

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM

April 5, 2016

RECEIVED  
TOWN CLERK  
4:30 pm  
16 APR 13 AM 11:29  
MILLBURY, MASS.

Selectmen Present: Chairman Francis B. King, Mary Krumsiek, William Borowski  
Town Manager, Bob Spain  
Absent: Sandy Cristo, Brian Ashmankas

Motion made by Selectman Borowski to approve the Town Warrant for May 3, 2016, seconded by Selectman Krumsiek.  
Approved by roll call vote.

Motion made by Selectman Krumsiek to adjourn at 4:32 p.m., seconded by Selectman Borowski.  
Approved by roll call vote.

Respectfully submitted,  
Tish Hayes, Secretary

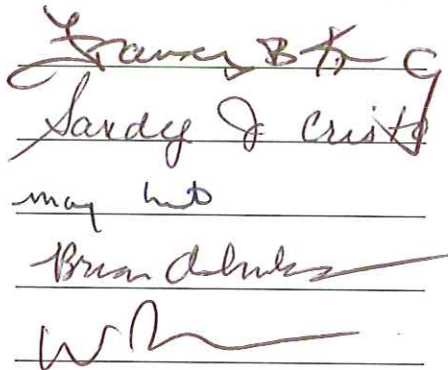
Francis B. King

Sandy J. Cristo

Mary Krumsiek

Brian Ashmankas

William Borowski

  
Francis B. King  
Sandy J. Cristo  
Mary Krumsiek  
Brian Ashmankas  
William Borowski

# 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 26th day of April, 2016 at 7:00 o'clock in the forenoon until 8:00 P.M. to elect the following offices to wit:

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

**ARTICLE 2:** To choose all other necessary Town Officers for the year ensuing and to meet, on Tuesday, May 3, 2016 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 2017, the period of July 1, 2016 through June 30, 2017, 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 Ninety-Seven Thousand Four Hundred Eighty-Six Dollars and No Cents (\$97,486.00) for expenses and revenue generated from the Municipal Medicaid Reimbursement Program to the FY 2017 School Department Budget, or take any action thereon. (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 Thousand Dollars and No Cents (\$260,000.00) 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. (Director of Public Works and Town Manager)
2. Raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Town Manager to bring the Millbury band stand into compliance with the ADA, or take any action thereon. (Town Manager)
3. Raise and appropriate or transfer from available funds and or borrow the sum of One Hundred Ninety-Seven Thousand Dollars and No Cents (\$197,000.00) ) 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. (Assistant Assessor and Town Manager)
4. Raise and appropriate or transfer from available funds and or borrow the sum of One Hundred Ninety Thousand Dollars and No Cents (\$190,000.00) to fund for the School Department for the Elmwood Street School boilers replacement project, or take any action thereon. (School Committee)
5. Raise and appropriate or transfer from available funds and or borrow the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) to fund for the School Department for athletic field bleachers, or take any action thereon. (School Committee)
6. Raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the Director of Planning and Development with the approval of the Town Manager to cover Phase II costs associated with updating the Town's Master Plan in accordance with M.G.L. Chapter 41, Section 81-D, or take any action thereon. (Town Manager)
7. Raise and appropriate or transfer from available funds and or borrow the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to purchase a bucket truck for the Fire Department, or take any action thereon. (Fire Department)
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 overhead doors at the DPW garage, 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-Four Thousand Dollars and No Cents (\$24,000.00) to be expended by the Town Clerk with the approval of the Town Manager to purchase voting booths, or take any action thereon. (Town Clerk and Town Manager)

10. 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)
11. Raise and appropriate or transfer from available funds and or borrow the sum of Thirty-Three Thousand Dollars and No Cents (\$33,000.00) to be expended by the Director of Public Works with the approval of the Town Manager to pave the area where the old farmhouse was demolished at the DPW complex, or take any action thereon. (Director of Public Works and Town Manager)
12. 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)

**ARTICLE 7:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain and upon such terms and conditions as the Board of Selectmen shall deem appropriate, the fee or a lesser interest in all or a part of the land located to the south and west sides of West Street identified on Assessor Map 53, Lot 9 and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisitions and further to raise and appropriate or transfer from existing funds Sixty-Three Thousand Dollars and No Cents (\$63,000.00) for the costs of said acquisition, or take any action thereon. (DPW Director and Town Manager)

**ARTICLE 8:** To see if the Town will vote to transfer the sum of One Million Two Hundred Eighty-Nine Thousand Four Hundred Eighty-Six Dollars and No Cents (\$1,289,486.00) from available certified free cash to reduce or stabilize the Fiscal Year 2016 Tax Rate, or take any action thereon. (Town Manager)

**ARTICLE 9:** To see if the Town will vote to transfer the sum of Five Hundred Dollars and No Cents (\$500.00) from Account #02.945.5200.02062.2014.560 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 10:** 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 11:** 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 12:** To see if the Town will vote to appropriate a sum of money to complete repairs on Ramshorn Pond Dam, and to meet said appropriation by authorizing the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow a sum of money, to issue bonds or notes of the Town therefore, under the provisions of Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority, and to pay all necessary legal and bond preparation costs associated with the issuance of said bonds or notes, or take any action thereon. (Director of Public Works and Town Manager)

**ARTICLE 13:** To See if the Town will vote to rescind \$3,443.00 of excess borrowing authorization approved under Article 26 of the 2014 Annual Town Meeting for the purpose of

funding Self Contained Breathing Apparatus, with the original authorization being \$345,000.00, or take any action thereon. (Finance Director)

**ARTICLE 14:** To see if the Town will vote to rescind \$126,472.00.00 of excess borrowing authorization approved under Article 15 of the 2011 Annual Town Meeting for the purpose of funding an Aerial Platform Fire Apparatus, with the original authorization being \$1,200,000.00, or take any action thereon. (Finance Director)

**ARTICLE 15:** 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, 2016, 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 16:** To see if the Town will vote to amend the Millbury General Bylaws **Chapter 8, Article I, by adding a new Section 8-1,** and to amend the non-criminal disposition schedule set forth in Chapter 7, Section 1-7, to read as follows, or take any action thereon:

**Section 8-1. Clothing Donation Receptacles**

- (a) Purpose and Intent. It is the purpose and intent of this section to eliminate the unregulated placement, installation and inadequate maintenance of clothing donation receptacles in the Town of Millbury, which negatively impacts the neighborhoods and commercial sections of the Town. Poor maintenance, unguided placement and illegal dumping at clothing donation receptacles create unsanitary conditions, impairs public health and safety, degrades the value, condition and appearance of real property, causing a detrimental effect on property values for adjacent and surrounding properties, thereby constituting a public nuisance. The provisions contained in this section are in pursuance of and for the purpose of securing and promoting the public health, safety and general welfare of persons in the Town of Millbury.
- (b) Definitions. For purposes of this section the following words and phrases shall have the following meanings:  
Clothing Donation Receptacle – any box, bin, container or similar device that is held out to the public as a place for people to drop off articles of used or new clothing and for the temporary storage of said clothing until it is carted away.

Person – any individual, company, partnership, corporation, association, or other legal entity.

Registrant – any person who is issued a permit authorizing the placement and operation of a clothing donation receptacle pursuant to this section.

Property Owner – the owner, lessee or other person or legal entity in control of the real property on which the clothing donation receptacle is located.

(c) Permit Requirement. It shall be unlawful for any person to place, maintain, or cause or suffer to be placed or maintained a clothing donation receptacle within the town of Millbury without first having obtained a permit issued by the Millbury Board of Health, as follows:

- (1) A permit issued under this section shall be valid for the period July 1st through June 30th of the following year. Permits may be renewed annually provided the registrant maintains the clothing donation receptacle at the permitted location in accordance with the requirements of this section.
- (2) If the applicant for the permit is not the property owner, the written permission of the property owner to place the clothing donation receptacle on the property shall accompany the application.
- (3) The applicant shall complete a permit application in such form as issued by the Millbury Board of Health. The permit application shall include but not be limited to the name, address and telephone number of the applicant, the proposed location of the clothing donation receptacle, the name, address and telephone number of the property owner, if different from the applicant, and the schedule for emptying the receptacle.
- (4) The applicant for each permit shall pay a fee in the amount established by the Millbury Board of Health under authority of M.G.L. Chapter 111, Section 27B.
- (5) A separate application and permit is required for each clothing donation receptacle.
- (6) No permit shall be transferrable except as set forth in subsection (d). Registrants shall have no property interest in a permit issued pursuant to this section.
- (7) Each registrant and property owner shall be jointly and severally responsible for any violation of the provisions of this section.

(d) Transfer of Permit. The transfer of a permit may be allowed when there is a change of ownership of the property upon which the clothing donation receptacle is located, subject to the new property owner providing the written permission required under subsection



(c)(2), or when a registrant sells the clothing donation receptacle, subject to the new owner of the receptacle providing the information required under subsection (c)(3).

(e) Clothing donation receptacles shall comply with the following requirements:

- (1) The clothing donation receptacle shall be made of metal, steel or other noncombustible material, enclosed by use of a receiving door/chute and locked so that access to its contents is restricted to the registrant for removal of the contents.
- (2) The clothing donation receptacle shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be kept free from graffiti.
- (3) The clothing donation receptacle shall be neutral in color and not cause distraction to passersby. No reflective material, metallic or fluorescent colors shall be allowed.
- (4) Each clothing donation receptacle shall have affixed to it in a permanent manner, on the same side of the bin as the receiving door/chute used for the deposit of the clothing, a legible notice in no less than 2 inch block letters containing the following information:
  - (A) the name, address and local telephone number of the registrant;
  - (B) the name, address and local telephone number of the property owner;
  - (C) the name of the charity or organization that benefits from the donated clothing.
- (5) Upon a transfer authorized under subsection (d), the registrant and/or property owner information shall be updated accordingly.
- (6) The clothing donation receptacle shall be no larger than 3 cubic yards nor more than 6 feet in height.
- (7) The contents deposited in the receptacle shall be limited to clothing.
- (8) No receptacle shall be used for advertising signs or publicity purposes other than that dealing with the organization and or charity to which it is related.
- (9) The receptacle shall have clearly visible language discouraging the placement of donations on the ground.
- (10) A clothing donation receptacle shall be regularly emptied of its contents so that it does not overflow and result in clothing donations being strewn about the surrounding area.
- (11) The registrant shall maintain the area around the receptacle clean and free of trash.

(f) Permitted Locations.

- (1) Clothing donation receptacles are not allowed on properties located in the residential zoning districts depicted on the Millbury Zoning Map or on public property.
- (2) A clothing donation receptacle shall not be permitted on a vacant parcel of land. The receptacle may not be the primary use of a property but shall be incidental to the primary use of the property.
- (3) A clothing donation receptacle shall be located so as to not to interfere with sight triangles, on-site circulation, ingress and egress into and out of the property, or any other safety hazard to the public.
- (4) A clothing donation receptacle shall not be located in any setbacks, landscaping or parking required under the Millbury Zoning Ordinance.
- (5) The location of a clothing donation receptacle shall be approved by the Millbury Board of Health and designated in the permit issued pursuant to subsection (c).
- (6) There shall be no more than three (3) clothing donation receptacles allowed per parcel.
- (7) Town property is exempt from provisions of this section.

(g) Violations.

- (1) Any violation of the terms of this section shall be remedied by the registrant or property owner within twenty-four (24) hours of receiving notice of the violation.
- (2) If the registrant or property owner fails to correct a violation within said twenty-four (24) hours, the Town may enter the property to remove or cause the clothing donation receptacle to be removed, clean the area of accumulated trash and donations, or both. The registrant and/or the property owner shall reimburse the Town for the expenses incurred to correct the violation, including removal and storage charges. The sum so expended may be collected in an action of contract by the town.
- (3) This section may also be enforced by civil process, criminal process or by noncriminal disposition as provided in General Laws, chapter 40, §21D and Section 1-7 of the Town of Millbury General Bylaws for non-criminal disposition. Each day a violation exists shall be deemed a separate offense and any person in violation of this section shall be subject to a fine of one hundred dollars (\$100.00) per offense.

(4) This section shall not be enforced against the town or the commonwealth of Massachusetts and their authorities, departments and agencies.

**Section 1-7 Non-Criminal Disposition Bylaw.**

<b>Section #</b>	<b>Subtitle</b>	<b>Enforcing Officer</b>	
Section 8-1	<b>Clothing Donation Receptacles</b>	Board of Health	\$100

(Board of Health)

**ARTICLE 17:** To see if the Town will vote to amend the Millbury General Bylaws **Chapter 13, Article I, Section 13-1,** to read as follows:

In **Section 13-1, section 6(A) 1. and 6(A) 2.** by deleting the word “certified” and replacing it with “first class”, or take any action thereon. (Chief of Police)

**ARTICLE 18:** To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.4 Site Plan Review,** Subsection 12.45 Design Standards by adding the following italicized text, or take any action thereon:

(b) Relation of Building to Environment: *Building design shall enhance the character of Millbury’s Business Districts and respect and/or reflect the traditional New England heritage of the area. Removal or disruption of buildings or architectural elements that are historically or architecturally significant shall be minimized insofar as practicable.* Proposed development shall be related harmoniously to the terrain and to use, scale and siting of existing buildings in the vicinity that have functional or visual relationship to proposed buildings. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to proper functional, visual and spatial relationship of all structures, landscaped elements and paved areas.  
(Planning Board)

**ARTICLE 19:** To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.4 Site Plan Review,** Subsection 12.45 Design Standards by adding the following italicized text, or take any action thereon:

(j) Advertising: All signs and outdoor advertising features shall be reviewed as an integral element in the design and planning of all development on the site. *The location, size, structural design, color, materials, and lighting of all permanent signs and outdoor advertising structures or features shall complement the visual character of the building and shall not be lit or consist of a scale or structural design that interferes with the use and enjoyment of surrounding properties. To the greatest extent feasible, wall signs on multi-tenant buildings shall complement one another with regards to size, color, and/or materials.* At a minimum, all signs and advertising devices shall be in conformance with Section 34. Signs.  
(Planning Board)

**ARTICLE 20:** To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.4 Site Plan Review**, Subsection 12.45 Design Standards by adding the following italicized text and deleting the text with strikethrough, or take any action thereon:

- (k) Landscaping Within the Setbacks: Site plan applicants are required to landscape the setbacks as part of the site plan approval process. *Landscaping shall be designed, to the greatest extent possible, to enhance the character and appearance of the site and harmoniously integrate the site with the surrounding area. Service stations, driveways and parking lots shall have planting "buffer zones" that separate cars from pedestrians.*
  
- (n) *Off-street parking shall be located to the side or rear of buildings when reasonably possible, allowing buildings to front on the road. Parking shall be screened from view from the street and abutting uses with vegetation, fences or walls, to the greatest extent possible. Screening shall employ good quality plantings and/or construction materials, such as cast iron or steel fencing, brick, wood, or stone. All parking and loading areas shall be striped and marked on the ground as a condition of site plan approval. All off-street parking and loading spaces shall be provided with safe and convenient access and shall not be located within a public right-of-way or within required setbacks. Access locations shall be designed to encourage unimpeded traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Parking and loading shall be in conformance with Section 33. Parking and Loading Requirements.*
  
- (o) Curbing: Concrete curbs and gutters shall be installed around the perimeter of all driveways and parking areas. ~~Haunched Granite-concrete~~ curbs shall be installed ~~where in front of sidewalks abutting buildings parking.~~
  
- (r) Interior Walkways and Pedestrian Paths: *Each building entrance shall be served by walkways, pedestrian paths or public/private sidewalks distinct and physically segregated from adjoining vehicular ways and parking areas so as to provide safe pedestrian access. Site plans involving more than thirty (30) parking spaces shall provide walkways and pedestrian paths that safely connect the parking areas to the principal uses they will serve. Such walkways shall be constructed with brick, decorative pavers, or other materials, and may be bordered by fencing or shrubbery to clearly separate pedestrians from automobile traffic. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees, shrubs and curbing, and shall not disrupt pedestrian walkways.*  
(Planning Board)

**ARTICLE 21:** To see if the Town will vote to amend the Zoning Bylaws, **ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 12.4 Site Plan Review**, Subsection 12.45 Design Standards by adding the following italicized text and deleting the text with strikethrough, or take any action thereon:

- (t) Outdoor Lighting: *Site lighting shall be set at a low luminaire height (bottom of fixture not higher than 12-14 feet for pedestrian areas, and 18-20 feet for parking lots). All*

*exterior lighting fixtures shall be energy-efficient (i.e. LED, solar or wind-powered lighting) and All exterior lights shall be designed and installed in such a manner as to prevent objectionable light at (and glare across) the property lines. Externally lit signs, display, building, and aesthetic lighting must be lit from the top and shine downward. Each outdoor luminaire shall be a full cutoff luminaire, and the use of decorative luminaires with full cutoff optics is desired. A full cutoff luminaire is an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below the horizontal plane.* Developments shall eliminate glare onto adjacent properties through the use of lighting shields, earthen berms, or retention of existing natural vegetation. All outdoor light fixtures, including display lighting, shall be turned off within one hour after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.  
(Planning Board)

**ARTICLE 22:** To see if the Town will vote to accept the provisions of Chapter 59, Section 5(54), of the Mass. General Laws, and establish \$1,000.00 as the minimum value of personal property subject to taxation, or take any action thereon. (Board of Assessors)

**ARTICLE 23:** To see if the Town will vote to authorize payment of a prior year bill in the amount of Eight Thousand Nine Hundred Fifteen Dollars and No Cents (\$8915.00) for Pump Station repairs said sum to be transferred from FY2016 Sewer-General Expenses, or take any action thereon (Director of Public Works)

**ARTICLE 24:** To see if the Town will accept as a public way the roadway known as Rayburn Drive, situated north of Carousel Drive, in the eastern portion of the Town. Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavallee Brothers, Inc, 497 Central Turnpike, Sutton, MA and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action thereon. In accordance with the plan, said roadway is more particularly described as follows:  
Beginning at a point on the northerly side of Carousel Drive at a concrete bound on the northerly side of Rayburn Drive;

THENCE: By a curve to the left R=20.00 a curve distance of 33.22 ft. to a concrete bound.

THENCE: N 43-55-45 E 57.75 ft. to a concrete bound.

THENCE: By a curve to the left R=35.00 a curve distance of 43.38 ft. to a concrete bound.

THENCE: N 14-41-16 E 111.33 ft. to a concrete bound.

THENCE: By a curve to the right R= 175.00 a curve distance of 81.23 ft. to a concrete bound.

THENCE: By a curve to the left R=522.68 a curve distance of 115.40 ft. to a concrete bound.

THENCE: By a curve to the left R=175.00 a curve distance of 267.28 ft. to a concrete bound.

THENCE: S 63-41-45 E 15.00 ft. to a concrete bound.

THENCE: By a curve to the right R=740.00 a curve distance of 82.54 ft. to a concrete bound.

THENCE: S 57-18-20 E 393.21 ft. to a concrete bound.

THENCE: By a curve to the left R=175.00 a curve distance of 154.28 ft. to a concrete bound.

THENCE: N 72-11-00 E 258.11 ft. to a concrete bound.  
THENCE: By a curve to the right R=225.00 a curve distance of 131.49 ft. to a concrete bound.  
THENCE: S 74-20-00 E 66.28 ft. to a concrete bound.  
THENCE: By a curve to the right R=175.00 a curve distance of 268.83 ft. to a concrete bound.  
THENCE: S 13-41-00 W 238.92 ft. to a concrete bound.  
THENCE: By a curve to the right R=265.00 a curve distance of 128.65 ft. to a concrete bound.  
THENCE: S 41-30-00 W 296.99 to a concrete bound.  
THENCE: By a curve to the left R=360.00 a curve distance of 402.12 to a concrete bound.  
THENCE: S 22-30-00 E 447.93 ft. to a concrete bound.  
THENCE: By a curve to the left R=60.00 a curve distance of 47.02 ft. to a concrete bound.  
THENCE: By a curve to the right R=60.00 a curve distance of 282.53 ft. to a concrete bound.  
THENCE: By a curve to the left R=60.00 a curve distance of 47.02 ft. to a concrete bound.  
THENCE: N 22-30-00 W 571.89 ft. to a railroad spike.  
THENCE: Northerly by Rayburn Drive by the easterly end of Horseshoe Lane to a concrete bound.  
THENCE: By a curve to the right R=410.00 a curve distance of 109.47 ft. to a concrete bound.  
THENCE: Northerly by Rayburn Drive by the northeasterly end of Horseshoe Lane to a concrete bound.  
THENCE: N 41-30-00 E 218.16 ft. to a concrete bound.  
THENCE: By a curve to the left R=215.00 a curve distance of 104.38 ft. to a concrete bound.  
THENCE: N 13-41-00 E 238.92 ft. to a concrete bound.  
THENCE: By a curve to the left R=125.00 a curve distance of 192.02 ft. to a concrete bound.  
THENCE: N 74-20-00 W 66.28 ft. to a concrete bound.  
THENCE: By a curve to the left R=175.00 a curve distance of 102.27 ft. to a concrete bound.  
THENCE: S 72-11-00 W 258.11 ft. to a concrete bound.  
THENCE: By a curve to the right R=225.00 a curve distance of 198.36 ft. to a concrete bound.  
THENCE: N 57-18-20 W 393.21 ft. to a concrete bound.  
THENCE: By a curve to the left R=690.00 a curve distance of 76.96 ft. to a concrete bound.  
THENCE: N 63-41-45 W 15.00 ft. to a concrete bound.  
THENCE: By a curve to the left R=125.00 a curve distance of 191.27 ft. to a railroad spike.  
THENCE: By a curve to the right R=572.68 a curve distance of 126.44 ft. to a concrete bound.  
THENCE: By a curve to the left R=125.00 a curve distance of 58.02 ft. to a concrete bound.  
THENCE: S 14-41-16 W 111.33 ft. to a concrete bound.  
THENCE: By a curve to the right R=135.00 a curve distance of 68.90 ft. to a concrete bound.  
THENCE: S 43-55-45 W 12.55 ft. to a concrete bound.  
THENCE: N 31-58-45 W 10.31 ft. to a concrete bound.  
THENCE: S 43-55-45 W 101.83 ft. to a drill hole on the easterly side of Carousel Dr.  
THENCE: By a curve to the left R=125.00 a curve distance of 86.27 ft. by the easterly side of Carousel Drive to the point of beginning. (Citizen's Petition)

**ARTICLE 25:** To see if the Town will accept as a public way the roadway known as Danielle Drive, situated north of Rayburn Drive, in the eastern portion of the Town. Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavallee Brothers, Inc, 497 Central Turnpike, Sutton, MA and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action thereon. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the northeasterly side of Rayburn Drive at a concrete bound on the northerly side of Danielle Drive;

THENCE: By a curve to the left R= 30.00 a curve distance of 47.12 ft. to a concrete bound.  
THENCE: N 67-30-00 E 240.96 ft. to a concrete bound.  
THENCE: By a curve to the left R=355.00 a curve distance of 128.05 ft. to a concrete bound.  
THENCE: N 46-50-00 E 168.62 ft. to a concrete bound.  
THENCE: By a curve to the left R=145.00 a curve distance of 74.49 ft. to a concrete bound.  
THENCE: N 17-24-00 E 41.39 ft. to a concrete bound.  
THENCE: By a curve to the right R= 285.00 a curve distance of 54.43 ft. to a concrete bound.  
THENCE: N 28-20-32 E 142.08 ft. to a concrete bound.  
THENCE: By a curve to the left R=205.00 a curve distance of 69.80 ft. to a concrete bound.  
THENCE: N 08-50-00 E 85.46 ft. to a railroad spike.  
THENCE: By a curve to the right R=125.00 a curve distance of 188.26 ft. to a railroad spike.  
THENCE: S 84-52-30 E 74.22 ft. to a concrete bound.  
THENCE: S 12-51-30 W 5.05 ft. to a concrete bound.  
THENCE: N 84-51-00 E 112.97 ft. to a concrete bound.  
THENCE: By a curve to the left R=27.81 a curve distance of 40.71 ft. to a concrete bound on the westerly side of Braney Road.  
THENCE: Southerly 90.24 ft. by Braney Road to a concrete bound.  
THENCE: By a curve to the left R=22.39 a curve distance of 37.63 ft. to a concrete bound.  
THENCE: S 84-51-00 W 113.95 ft. to a concrete bound.  
THENCE: S 12-51-30 W 5.05 ft. to a concrete bound.  
THENCE: N 84-52-30 W 67.43 ft. to a concrete bound.  
THENCE: By a curve to the left R=75.00 a curve distance of 112.96 ft. to a concrete bound.  
THENCE: S 08-50-00 W 85.46 ft. to a railroad spike.  
THENCE: By a curve to the right R=255.00 a curve distance of 86.82 ft. to a concrete bound.  
THENCE: S 28-20-32 W 142.08 ft. to a concrete bound.  
THENCE: By a curve to the left R=235.00 a curve distance of 44.88 ft. to a concrete bound.  
THENCE: S 17-24-00 W 41.39 ft. to a concrete bound.  
THENCE: By a curve to the right R=195.00 a curve distance of 100.17 ft. to a concrete bound.  
THENCE: S 46-50-00 W 168.82 ft. to a concrete bound.  
THENCE: By a curve to the right R=405.00 a curve distance of 146.08 ft. to a railroad spike.  
THENCE: S 67-30-00 W 240.96 ft. to a concrete bound.  
THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound on the northeasterly side of Rayburn Drive.

THENCE: N 22-30-00 W 110.00 ft. to the point of beginning.

(Citizen's Petition)

**ARTICLE 26:** To see if the Town will accept as a public way the roadway known as Horseshoe Lane, situated along the southerly side of Rayburn Drive, in the eastern portion of the Town. Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action thereon. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a railroad spike on the southwesterly side of Rayburn Drive at the southeasterly end of Horseshoe Lane;

THENCE: By a curve to the left R=311.24 a curve distance of 110.95 ft. to a concrete bound.

THENCE: N 42-55-30 W 159.34 ft. to a concrete bound.

THENCE: By a curve to the right R=110.00 a curve distance of 147.05 ft. to a concrete bound.

THENCE: N 33-40-00 E 20.91 ft. to a railroad spike.

THENCE: By a curve to the right R=110.00 a curve distance of 133.43 ft. to a concrete bound.

THENCE: S 76-50-00 E 198.20 ft. to a concrete bound.

THENCE: By a curve to the left R=30.00 a curve distance of 32.29 ft. to a concrete bound on the westerly side of Rayburn Drive.

THENCE: Southwesterly by the northeasterly end of Horseshoe Lane to a concrete bound on the westerly side of Rayburn Drive.

THENCE: By a curve to the left R=30.00 a curve distance of 58.89 ft. to a concrete bound.

THENCE: N 76-50-00 W 141.50 ft. to a concrete bound.

THENCE: By a curve to the left R=60.00 a curve distance of 72.78 ft. to a concrete bound.

THENCE: S 33-40-00 W 20.91 ft. to a concrete bound.

THENCE: By a curve to the left R=60.00 a curve distance of 80.21 ft. to a concrete bound.

THENCE: S 42-55-30 E 107.34 ft. to a concrete bound.

THENCE: By a curve to the left R=60.00 a curve distance of 122.24 ft. to a concrete bound on the westerly side of Rayburn drive;

THENCE: Southerly by the westerly side of Rayburn Drive and the southeasterly end of Horseshoe Lane to the point of beginning.

(Citizen's Petition)

**ARTICLE 27:** To see if the Town will accept as a public way the roadway known as Lisa Drive, situated along the northerly side of Rayburn Drive, in the eastern portion of the Town. Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action thereon. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the northeasterly side of Rayburn Drive at a concrete bound on the



westerly side of Lisa Drive;

THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound.

THENCE: N 67-30-00 E 68.53 ft. to a concrete bound.

THENCE: By a curve to the right R=355.00 a curve distance of 127.56 ft. to a concrete bound.

THENCE: N 88-05-15 E 372.57 ft. to a spike.

THENCE: By a curve to the left R=83.44 a curve distance of 57.60 ft. to a point on the westerly side of Braney Road.

THENCE: Southwesterly by Braney Road to a point.

THENCE: By a curve to the left R=30.00 a curve distance of 42.97 ft. to a concrete bound.

THENCE: S 88-05-15 W 107.21 ft. to a concrete bound.

THENCE: S 06-42-02 E 10.04 ft. to a concrete bound.

THENCE: S 88-05-15 W 215.30 ft. to a concrete bound.

THENCE: By a curve to the left R=305.00 a curve distance of 109.59 ft. to a railroad spike.

THENCE: S 67-30-00 W 68.53 ft. to a concrete bound.

THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound on the northeasterly side of Rayburn Drive.

THENCE: N 22-30-00 E 110.00 ft. by Rayburn Drive to the point of beginning.

(Citizen's Petition)

**ARTICLE 28:** To see if the Town will accept as a public way the right-of-way situated along the northerly side of Rayburn Drive, in the eastern portion of the Town. Said right-of-way is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action thereon. In accordance with the plan, said way is more particularly described as follows:

Beginning at a concrete bound on the northerly side of Rayburn Drive at the southeasterly corner of tract owned by the Town of Millbury;

THENCE: N 57-18-20 W 115.66 ft. by the northerly sideline of Rayburn Drive to a point.

THENCE: By a curve to the left R=30.00 a curve distance of 56.55 ft. to a point.

THENCE: N 14-41-16 E 114.41 ft. to a point.

THENCE: S 63-02-30 E 51.16 ft. to a point.

THENCE: S 14-41-16 W 139.29 ft. to a point.

THENCE: By a curve to the right R=30.00 a curve distance of 37.70 ft. to the point of beginning.

Said right-of-way containing 8,399 sf.

(Citizen's Petition)

**ARTICLE 29:** To see if the Town will vote to raise and appropriate, or transfer from available funds in the treasury, a sum of money not to exceed the amount of \$3,100.00 to be in compliance with the Massachusetts Law that attempts to control the spread of invasive water weeds, by installing a locking gate that opens for launching canoes, etc. onto, and exiting out of,

the water at Ramshorn Pond, by training an unpaid volunteer Monitor for checking canoes, etc. entering Ramshorn Pond, and by providing a cell phone for the Monitor as a contact point to assist canoeists, etc. needing access to or from Ramshorn Pond. (Citizen's petition)

**ARTICLE 30:** To see if the town will vote to:

*Be it resolved by the Citizens of Millbury, Massachusetts concurring therein:*

Section 1. The citizens of Millbury, Massachusetts petition the Senate and the House of Representatives of the Commonwealth of Massachusetts to pass "A Massachusetts State Resolution Urging the Congress of the United States to Initiate a Return to a Constitutional Federal Credit System in Order to Accomplish the Actual Recovery of the United States Economy".

Section 2. The citizens of Millbury, Massachusetts petition the Senate and the House of Representatives of the United States of America to ENACT **S1709** and **HR 381**, to reinstate the provisions of Franklin Roosevelt's **GLASS-STEAGALL**...which prohibited commercial banks and bank holding companies from investing in stocks, underwriting securities, or investing in or acting as guarantors in derivative transactions, in order to prevent American taxpayers from again being called upon to fund hundreds of billions of dollars to bail-out financial institutions; to return to a National Banking and Federal Credit System...which restores the Treasury Department to its rightful Constitutional role as the generator of direct Federal Credit; to use the Federal Credit System to generate high productivity trends to raise our standard of living and create jobs; and to launch a program in nuclear fusion technology for a cheap source of power and for the production of raw and man-made materials.

Section 3. The Town Clerk of Millbury, Massachusetts shall send a duly certified copy of this Citizens' Petition to the President of the United States, the United States Senate Majority Leader, the Speaker of the United States House of Representatives, and each member of the Massachusetts Congressional Delegation; and also to Governor of the Commonwealth of Massachusetts, the President of the Senate for the Commonwealth of Massachusetts, the Speaker of the House for the Commonwealth of Massachusetts, and each member representing the Town of Millbury in the Commonwealth of Massachusetts Senate and Representative Delegation. (Citizen's petition)

**ARTICLE 31:** To see if the town will vote to:

**CHANGE NAME SELECTMEN TO SELECT PERSON**  
(Citizen's petition)

**ARTICLE 32:** To see if the town will vote to petition the General Court to the end that legislation be adopted precisely as follows, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Millbury Selectmen and the Millbury Redevelopment Authority approve amendments to the bill before enactment by the General Court, and provided further that the Millbury Selectmen and the Millbury Redevelopment Authority, acting jointly, are hereby authorized to approve amendments which shall be within the scope of the general public objective of this petition:

An Act Relative to the membership of the Millbury Redevelopment Authority

SECTION 1. (a) Notwithstanding section 5 of chapter 121B of the General Laws or any other general law rule or regulation to the contrary, the redevelopment authority of the town of Millbury shall consist of 5 members. Each of the 5 members shall be elected by the voters of the town of Millbury at the annual town election. Each member shall serve a term of 5 years, so arranged that the term of 1 member shall expire each year. If a membership becomes vacant, other than by reason of expiration of the member's term, that vacancy shall be filled by joint appointment of the board of selectmen of the town of Millbury and the redevelopment authority of the town of Millbury in accordance with the terms of the charter of the town of Millbury and any applicable by-laws of the town.

(b) Except as provided in this act, the redevelopment authority of the town of Millbury shall remain subject to the provisions of said Chapter 121B and otherwise applicable by-laws of the town.

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

Or take any action thereon.

(Redevelopment Authority)

Given under our Hands this 5th day of April Two Thousand Sixteen.

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**

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**CONSTABLE OF MILLBURY**

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**BOARD OF SELECTMEN**

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