C, which would authorize the Board of Selectmen to establish a speed limit of twenty-five (25) miles per hour on any roadway inside a thickly settled or business district in the Town on any way that is not a State highway; and to see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Section 18B, which would authorize the Board of Selectmen to establish Safety Zones with a speed limit of twenty (20) miles per hour at any roadway in the Town on any way that is not a State highway; or take any other action thereon. (Police Chief) (Required Vote: Majority)

**ARTICLE 17:** To see if the Town will vote to reauthorize the balance of the appropriation voted under Article 6, Item 3, of the 2016 Annual Town Meeting Warrant, to be expended by the Board of Assessors with the approval of the Town Manager to fund state mandated revaluations, or take any action thereon. (Finance Director) (Required Vote: Majority)

**ARTICLE 18 :** To see if the Town will vote to accept Massachusetts General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017, to impose a local sales tax on the retail sale of marijuana or marijuana products of up to three percent (3%), or take any other action thereon. (Town Manager) (Required Vote: Majority)

**ARTICLE 19:** To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 2A(a), third sentence, to require that buildings and other things erected on or affixed to land during the period beginning on January 2<sup>nd</sup> and ending on June 30<sup>th</sup> shall be deemed part of such real property as of January 1<sup>st</sup>, or take any other action thereon. (Town Manager) (Required Vote: Majority)

**ARTICLE 20:** To see if the Town will vote to: (i) transfer the care, custody, and control of portions of the properties listed below from the board or officer currently having custody of the properties to the Town Manager for the purpose of leasing said portions for the development of solar energy facilities; (ii) authorize the Town Manager to enter leases for the development of solar energy facilities and grant any access and/or utility easements as may be necessary or convenient to serve the solar energy facilities, on such terms, conditions, and minimum amounts as the Town Manager determines to be in the best interests of the Town; and (iii) authorize the Town Manager to negotiate and enter on behalf of the Town payment in lieu of taxes agreements for said solar energy facilities, as authorized by Massachusetts General Laws Chapter 59, Section 38H, with respect to personal and/or real property taxes; or take any other action thereon. (Town Manager) (Required Vote: 2/3rds Majority)

- 12 Martin Street, MBLU 36-95 (High School);
- 40 Elmwood Street, MBLU 61-1 (Elmwood School);
- 131-135-137 Providence Street, MBLU 64-5 (Wastewater Facility); and
- 207 Riverlin Street, MBLU 24-19 (Transfer Station).

**ARTICLE 21:** To see if the Town will vote pursuant to Massachusetts General Laws Chapter 30B, Section 12, to enter into contracts in excess of three years' duration for school bus transportation, subject to appropriation and all other approvals as may be required by law regarding any such contracts. (School Committee) (Required Vote: Majority)

**ARTICLE 22:** To see if the Town of Millbury has an interest in establishing a Town Beach on land located on the Westerly side of Brierly Pond. This land is owned by the Millbury Conservation Commission, or take any other action thereon. (Ponds and Lakes Commission) (Required Vote: Majority)

---

**FISCAL YEAR 2019 REVOLVING ACCOUNT SPENDING LIMITS**

---

**ARTICLE 23:** To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 53E ½, to set the limits on the total amounts that may be expended in Fiscal Year 2019 from each of the Town's revolving funds established under the General Bylaws, Chapter 2, Division 3, Department of Financial Management, Section 2-69, Revolving Funds, as set forth below, or take any other action thereon. (Finance Director) (Required Vote: Majority)

<b>Authorized to Spend From Fund:</b>	<b>Revolving Fund:</b>	<b>FY19 Maximum Amount Expendable:</b>
Board of Health	Title V Inspections	\$ 35,000.00
Board of Appeals	Variances & Permits	\$ 30,000.00
Board of Appeals	MGL 40B	\$ 35,000.00
DPW Director	Transfer Station	\$ 50,000.00
Town Manager	Sealer of Weights and Measures	\$ 25,000.00
Chief of Police	License to Carry	\$ 35,000.00
Asa Waters Task Force with Town Manager Approval	Fees from Rentals/Charges	\$ 100,000.00
Town Manager	Millbury Housing Partnership	\$ 20,000.00
Earth Removal Board with Town Manager Approval	Application Fees	\$ 30,000.00
School Committee	Student Parking Fees	\$ 35,000.00
Council on Aging with Town Manager Approval	Program Fees	\$ 30,000.00
Director of Planning	Bark Park Fees	\$ 30,000.00

**AMENDMENTS TO GENERAL BYLAWS**

**ARTICLE 24:** To see if the Town will vote to amend the General Bylaws, Chapter 2, Division 3, Department of Financial Management, Section 2-69, Revolving Funds, as follows, with deleted text in strikethrough and new text underlined, or take any other action thereon. (Town Manager) (Required Vote: Majority)

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Transfer Station	DPW Director	<del>Fees and Charges for Disposal of Allowable Items at Transfer Station</del> <u>Fees associated with the operations of the Transfer Station including but not limited to hauling and recycling.</u>	<del>Funding Expenses Associated with Disposal of Allowable Items at Transfer Station</del> <u>Funding associated with the operations of the Transfer Station including but not limited to hauling and recycling.</u>	Cannot Exceed Balance	None, Other Than As Set Forth in This Chapter and by Town Meeting Vote	<del>Fiscal Year 2018 and Subsequent Years</del> <u>Fiscal Year 2019 and Subsequent Year</u>

**ACCEPTANCE OF PUBLIC WAYS**

**ARTICLE 25:** To see if the Town will vote to accept as a public way the roadway known as Jessica J Drive situated southeast of Herricks Lane located in the southern section of the Town of Millbury as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled “Plan of Acceptance of Jessica J Drive, Millbury, Massachusetts” prepared by LaVallee Brothers Inc, dated March 16, 2005, that is to be recorded at the Worcester County Registry of Deeds herewith, and is on file at the Town Clerk’s Office, and as described below, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property, including drainage easements, sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon. (Planning Board) (Vote Required: Majority)

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

Beginning at a point on the southwesterly sideline of Herricks Lane:

THENCE: By a curve to the left R = 30.00 ft. L = 48.27 ft. to a bound

THENCE: S 59-56-35 E 250.08 ft. to a bound

THENCE: By a curve to the left R = 30.00 ft. L = 34.02 ft. to a bound

THENCE: By a curve to the right R = 100.00 ft. L = 540.95 ft. to a spike in a drive

THENCE: By a curve to the left R = 30.00 ft. L = 34.02 ft. to a bound

THENCE: N 59-56-35 W 254.29 ft. to a bound

THENCE: By a curve to the left R = 30.00 ft. L = 45.98 ft. to a point on the southeasterly sideline of Herricks Lane

THENCE: N 32-15-03 E 110.08 ft. by said sideline to the point of beginning

The above-described Jessica J Drive contains 46,410 square feet of land, more or less.

**ARTICLE 26:** To see if the Town will vote to accept as a public way the roadway known as Rollie Shepard Drive situated northeast of Montgomery Drive in the northeastern section of the Town of Millbury as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Road Acceptance Plan of Rollie Shepard Drive & Bill Graham Lane in Millbury, MA Prepared for Town of Millbury" prepared by Andrews Survey & Engineering, Inc., dated December 3, 2015, last revised January 11, 2018, that is to be recorded at the Worcester County Registry of Deeds herewith, and is on file at the Town Clerk's Office, and as described below, and to authorize and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property, including drainage easements, sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon. (Planning Board) (Vote Required: Majority)

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

Beginning at a drill hole in a concrete bound on the easterly sideline of Montgomery Drive;

THENCE: Southerly by a curve to the right having a radius of 540.00 feet for a distance of 29.95 feet by Montgomery Drive to a point opposite station 16+06.40 of Montgomery Drive;

THENCE: Southerly by a curve to the right having a radius of 180.00 feet for a distance of 25.17 feet by Montgomery Drive to a point;

THENCE: S 70° 24' 37" E, 41.53 feet to a drill hole in a concrete bound;

THENCE: S 27° 59' 07" E, 5.82 feet to a drill hole in a concrete bound;

THENCE: Easterly and northerly by a curve to the left having a radius of 257.73 feet for a distance of 186.79 to a point;

THENCE: Northerly by a curve to the left having a radius of 586.51 feet for a distance of 495.26 to a point;

THENCE: N 24° 28' 58" W, 560.78 feet to a point;

- THENCE: Northerly and westerly by a curve to the left having a radius of 180.00 feet for a distance of 300.08 to a point;
- THENCE: S 60° 00' 00" W, 9.66 feet to a point on the easterly sideline of MacArthur Drive;
- THENCE: S 05° 21' 00" E, 66.02 feet by MacArthur Drive to a point;
- THENCE: N 60° 00' 00" E, 37.19 feet to a point;
- THENCE: Northerly and easterly by a curve to the right having a radius of 120.00 feet for a distance of 200.05 feet to a point;
- THENCE: S 24° 28' 58" E, 560.78 feet to a point;
- THENCE: Southerly by a curve to the right having a radius of 526.51 feet for a distance of 444.60 to a point;
- THENCE: Southerly and westerly by a curve to the right having a radius of 126.79 feet for a distance of 174.93 to a point;
- THENCE: N 77° 02' 48" W, 22.10 feet to a point;
- THENCE: S 51° 09' 03" W, 3.02 feet to a point;
- THENCE: Southerly, westerly, and northerly by a curve to the right having a radius of 12.00 feet for a distance of 28.85 to the point of beginning;

The above-described Rollie Shepard Drive contains an area of 93,506 square feet of land, more or less.

**ARTICLE 27:** To see if the Town will vote to accept as a public way the roadway known as Bill Graham Lane situated east of Rollie Shepard Drive in the northeastern section of the Town of Millbury as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Road Acceptance Plan of Rollie Shepard Drive & Bill Graham Lane in Millbury, MA Prepared for Town of Millbury" prepared by Andrews Survey & Engineering, Inc., dated December 3, 2015, last revised January 11, 2018, that is to be recorded at the Worcester County Registry of Deeds herewith, and is on file at the Town Clerk's Office, and as described below, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property, including drainage and snow storage easements, sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon. (Planning Board) (Vote Required: Majority)

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

Beginning at a point on the easterly sideline of Rollie Shepard Drive opposite station 6+30.49;

- THENCE: Southerly and easterly by a curve to the left having a radius of 30.00 feet for a distance of 47.12 feet to a point;
- THENCE: Easterly by a curve to the right having a radius of 319.38 feet for a distance of 189.52 feet to a point;
- THENCE: S 80° 29' 00" E, 215.48 feet to a point;
- THENCE: Easterly by a curve to the left having a radius of 30.00 feet for a distance of 27.40 feet to a point;
- THENCE: Easterly, southerly, and westerly by a curve to the right having a radius of 60.00 feet for a distance of 298.09 feet to a point;

- THENCE: Westerly by a curve to the left having a radius of 30.00 feet for a distance of 27.40 feet to a point;
- THENCE: N 80° 29' 00" W, 215.48 feet to a point;
- THENCE: Westerly by a curve to the left having a radius of 269.38 feet for a distance of 159.85 feet to a point;
- THENCE: Westerly and southerly by a curve to the left having a radius of 30.00 feet for a distance of 47.12 feet to a point;
- THENCE: N 24° 28' 58" W, 110.00 feet to the point of beginning;

The above-described Bill Graham Lane contains an area of 33,433 square feet of land, more or less.

---

**AMENDMENTS TO THE ZONING BYLAWS**

---

**ARTICLE 28:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 2. DISTRICT REGULATIONS, Section 26.15 Permitted Accessory uses in Industrial I and Industrial II, by deleting the following italicized text, or take any action thereon: (Planning Board) (Vote Required: 2/3rds Majority)

- *Residential uses incidental and necessary to an industrial establishment;*

**ARTICLE 29:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS by deleting Section 52. Registered Marijuana Dispensaries in its entirety and replacing it with Section 52. Recreational and Medical Marijuana Establishments, as set forth below, or take any action thereon. (Planning Board) (Vote Required: 2/3rds Majority)

**Section 52. Recreational and Medical Marijuana Establishments**

**52.1 Applicability.** The Planning Board may grant a special permit authorizing a Marijuana Establishment or a Registered Marijuana Dispensary as provided under Article 1, Section 14.11 of the Millbury Zoning Bylaws in conformance with the following regulations, conditions and limitations. For the purpose of this Section, the terms "Registered Marijuana Dispensary", "Marijuana Establishment", "Marijuana Cultivator", "Independent Testing Laboratory", "Marijuana Product Manufacturer", "Marijuana Retailer" and "Other Type of Licensed Marijuana-Related Business" shall be as defined in Article 5, Definitions.

**52.2 Purpose and Intent.** The purposes of this Section are:

1. To provide for the placement of Marijuana Establishments and Registered Marijuana Dispensaries in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G.
2. To protect the health, safety, and general well-being of Millbury residents, the public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.



3. To minimize any adverse impacts of Marijuana Establishments and Registered Marijuana Dispensaries on abutters, residential neighborhoods and sensitive land uses.
4. To regulate the siting, design, security, safety, discontinuance, and quota of Marijuana Establishments and Registered Marijuana Dispensaries.

**52.3 Design Standards and Siting Requirements.** The following restrictions shall apply to uses under this Section 52:

1. No Marijuana Establishment or Registered Marijuana Dispensary shall be located within five hundred feet (500') of the property boundary line of any lot in use as a public or private school providing education in kindergarten or any of grades 1-12 or Registered Marijuana Dispensary except for marijuana facilities that are owned or leased by the same operator. Distance shall be measured in a straight line from property boundary line to property boundary line.
2. A Marijuana Establishment or Registered Marijuana Dispensary shall be located within a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
3. A Marijuana Establishment or Registered Marijuana Dispensary shall not have drive-thru service.
4. A Marijuana Establishment or Registered Marijuana Dispensary shall not be within a building containing residential units.
5. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment or Registered Marijuana Dispensary with the exception of product testing performed at an Independent Testing Laboratory.
6. Marijuana, marijuana products, associated supplies, and/or promotional/advertising materials shall not be displayed or visible to a person from the exterior of a Marijuana Establishment.
7. A Marijuana Establishment or Registered Marijuana Dispensary shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors.
8. A Marijuana Establishment or Registered Marijuana Dispensary shall be ventilated in such a manner that:
  - a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
  - b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment / Registered Marijuana Dispensary or at any adjoining property.
9. The hours of operation of a Marijuana Establishment or Registered Marijuana Dispensary shall be determined by the Planning Board as a condition of the special permit.

**52.4 Application Procedure.** Applicants are required to submit an application conforming to the requirements of Section 14 and this Section 52. The application shall include a site plan and associated documents specified under Section 12.4 Site Plan Review, as well as the following additional information:

1. The name and address of each owner of the facility/operation.

2. Copies of all documentation demonstrating appropriate application status under the state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility.
3. Evidence that the applicant has site control and the right to use the site for a Marijuana Establishment or Registered Marijuana Dispensary in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A description of all activities to occur on site, including all provisions for the delivery of marijuana and related products.
5. Details showing all proposed exterior security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft and other criminal activity. A letter from the Town of Millbury Police Chief, or designee, acknowledging review and approval of the security plan for the Marijuana Establishment or Registered Marijuana Dispensary shall be submitted with the application. To the extent allowed by law, all such documents shall be confidential.
6. Details of the ventilation system.

**52.5 Specific Findings Required.** In addition to the findings required under Section 12.46 and all other applicable sections of the Zoning Bylaws, the Planning Board shall not issue a special permit for a Marijuana Establishment or Registered Marijuana Dispensary unless it finds that the use:

1. Minimizes through design any adverse impacts on abutters and other parties in interest, as defined in M.G.L Chapter 40A, Section 11.
2. Demonstrates to the satisfaction of the Planning Board that it meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations.
3. Adequately addresses issues of site layout, security, ventilation, vehicular and pedestrian traffic, circulation, parking and queuing.
4. Satisfies all of the conditions and requirements set forth in this Section.

**52.6 Transfer/Discontinuance of Use.**

1. A special permit granted under this Section 52 shall run with the applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit following a noticed public hearing in accordance with M.G.L. c. 40A and the Zoning Bylaws.
2. Any Marijuana Establishment or Registered Marijuana Dispensary permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission.

**52.7 Quota.** All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The Planning Board shall limit the number of special permits issued for Marijuana Retailers such that the total number of active special permits for Marijuana Retailers shall not exceed 20% of the number of licenses issued within Millbury for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of Massachusetts General Law Chapter 138. Said number

shall be rounded up to the next whole number. The Planning Board shall limit the number of special permits issued for Marijuana Establishments other than Marijuana Retailers to one (1).

**ARTICLE 30:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 14.11 Planning Board Authority, by adding the following italicized text and deleting the text with strikethrough, as set forth below, or take any action thereon: (Planning Board) (Vote Required: 2/3rds Majority)

~~i) Environmental analysis procedures under section 15.~~

r) *Marijuana Establishment and Registered Marijuana Dispensary under Section 52.*

**ARTICLE 31:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS, Section 48.3, by adding the following italicized text, or take any action thereon. (Planning Board) (Vote Required: 2/3rds Majority)

**48.31 Node Classification I.**

Uses Permitted by Special Permit:

*Marijuana Retailer in accordance with Section 52.*

**48.32 Node Classification II.**

Uses Permitted by Special Permit:

*Marijuana Retailer in accordance with Section 52.*

**ARTICLE 32:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 2. DISTRICT REGULATIONS, Section 26.22 Industrial II special permit uses, by adding the following italicized text, or take any action thereon: (Planning Board) (Vote Required: 2/3rds Majority)

- *Independent Testing Laboratory in accordance with Section 52*
- *Marijuana Cultivator in accordance with Section 52*
- *Marijuana Product Manufacturer in accordance with Section 52*
- *Other Type of Licensed Marijuana-Related Business in accordance with Section 52*

**ARTICLE 33.** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 5. DEFINITIONS by inserting the following definitions, or take any action thereon. (Planning Board) (Vote Required: 2/3rds Majority)

**Independent Testing Laboratory** – A laboratory that is licensed by the Cannabis Control Commission and is: 1) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; 2) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and 3) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**Marijuana Cultivator** – An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

**Marijuana Establishment** – A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.

**Marijuana Product Manufacturer** – An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not consumers.

**Marijuana Products** – Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

**Marijuana Retailer** – An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**Other Type of Licensed Marijuana-Related Business** – A licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or marijuana retailer.

**ARTICLE 34:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS by striking Section 53. Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products, in its entirety, or take any action thereon. (Planning Board) (Vote Required: 2/3rds Majority)

**ARTICLE 35:** To see if the Town will vote to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS, Section 53.3 Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products, by adding the italicized text and deleting the text with strikethrough from the second sentence in the first paragraph as follows, or take any action thereon: (Planning Board) (Vote Required: 2/3rds Majority)

The Temporary Moratorium shall be in effect through ~~May 31, 2018~~ *December 31, 2018*.

---

***SCHOOL BUDGET SUPPLEMENTAL APPROPRIATION ( OVERRIDE CONTINGENCY )***

---

**ARTICLE 36:** To see if the Town will vote to raise and appropriate the sum of \$297,800.00 for the purpose of supplementing the school operating budget for Fiscal Year 2019, the period of July 1, 2018 through June 30, 2019, provided, however that the sum appropriated hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ override question in accordance with Massachusetts General Laws Chapter 59, Section 21C(g), or take any other action thereon. (Town Manager) (Vote Required: Majority)

---

**CITIZENS PETITIONS**

---

**ARTICLE 37:** To see if the Town will vote to: Amend the Zoning Map by rezoning to Industrial I District that portion of the Suburban IV District and Industrial II District that includes the following lots as shown on the map on file in the Town Clerk's Office, or take any action thereon:

- Assessor's Map 5, Lot 62
- Assessor's Map 9, Lot 52
- Assessor's Map 4, Lot 3
- Assessor's Map 4, Lot 2
- Assessor's Map 4, Lot 1
- Assessor's Map 9, Lot 48
- Assessor's Map 9, Lot 87
- Assessor's Map 9, Lot 49
- Assessor's Map 9, Lot 46
- Assessor's Map 9, Lot 47
- Assessor's Map 9, Lot 89

(Lead petitioner: Peter J. Keenan, Jr) (Vote Required: 2/3rds Majority)

**ARTICLE 38 :** To see if the Town will vote in accordance with G.L. c. 59, §38H to authorize the Board of Selectmen to enter into a Real and Personal Property Tax Agreement with Green Apple Farms, IV, LLC or its affiliated entity, located at 250 W 57<sup>th</sup> Street, Suite 701 New York, NY 10107, for a period of up to twenty-five (25) years, and to approve said agreement under which Green Apple Farms, IV, LLC or its affiliated entity, will pay the Town a sum of money per year in lieu of personal property taxes and in lieu of real estate taxes relative to a one hundred (100) acre +/- parcel of land located at 280 West Main Street, Millbury, MA related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation(s) with an expected nameplate capacity of approximately 5 MW AC, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement or take any other action relative thereto. (Lead Petitioner: Carter McCann) (Vote Required: Majority)

---

CONSTABLES:

In addition, you are directed to serve the above warrant by posting up an attested copy thereof at the Post Office, Library, and Senior Center in said Town and in addition at available public places in West Millbury, Bramanville, Dorothy Pond and East Millbury fourteen days at least before the time of holding said election and town meetings.

Given under our Hands this 2<sup>nd</sup> day of April Two Thousand Eighteen.

Board of Selectmen:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Worcester SS Town Of Millbury

I have served the above warrant by posting up attested copies, as directed by vote of the Town at least fourteen (14) days before time of holding the election/town meetings.

Date: \_\_\_\_\_

A TRUE COPY ATTEST - TOWN CLERK:

CONSTABLE: \_\_\_\_\_

\_\_\_\_\_

## **MODERATOR'S RULES FOR THE CONDUCT OF THE MEETING**

**The conduct of Millbury's Open Town Meeting is dictated by Federal and State Law, the Town's Charter and By-Laws, local tradition, and then the publication entitled "Town Meeting Time".**

**The Quorum of Millbury's Town Meeting is One Hundred (100) registered voters.**

**The Moderator is elected at the annual town election and shall regulate the proceedings of town meetings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by the charter, by by-law or by other vote of the town meeting.**

**EVERY VOTER** desiring to speak shall arise and address the Moderator, after recognition is obtained, state his/her name and address and stand while speaking, using the microphone in the front, unless otherwise directed. No motion made by anyone will be in order unless this procedure is followed.

**ANY VOTER** has the right to speak for or against any Article. A **NON-VOTER** may speak as long as they have the permission of the Moderator. Each voter will have a time period of 3 minutes to express their thoughts on the article. After you speak on an Article, return to your seat.

**If you have a question on any Article before the meeting, address the Moderator and the Moderator will direct the question to the proper person for an answer.**

**THE FINANCE COMMITTEE** recommendation is the first and main motion under each Article and under each Budget. Any attempt by a Department Head or anyone to move another figure would be an amendment to the main motion.

A motion to pass the article over or indefinite postponement is the same as defeating the article.

**IF THE FINANCE COMMITTEE DISAPPROVES AN ARTICLE** it is an automatic motion to **PASS THE ARTICLE OVER** and that will be the first action on the Article.

After the Finance Committee reports on an Article, if they so desire, and the Article is referred to a certain **BOARD, COMMITTEE, or DEPARTMENT HEAD, IT WILL BE THE RULE** that they will be recognized first for their report.

**A UNANIMOUS VOTE IS BEST AND SAVES TIME.** If the moderator hears no objection he/she will declare it, "**A UNANIMOUS VOTE**".

If an Article requires a 2/3<sup>rd</sup> or 4/5<sup>th</sup> vote and it is not **UNANIMOUS**, IT IS THE Moderator's responsibility to see that a vote is taken, which may be counted by the Tellers.

Any motion to amend an article needs to be put into writing and given to the Moderator, who will then give it to the Town Clerk to take in and document.

**ARTICLE II TOWN MEETINGS - DIVISION 2. RULES OF PROCEDURE OF THE TOWN BY-LAWS STATES:**

**SECTION. 2-28. RECONSIDERATION AT ADJOURNED MEETINGS.**

No motion shall be received at an adjourned Town Meeting for the reconsideration of any vote passed at a prior meeting unless notice of such reconsideration shall have been given at the meeting at which the vote was passed; provided, however, that this section may be suspended in any particular case by a vote of three-fourths (3/4) of those present and voting. (Bylaws, Art. 3, § 5, 11-12-1940)

**SECTION. 2-29. RECONSIDERATION AT SAME MEETING.**

After an article in the Warrant for a Town Meeting has once been acted on, it shall not be again considered at the same meeting, except by a majority vote of those present and voting. (Bylaws, Art. 3, § 6, 11-12-1940)

**DRAFT**



## MUNICIPAL FINANCE TERMS

**Abatement:** A reduction or elimination of a real or personal property tax, motor vehicle excise, a fee, charge or special assessment imposed by a governmental unit.

**Appropriation:** An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

**Assessed Valuation:** A value assigned to real estate or other property by a government as the basis for levying taxes. In Massachusetts, assessed valuation is based on a property's full and fair cash value as set by the Assessors. (See Full and Fair Cash Value)

**Available Funds:** Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and enterprise net assets unrestricted (formerly retained earnings).

**Balance Sheet:** A statement that discloses the assets, liabilities, reserves and equities of a fund or governmental unit at a specified date.

**Bond:** A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year. (See Note)

**Bond Anticipation Note (BAN):** Short-term debt instrument used to generate cash for initial project costs and with the expectation that the debt will be replaced later by permanent bonding. Typically issued for a term of less than one year, BANs may be re-issued for up to five years, provided principal repayment begins after two years (MGL Ch. 44 §17). Principal payments on school related BANs may be deferred up to seven years (increased in 2002 from five years) if the community has an approved project on the Massachusetts School Building Authority (MSBA) priority list. BANs are full faith and credit obligations.

**Bond Authorization:** The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the mayor, or selectmen. (See Bond issue)

**Bond Rating (Municipal):** A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment.

**Budget Message:** A statement that, among other things, offers context by summarizing the main points of a budget, explains priorities, describes underlying policies that drive funding decisions, and otherwise justifies the expenditure plan and provides a vision for the future.

**Capital Assets:** All tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost. (See Fixed Assets)

**Capital Budget:** An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates, and identify those items that were not recommended. (See Capital Assets, Fixed Assets)

**Capital Improvements Program:** A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital program. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures.

**Capital Outlay Expenditure Exclusion:** A temporary increase in the tax levy to fund a capital project or make a capital acquisition. Exclusions require two-thirds vote of the selectmen and a majority vote in a community-wide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

**Cherry Sheet:** Named for the cherry colored paper on which they were originally printed, the Cherry Sheet is the official notification to towns and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions, which provide funds based on formulas and reimbursements that provide funds for costs incurred during a prior period for certain programs or services. Links to the Cherry Sheets are located on the DLS website at [www.mass.gov/dls](http://www.mass.gov/dls). (See Cherry Sheet Assessments, Estimated Receipts)

**Cherry Sheet Assessments:** Estimates of annual charges to cover the cost of certain state and county programs.

**Classification of the Tax Rate:** Each year, the selectmen vote whether to exercise certain tax rate options. Those options include choosing a residential factor (MGL Ch. 40 §56), and determining whether to offer an open space discount, a residential-exemption (Ch. 59, §5C), and/or a small commercial exemption (Ch. 59, §5I) to property owners.

**Debt Exclusion:** An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy, but outside the limits under Proposition 2 1/2. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2 1/2, and then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

**Debt Service:** The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

**Encumbrance:** A reservation of funds to cover obligations arising from purchase orders, contracts, or salary commitments that is chargeable to, but not yet paid from, a specific appropriation account.

**Enterprise Funds:** An enterprise fund, authorized by MGL Ch. 44 §53E½, is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services. (See DOR IGR 08-101)

**Equalized Valuations (EQVs):** The determination of the full and fair cash value of all property in the commonwealth that is subject to local taxation. EQVs have historically been used as variables in distributing certain state aid accounts and for determining county assessments and certain other costs. The Commissioner of Revenue, in accordance with M.G.L. Ch. 58 §10C, is charged with the responsibility of bi-annually determining an equalized valuation for each town and city in the Commonwealth.

**Estimated Receipts:** A term that typically refers to anticipated local revenues listed on page three of the Tax Recapitulation Sheet. Projections of local revenues are often based on the previous year's receipts and represent funding sources necessary to support a community's annual budget. (See Local Receipts)

**Excess and Deficiency (E&D):** Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts.

**Excess Levy Capacity:** The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the board of selectmen or council must be informed of excess levying capacity and evidence of such acknowledgment must be submitted to DOR when setting the tax rate.

**Fiscal Year (FY):** Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends.

**Free Cash:** (Also Budgetary Fund Balance) remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts. (See Available Funds)

**Full and Fair Cash Value (FFCV):** Fair cash value has been defined by the Massachusetts Supreme Judicial Court as "fair market value", which is the price an owner willing but not under compulsion to sell ought to receive from one willing but not under compulsion to buy. It means the highest price that a normal purchaser not under peculiar compulsion will pay at the time, and cannot exceed the sum that the owner after reasonable effort could obtain for his property. A valuation limited to what the property is worth to the purchaser is not market value. The fair cash value is the value the property would have on January first of any taxable year in the hands of any owner, including the present owner." (Boston Gas Co. v. Assessors of Boston, 334 Mass. 549, 566 (1956))

**Fund:** An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

**GASB 34:** A major pronouncement of the Governmental Accounting Standards Board that establishes new criteria on the form and content of governmental financial statements. GASB 34 requires a report on overall financial health, not just on individual funds. It requires more complete information on the cost of delivering value estimates on public infrastructure assets, such as bridges, road, sewers, etc. It also requires the presentation of a narrative statement the government's financial performance, trends and prospects for the future.

**GASB 45:** This is another Governmental Accounting Standards Board major pronouncement that each public entity account for and report other postemployment benefits in its accounting statements. Through actuarial analysis, municipalities must identify the true costs of the OPEB earned by employees over their estimated years of actual service.

**General Fund:** The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.

**General Obligation Bonds:** Bonds issued by a municipality for purposes allowed by statute that are backed by the full faith and credit of its taxing authority.

**Governmental Accounting Standards Board (GASB):** The ultimate authoritative accounting and financial reporting standard-setting body for state and local governments.

**Grant:** A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

**Indirect Cost:** Costs of a service not reflected in the operating budget of the entity providing the service. An example of an indirect cost of providing water service would be the value of time spent by non-water department employees processing water bills. A determination of these costs is necessary to analyze the total cost of service delivery. The matter of indirect costs arises most often in the context of enterprise funds.

**Interest:** Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made. In the case of municipal bonds, interest payments accrue on a day-to-day basis, but are paid every six months.

**Levy Limit:** A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2 1/2). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2 1/2 percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

**Line Item Budget:** A budget that separates spending into categories, or greater detail, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.

**Local Aid:** Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets." Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

**Local Appropriation Authority:** In a town, the town meeting has the power to appropriate funds, including the authorization of debt.

**Local Receipts:** Locally generated revenues, other than real and personal property taxes. (See Estimated Receipts)

**M.G.L.:** Massachusetts General Laws.

**New Growth:** The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy limit. For example, new growth for FY07 is based on new construction, etc. that occurred between January and December 2005 (or July 2005 and June 2006 for accelerated new growth communities). In the fall of 2006, when new growth is being determined to set the FY07 levy limit, the FY06 tax rate is used in the calculation.

Note: A short-term loan, typically with a maturity date of a year or less.

**Other Amounts to be Raised:** (Tax Recapitulation Sheet) Amounts not appropriated but raised through taxation. Generally, these are locally generated expenditures (e.g., overlay, teacher pay deferral, deficits) as well as state, county and other special district charges. Because they must be funded in the annual budget, special consideration should be given to them when finalizing the budget recommendations to the city council or town meeting.

**Overlapping Debt:** A community's proportionate share of the debt incurred by an overlapping government entity, such as a regional school district, regional transit authority, etc.

**Overlay:** (Overlay Reserve or Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

**Overlay Deficit:** A deficit that occurs when the amount of overlay raised in a given year is insufficient to cover abatements, statutory exemptions, and uncollected taxes for that year. Overlay deficits must be provided for in the next fiscal year.

**Overlay Surplus:** Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within 10 days of a written request by the chief executive officer of a city or town, the assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue, i.e., it becomes a part of free cash.

**Override:** A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount. (See Underride.)

**Proposition 2 1/2:** A state law enacted in 1980, Proposition 2 1/2 regulates local property tax administration and limits the amount of revenue a city or town may raise from local property taxes each year to fund municipal operations.

**Reserve for Abatements and Exemptions:** (See Overlay)

**Reserve Fund:** Money set aside by Town Meeting to be allocated by the Advisory Board for extraordinary and unforeseen expenditures.

**Revaluation:** The assessors of each community are responsible for developing a reasonable and realistic program to achieve the fair cash valuation of property in accordance with constitutional and statutory requirements. The nature and extent of that program will depend on the assessors' analysis and consideration of many factors, including, but not limited to, the status of the existing valuation system, the results of an in-depth sales ratio study, and the accuracy of existing property record information. Every three years, assessors must submit property values to the DOR for certification. Assessors must also maintain fair cash values in the years between certifications so that each taxpayer in the community pays his or her share of the cost of local government in proportion to the value of his property. (See Triennial Certification)

**Revolving Fund:** Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch. 44 §53E1/2 stipulates that each fund must be reauthorized each year at annual town meeting, and that a limit on the total amount that may be spent from each fund must be established at that time.

**Stabilization Fund:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Communities may establish one or more stabilization funds for different purposes and may appropriate into them in any year an amount not to exceed ten percent of the prior year's tax levy. The total of all stabilization fund balances shall not exceed ten percent of the community's equalized value, and any interest shall be added to and become a part of the funds. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or from the stabilization fund. (See DOR IGR 04-201)

**Tax Rate:** The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

**Tax Rate Recapitulation Sheet (Recap Sheet):** A document submitted by a city or town to the DOR in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate. The recap sheet should be submitted to the DOR by September 1 (in order to issue the first-half semiannual property tax bills before October 1) or by December 1 (in order to issue the third quarterly property tax bills before January 1).

**Triennial Certification:** The Commissioner of Revenue, through the Bureau of Local Assessment, is required to review local assessed values every three years and to certify that they represent full and fair cash value (FFCV). Refer to MGL Ch. 40 §56 and Ch. 59 §2A(c).

**Trust Fund:** In general, a fund for money donated or transferred to a municipality with specific instructions on its use. As custodian of trust funds, the treasurer invests and expends such funds as stipulated by trust agreements, as directed by the commissioners of trust funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For nonexpendable trust funds, only interest (not principal) may be expended as directed.

**Undesignated Fund Balance:** Monies in the various government funds as of June 30 that are neither encumbered nor reserved, and are therefore available for expenditure once certified as part of free cash.