

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM

RECEIVED
TOWN CLERK

April 3, 2017

5:15 pm APR 13 AM 11:21

Selectmen Present: Chairman Francis B. King, Sandy Cristo, Mary Krumsiek, Scott Despres, and Jon Adams; Town Manager David J. Marciello, Town Clerk, Jayne Marie Davolio, Finance Director, Katie McKenna

Chairman King explained that we are here to approve and close the FY18 Town Warrant.

Mr. Marciello said that the Town Clerk and Finance Director will go over the articles that have been changed or added since the March 28, 2017 meeting.

Art. 7- there was a typo and it was fixed

Art. 13- this is a prior year's bill for fuel excise tax that was not billed to us in a timely manner and not paid for FY16. We used to pay this through the supplier, the supplier thought that the town did not have to pay that tax, but we in fact do have to pay it.

Art. 16- Put working in "complete replacements or repairs of existing pump stations". This covers the underground tanks as well. We left it open ended as to any pump station that can be repaired or replaced. We will not be replacing a pump station this year.

Motion to close the warrant made by Selectman Krumsiek, seconded by Selectman Cristo.
Motion carried unanimously.

Motion to approve the warrant made by Selectman Krumsiek, seconded by Selectman Cristo.
Motion carried unanimously.

Mr. Marciello said that he has offered the job of Director of Asa Waters Mansion to Mr. John McElroy. He will be introduced at the April 11, 2017 meeting; he is scheduled to start on April 17, 2017 pending selectmen approval.

Motion to adjourn at 5:25 pm made by Selectman Krumsiek, seconded by Selectman Cristo.
Motion carried unanimously.

Respectfully submitted,
Tish Hayes, Secretary

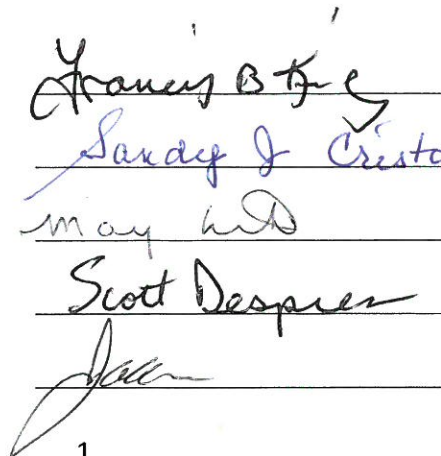
Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams



WARRANT

WORCESTER, S.S.

To either of the Constables of the Town of Millbury, in the County of Worcester,

GREETINGS:

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 Elections and Town affairs to meet at their respective voting places to wit: Precinct No.1 at the Memorial High School; Precinct No. 2 at the Memorial High School; Precinct No.3 at the Memorial High School; and Precinct No. 4 at the Memorial High School on Tuesday the 25th day of April, 2017 at 7:00 o'clock in the forenoon until 8:00 P.M. to elect the following offices to wit:

ARTICLE 1: To choose one member of the Board of Selectmen, one Assessor, one member of the School Committee, one member of the Board of Health, two members of the Planning Board, two members of the Board of Library Trustees, all for a term of three years; one member of the Board of Library Trustees for a term of two years, one member of the Re-Development Authority for a term of five years.

Question 1

Shall the Town be allowed to exempt from the provisions of Proposition two-and-one half, so called, the amounts required to pay for the bonds issued in order to conduct a Feasibility Study for the Raymond E. Shaw Elementary School?

YES _____ NO _____

ARTICLE 2: To choose all other necessary Town Officers for the year ensuing and to meet, on Tuesday, May 2, 2017 at 7:00 P.M. in the Memorial High School Auditorium, 12 Martin Street in said Town, to act on the following articles to wit:

ARTICLE 3: To hear the reports of several Town Officers and Committees, or take any action thereon.

ARTICLE 4: 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 2018, the period of July 1, 2017 through June 30, 2018, 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.

ARTICLE 5: To see if the Town will vote to raise and appropriate One Hundred Six Thousand Five Hundred Eleven Dollars and No Cents (\$106,511.00) for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2018 School Department Budget, or take any action relative thereto. (School Committee)

ARTICLE 6: To see if the Town will vote to authorize any or all of the following capital improvement projects and purchases as follows:

1. Raise and appropriate or transfer from available funds the sum of Two Hundred Sixty Eight Thousand Dollars and No Cents (\$268,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to supplement Chapter 90 funds for repairs to sidewalks and roads, or take any action thereon. (Town Manager)
2. Raise and appropriate or transfer from available funds and or borrow the sum of \$30,000 to fund for the School Department for the Windle Field Field House and Bathroom Renovation project or take any action thereon. (School Department)
3. Raise and appropriate or transfer from available funds and or borrow the sum of Fifty Two Thousand Nine Hundred and No Cents (\$52,900.00) to fund for the School Department a commercial grade lawn tractor, or take any action thereon. (School Department)
4. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to fund for the replacement of Seven (7) Rifles/Eight (8) Tasers, or take any action thereon. (Police Chief)
5. Raise and appropriate or transfer from available funds and or borrow the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to make improvements to the lobby located at the Police Station, or take any action thereon. (Police Chief)
6. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Nine Thousand Dollars and No Cents (\$29,000.00) for the purchase of a software program for the Building Department, or take any action thereon. (Building Commissioner)
7. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to replace overhead doors at the DPW garage, or take any action thereon. (Director of Public Works and Town Manager)
8. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to replace roll up doors at the Recycling Center, or take any action thereon. (Director of Public Works and Town Manager)
9. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to make parking lot improvements at the East Millbury Park, or take any action thereon. (Director of Public Works and Town Manager)
10. Raise and appropriate or transfer from available funds and or borrow the sum of Ten Thousand Dollars and No Cents (\$10,000.00) to make improvements to Washington Street Park, or take any action thereon. (Finance Director)
11. Raise and appropriate or transfer from available funds and or borrow the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Town Planner for the Master Plan, or take any action thereon. (Town Planner)

12. Raise and appropriate or transfer from available funds and or borrow the sum of Forty Three Thousand Three Hundred Fifty Dollars and No Cents (\$43,350.00) to purchase a Chief's vehicle for the Fire Department, or take any action thereon. (Fire Chief)
13. Raise and appropriate or transfer from available funds and or borrow the sum of Sixty Three Thousand Dollars and No Cents (\$63,000.00) for repairs needed to all fire stations, or take any action thereon. (Fire Chief)
14. Raise and appropriate or transfer from available funds and or borrow the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) to paint the Council on Aging Building, or take any action thereon. (Council on Aging Director)
15. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) for King's Systems Record Retention Vault Project, or take any action thereon. (Town Clerk)
16. Raise and appropriate or transfer from available funds and or borrow the sum of Four Thousand Eight Hundred and No Cents (\$4,800.00) for the Codification of the General Bylaws, or take any action thereon. (Town Clerk)

ARTICLE 7: To see if the Town will vote to transfer the following sums of money from available funds as outlined in the table below, or take any action thereon. (Town Manager)

Account Number	Description	Transfer From	Transfer To
01.914.5172.00000.0000.560	HEALTH INSURANCE - SCHOOL	180,500.00	
01.423.5130.00000.0000.530	SNOW & ICE OVERTIME		21,500.00
01.423.5210.00000.0000.530	SNOW & ICE CONTRACTUAL SERVICES		13,500.00
01.423.5400.00000.0000.530	SNOW & ICE SUPPLIES		65,000.00
01.341.5320.00000.0000.520	NORFOLK AGRICULTURAL SCHOOL TUITION		22,000.00
01.916.5171.00000.0000.560	MEDICARE		15,000.00
01.945.5740.00000.0000.560	GENERAL & LIABILITY INS		43,500.00
01.123.5113.00000.0000.500	TOWN MANAGER - FULL TIME CLERICAL	18,750.00	
01.913.5170.00000.0000.560	UNEMPLOYMENT INSURANCE	5,750.70	
01.136.5200.00000.0000.500	TOWN AUDIT EXPENSE		5,000.00
01.224.5200.00000.0000.510	HYDRANT RENTAL		3,000.00
01.230.5210.00000.0000.510	AMBULANCE SERVICE		15,000.00
01.192.5130.00000.0000.500	MUNICIPAL OFFICE BUILDING OVERTIME		1,500.00
25.123.4970.25018.0000.500	F.E.M.A. - TRANSFER IN		0.70
01.210.5115.00000.0000.510	POLICE OFFICERS	16,043.62	
26.210.4970.26040.0000.421	EMD TRAINING GRANT - TRANSFER IN		16,043.62
01.495.5480.00000.0000.530	GASOLINE & DIESEL FUEL	50,000.00	
01.410.5200.00000.0000.530	DPW MAINT & OPS PURCHASE OF SERVICES		10,000.00
01.420.5200.00000.0000.530	HIGHWAY PURCHASE OF SERVICES		30,000.00
01.430.5200.00000.0000.530	SOLID WASTE PURCHASE OF SERVICES		10,000.00
	TOTAL	\$ 271,044.32	\$ 271,044.32

ARTICLE 8: To see if the Town will vote to transfer the following sums of money from available funds as outlined in the table below, or take any action thereon. (Town Manager)

Account Number	Description	Transfer From	Transfer To
01.177.5780.00000.0000.500	Other Expense-Planning and Development	4,824.00	
01.912.5170.00000.0000.560	Worker's comp	10,000.00	
01.495.5480.00000.0000.530	Gas and Diesel fuel	45,000.00	
01.914.5172.00000.0000.560	HEALTH INSURANCE	100,000.00	-
01.710.5910.00000.0000.571	RETIREMENT OF DEBT	15,000.00	
01.710.5915.00000.0000.572	LONG TERM INTEREST	25,000.00	
01.913.5170.00000.0000.560	UNEMPLOYMENT INSURANCE	29,791.00	
01.410.5115.00000.0000.530	DPW F.T. WORKERS		1,350.00
01.610.5113.00000.0000.550	FULL TIME LIBRARY		1,000.00
37.220.4970.37003.0000.422	Fire Dept. Capital Projects Transfer In		1,000.00
25.123.4970.25018.0000.500	F.E.M.A. Transfer In		5,387.00
37.495.4970.37010.0000.422	Fuel Project-Transfer in		44,000.00
26.177.5100.26052.2015.500	Salaries-Planning and Development	-	4,824.00
01.945.5740.00000.0000.560	General And Liability Insurance	-	20,418.00
01.341.5320.00000.0000.520	Northfolk Agricultural		1,536.00
01.123.5112.00000.0000.500	Salaries-Town Manager	-	2,100.00
01.410.5130.00000.0000.530	Highway-overtime		5,000.00
01.420.5200.00000.0000.530	Highway-purchase of services		35,000.00
01.192.5113.00000.0000.500	Town Counsel	-	80,000.00
01.543.5780.00000.0000.540	Veteran services	-	28,000.00
Total		229,615.00	229,615.00

ARTICLE 9: To see if the Town will vote to transfer the sum of Two Hundred Thousand and No Cents (\$200,000.00) from available certified free cash to reduce or stabilize the Fiscal Year 2018 Tax Rate, or take any action thereon. (Finance Director)

ARTICLE 10: 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. (Town Manager)

ARTICLE 11: 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. (Town Manager)

ARTICLE 12: To see if the Town will vote to authorize payment of a Prior year bill in the amount of Six Hundred Five Dollars and 20 Cents (\$605.20) for A& D Pizza to be transferred from snow and Ice, or take any action thereon. (Town Manager)

ARTICLE 13: To see if the Town will vote to appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from the Retained Earnings of the Sewer Enterprise Fund to the Sewer

Stabilization Fund for Maintenance of currently constructed sewer system, or take any action thereon. (Sewer Commissioners)

ARTICLE 14: To see if the Town will vote to transfer the sum of Seventy Four Thousand Six Hundred Thirty Two Dollars and Thirty Cents (\$74,632.30) from 37.440.5960.37008.0000.540, Elmwood Pump Station Capital Project account, to 60.440.4970.00000.0000.400, Sewer Transfer In, or take any action thereon. (Sewer Commissioners)

ARTICLE 15: To see if the Town will vote to transfer the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) from Retained Earnings of the Sewer Enterprise Fund to complete replacement and/or repairs of the Elm Court pump station, or take any action thereon. (Sewer Commissioners)

ARTICLE 16: 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 \$7.50 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)

ARTICLE 17: To see if the Town will vote to transfer the sum of Twenty Six Thousand Eight Hundred Fifteen Dollars and No Cents (\$26,815.00) from account no. 02.300.5800.02085.2017.530 (Elmwood Street School Boiler Article) to be used by the School Department to repaint, refinish and repair the high school gymnasium floor, or take any action thereon. (School Department)

ARTICLE 18: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for a Feasibility Study for the Raymond E. Shaw Elementary School located at 58 Elmwood Street, Millbury, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any action thereon. (School Committee)

ARTICLE 19: To see if the town will vote to accept Massachusetts General Law Chapter 41 Section 100G1/4 Payment of funeral and burial expenses of firefighters and police officers killed in performance of duties, or take any action thereon. (Town Manager)

ARTICLE 20: To see if the town will vote to accept Massachusetts General Law Chapter 40 U Municipal Fines, or take any action thereon. (Town Manager)

ARTICLE 21: To see if the town will vote to authorize or reauthorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2017, or take any action thereon. (Town Manager)

<u>Revolving Funds</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY17 Spending Limit</u>
Title V Inspections	Board of Health	Septic System Inspection Fees	Payment for Contractual Services for Septic inspections	25,000.00
Variances & Permits	Board of Appeals	Filing Fees for Variances and Permits	Part-time Salaries, and Expenses	20,000.00
MGL 40B	Board of Appeals	Filing Fees Related to MGL Chapter 40B	Part-time Salaries, supplies, and contractual services relating to 40B applications	30,000.00
Transfer Station	DPW Director	Fees and Charges for disposal of allowable items at Transfer Station	Funding expenses associated with disposal of allowable items at transfer station	20,000.00
Sealer of Weights and Measures	Town Manager	Fees received for sealing of weights and measures	payment of expenses and services related to the sealing of weights and measures	20,000.00
Police Dept. - License to Carry	Chief of Police	Fees received for firearms cards and License to Carry permits	To make payment due to the Commonwealth of Mass for their portion of the fees	30,000.00

Asa Waters	Asa Waters Task Force, with Town Manager approval	Fees from Rentals, Donations, and Charges	To fund part-time wages, and expenses associated with running the Mansion	90,000.00
Millbury Housing Partnership	Town Manager	Proceeds from Sale of Affordable homes	Payment of Administrative, legal, planning, engineering and related expenses of the affordable housing program	10,000.00
Earth Removal	Earth Removal Board with Town Manager Approval	Application Fees	Administrative fees, planning, inspection, and engineering expenses related to the Removal permit application	25,000.00
Student Parking Fees	Millbury School Committee	Student Parking Fees	Maintenance and improvement of parking lot	25,000.00
Council on Aging	Senior Center Director with Town Manager Approval	Program Fees	To fund expenses associated with running certain programs	20,000.00
Bark Park	Director of Planning and Development or Town Manager	Donations and fees	To fund expenses associated with running Bark Park	20,000.00

ARTICLE 22: To see if the Town of Millbury will accept General Laws Chapter 44 Section 53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related fund, to reserve cable franchise fees and other cable related revenues for appropriation to support PEG access services and

oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017. The funds presently held for this purpose shall remain in the current cable access special revenue fund account no. 24.000.3400.24006.0000.340 and become the same account as accepted in this article, or take any action relative thereto. (Public Access Cable Commission)

ARTICLE 23: To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund, the sum of Two Hundred Thirty-Seven thousand Nine Hundred Forty-Two Dollars and No Cents (\$237,942.00), for the expenses of Public Access as follows, or take any action thereon:

Salaries/Wages	\$143,442.00
General Expenses	\$ 14,500.00
Capital Outlay	\$ 80,000.00

(Finance Director /Public Access Cable Commission)

ARTICLE 24: To see if the Town of Millbury will reaccept MGL Chapter 32B section 20 Other Post-Employment Benefits Liability Trust Fund, or take any action thereon. (Finance Director)

ARTICLE 25: To see if the Town will vote to amend the general by-laws by adding a new section to **Chapter 2, Division 3. Department of Financial Management, Section 2-69. Departmental Revolving Funds** to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E1/2, or take any other action relative thereto.

Section 2-69 Departmental Revolving Funds

Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting/town council on or before July 1 of that fiscal year, or any increased amount of the authorization that is later approved during that fiscal year by the selectboard and finance committee.

Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E1/2 and this by-law, the laws, charter provisions, by-law, rules, regulations, policies or procedures that govern the receipt and custody of the town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town

accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant auditor provides the department, board, committee, agency or officer on appropriations made for its use. (Finance Director)

ARTICLE 26: To see if the Town will vote to amend the Zoning Bylaws, **Article 2. District Regulations, Section 22.2 Residential Districts**, by deleting the following italicized text, or take any action thereon:

22.2 In a Residential *I* District the following *principal* uses are permitted if granted a special permit by the special permit granting authority:

(Building Commissioner)

ARTICLE 27: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34. Signs**, Subsection 34.3 Exempt Signs by adding the following italicized text, or take any action thereon:

34.3 Exempt Signs

The following signs shall be exempt from the provisions of this bylaw. No sign shall be exempt from the requirements set forth in Section 34.4.1.

1. Official notices authorized by a court, public body, or public safety official.
2. Directional, warning or information signs authorized or required by federal, state, or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate holiday season.
6. Street address signs, and combination nameplate and street address signs attached to a building, which contain no advertising copy and which do not exceed six (6) square feet in area.
7. Historical markers.
8. Construction signs of thirty-two (32) square feet or less.
9. Nameplates of one (1) square foot or less.

10. Real estate signs limited to one sign per property, not greater than 4 feet in height and 6 square feet in area.

11. Political Signs; provided they meet timeline requirements as listed by applicable local, state, and federal election laws. Signs must meet any applicable size, height, and location requirements.
(Building Commissioner/Town Clerk)

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34. Signs**, Subsection 34.4 Prohibited Signs by adding the following italicized text, or take any action thereon:

34.4 Prohibited Signs

The following are specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or which obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided in Sections 34.2.3 and 34.7.3, signs encroaching upon or overhanging any street or public right-of-way.
3. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
4. Signs that blink, flash or are animated by lighting in any fashion, except for Electronic Message Centers (EMC's) as described in section 34.2(6).
(By-Laws of 5-7-13, Art. 21)
5. Portable signs, except for temporary signs as set forth in Section 34.6.4.
6. Advertising vehicles or any sign attached to, or placed on, a vehicle or trailer parked on any public or private property, except for signs meeting the following conditions:
 - A. The primary purpose of such vehicle or trailer is not the display of signs
 - B. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Balloons, streamers, pennants, or pinwheels, except those temporarily displayed as part of a special sale, promotion or community event, as set forth in Section 34.6.4(C). For the purposes of this subsection, "temporarily" means no more than thirty (30) days in any calendar year.
8. Any sign constructed upon or attached to the roof of a building or structure. For the purposes of this subsection, the face of a mansard roof or fascia shall not be considered to be a part of the roof.

9. Billboards are prohibited.

10. Political signs of any kind on public property.
(Building Commissioner/Town Clerk)

ARTICLE 29: To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34. Signs**, Subsection 34.6 Specific Sign Requirements D. Political signs by adding the following italicized text, or take any action thereon:

D. Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Election-specific political signs to be displayed 45 days prior to election and removed 3 days after the election.

(Building Commissioner/Town Clerk)

ARTICLE 30: To see if the Town will vote to delete in its entirety Chapter 4, Article II. DOGS*, Section 4-16 through 4-26 and replace it with this new bylaw, or take any action thereon:

ARTICLE II DOGS

Section 4-16 Purpose:

The purpose of this bylaw is to protect the health, safety, and welfare of all the inhabitants of the town. This bylaw also serves the purpose to diminish health hazards caused by dog bites or improper care of dogs and their excrement upon private or public property. This bylaw is in conjunction and follows the M.G.L. Chapter 140 Section 136A to 174F.

Section 4-17 Animal Control Officer:

The ACO will in all matters carry out his or her duties in accordance with Massachusetts General Laws, Chapter 140 Sections 136A to 174F.

The ACO is appointed by the Town Manager in May of each year. He or she shall maintain proper records as required by the Town of Millbury.

The ACO will conduct the duties to investigate complaints concerning any dogs which are alleged to be in violation of Town Bylaws and to apprehend any dog found by him or her to be a nuisance or dangerous dog and to impound such dog in a suitable place or to order the owner thereof to restrain such dog.

The Town Manager shall authorize the ACO or Assistant to the ACO to issue citations and penalties and enforce established regulations as found in section 4-18 of the Bylaws.

Section 4-18 Licenses/ Disposition of Receipts:

- A. Every Dog six months or older is required to be licensed and must have the proper rabies shots.
- B. Dog licenses are valid from April 1st to March 31st. Licenses will be issued by the town clerk beginning in January and you are required to show proof of valid rabies vaccinations.
- C. License fees are as follows:
 - 1. January 1 thru March 31 Dog License – Ten Dollars (\$10.00)
 - 2. April 1 thru December 31 Dog License – Fifteen Dollars (\$15.00)
 - 3. Transfer of a Dog License valid for the current year – Five Dollars \$5.00
 - 4. Four (4) Dog Kennel – Fifty Dollars (\$50.00)
 - 5. Ten (10) Dog Kennel – Seventy Five Dollars (\$75.00)
 - 6. Ten (10) or more Dog Kennel – One Hundred Dollars (\$100.00)
- D. Late fees will be charged if a dog license or kennel license is not purchased by July 1st of each year in the amount of Thirty Dollars (\$30.00).
- E. Accordingly, you may be issued a citation from the Animal Control Officer concerning the situation. Should a dog be picked up for any violation of these bylaws, without a license, the license fee, and a \$25.00 fine will be attached for the first violation, the second or third violation will be processed for the license fee and a \$40.00 fine. After the third violation a hearing will be discussed with the ACO and the Board of Selectmen.
- F. This schedule of fines has been established in accordance with Chapter 140, Section 139 of the Massachusetts General Laws, as amended. All fines provided for in this Bylaw shall be collected in accordance with Chapter 140, Section 139 of the Massachusetts General Laws.
- G. Any funds collected pursuant to the provisions of this bylaw by the ACO shall be accounted for and paid to the Town treasurer at such time and in such a manner as may be designated by the Town Treasurer.

Section 4-19. Fostering Dogs:

Any household may not foster more than two dogs at one time, and may not exceed more than three dogs in the home. If the amount of dogs exceed three a kennel license would need to be acquired. Once a dog is to be fostered the owner must report to the Town Clerks office. The owner must provide a rabies certificate if the dog is over 6 months old, along with a written letter stating how long the dog will be fostered. If the time frame will be longer than six months the dog must be licensed.

Section 4-20. Restraint:

- A. The owner shall keep his or her dog under restraint at all times and shall not permit such dog to be at large off the property, unless the dog is accompanied by its owner or other person responsible for the dog who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet. For the purposes of this Section, the property shall mean property to which the owner has an exclusive right of possession and shall not include property to which other persons have a right of possession in common with the owner, such as a common open space in an Open Space Community Development or common areas in a condominium, or public places.

B. For the purpose of this Section "full control" means that the dog will be restrained on a leash of 6ft or shorter and respond to command, order, or signal of the owner or other person responsible for the dog, and shall, at all times, by such command, order or signal, prevent such dog from bothering, worrying, annoying, chasing, menacing or barking at any person or vehicle, or killing, chasing or harassing livestock, fowl or other pets.

C. An owner shall confine in a building or secure enclosure; any dog used for security and not remove said dog from the building or enclosure unless it is securely muzzled.

D. Every female dog in heat shall be kept in a building or secure enclosure, or in a boarding kennel, so that she cannot come into contact with another dog

Section 4-21: Nuisance or Dangerous Dogs or other animals:

- A. No owner or person who is in control of a Dog shall permit that dog to be a nuisance or dangerous dog as defined in MGL Chapter 140 Section 136A. This shall be addressed in accordance with MGL Chapter 140, Section 157.
- B. Owners or person in control of a dog shall permit any dog to engage in excessive barking or howling or vocalizing in any manner, that disturbs the peace and quiet of any neighborhood, in the open, outside of any building, or to bark inside of a building in such a manner as to be heard beyond the premises where the dog is quartered for more than 15 minutes between the hours of 10:00 p.m. to 7:00 a.m. or for 30 minutes between the hours of 7:00 a.m. and 10:00 p.m.

Section 4-22: Impoundment by Animal Control Officer:

A dog may be picked up and impounded at the ACO's discretion when:

- (1) Found at large, without full control of owner.
- (2) Found not muzzled when an order for muzzling of such dog is in effect.
- (3) Having bitten, attacked or threatened the health or safety of a person.
- (4) Chasing any vehicle upon a public way or upon any way open to the public travel in the Town.
- (5) Having damaged or littered property other than the owner's.
- (6) Found without a license.
- (7) In violation of section 4-20 Restraint

Section. 4-23. Impoundment -Notice to Owner.

If a dog impounded pursuant to section 4-22 has upon it the name and address of the owner, or if the name of the owner is otherwise known, then the Dog Officer shall immediately notify the owner, and if the owner is not known, then no notice shall be necessary.

Section. 4-24. Impoundment -Redemption by Owner.

The owner of any dog impounded pursuant to Section 4-22 may reclaim such dog upon reimbursement to the ACO. Boarding charges and any emergency veterinary bills will be the sole responsibility of the owner of the dog. The Animal Control Officers expense for maintaining such dog while impounded, shall not charge more than Fifteen Dollars (\$15.00) for a reimbursement of such expenses for the first twenty-four (24) hour period or any part thereof that the dog is held by the Dog Officer and Fifteen Dollars (\$15.00) for each additional day. If the dog is not licensed before release to any person by the ACO, a license as required by Chapter 140, section 137 of the General Laws shall be secured.

Section. 4-25. Impoundment - Disposition of Unclaimed Dogs.

Any dog which has been impounded pursuant to section 4-22 of this bylaw and has not been claimed by the owner within ten (10) days shall be disposed of as provided by Chapter 140 Section 151A, of the General Laws and any amendment thereto. (Board of Selectmen)

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaws, Article1, Administration and Procedure, Special Permits, Section 14, by deleting subsection 14.9, Associate Member, in its entirety, or take any action thereto. (Planning Board)

ARTICLE 32: To see if the Town of Millbury will accept Jessica J. Drive, or take any action thereon. (Citizens Petition)

ARTICLE 33: To see if the Town will vote to Petition to Grant an additional All Alcohol Package Store License for Village Knoll Variety, Inc. at 107 West Main Street Millbury, Ma 01527, or take any action thereon. (Citizens Petition)

ARTICLE 34: To see if the Town will vote to Install a street light on Pole #1 between 4 & 6 Howe Lane properties. Pole already there. Pitch Black if no house lights on, or take any action thereon. (Citizens Petition)

Given under our Hands this 28th day of March Two Thousand Seventeen.

And you are directed to serve this 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 meeting.

**A TRUE COPY ATTEST:
TOWN CLERK**

CONSTABLE OF MILLBURY

BOARD OF SELECTMEN
