



## **WARRANT**

**2013**

### **FALL ANNUAL TOWN MEETING**

### **TOWN OF MILLIS COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS.**

**GREETING:**

To either of the Constables of the Town of Millis in said county, in the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millis qualified to vote in elections and in town affairs, to meet on Monday, the fourth day of November, AD 2013 at 7:30 p.m. in the Middle-Senior High School Auditorium in said Millis:

**FOR THE BUSINESS MEETING, THEN AND THERE,  
TO ACT ON THE FOLLOWING ARTICLES, VIZ**

## FALL 2013 TOWN MEETING ARTICLE LIST

1. REZONE I-P-2 DISTRICT FOR AGRICULTURAL RETAIL USE
2. ZONING CHANGES
  - ADULT ENTERTAINMENT
  - MEDICAL MARIJUANA
3. CEDAR ST./FARM ST. SEWER PROJECT
4. RESCIND PORTION OF CHAPTER 90 APPROPRIATION
5. ROSENFELD RD. DRAIN MODIFICATION
6. DPW TRUCK (water)
7. DPW SCADA COMPUTERS (water)
8. WELL/STATION HEATERS (water & sewer)
9. VETERANS MEMORIAL BUILDING BOILER
10. VETERANS MEMORIAL BUILDING FLOORING
11. TOWN HALL MASONRY PROJECT
12. TOWN HALL GYM PAINTING PROJECT
13. DPW UNION SETTLEMENT
14. POLICE UNION SETTLEMENT
15. DISPATCH UNION SETTLEMENT
16. TRAFFIC SUPERVISORS UNION SETTLEMENT
17. ADD TO STABILIZATION FUND
18. ADD TO OPEB TRUST FUND
19. VETERANS TAX WORK OFF PROGRAM
20. FORMER CENTENNIAL PARK HAZARDOUS WASTE STUDY/ABATEMENT
21. REGIONAL ENERGY MANAGER (GRANT)
22. FORMER DEWEY PROPERTY – STONE WALL REPAIR AND TREELINE CUTTING (cpc)
23. ELLICE SCHOOL IMPROVEMENTS & MATCHING GRANT (cpc)
24. DESIGNATE BULLARD LANE A SCENIC ROAD
25. UNPAID BILLS
26. RABIES PREVENTION REVOLVING FUND
27. COA – ADD DRIVERS & RECEPTIONIST TO PERSONNEL PLAN
  - DRIVERS 2% INCREASE
28. RECLASSIFICATION REQUEST
29. COMMUNITY NOTIFICATION SYSTEM
30. SPECIAL NEEDS VAN
31. ADDITIONAL SUPPORT FOR AMERICAN LEGION POST – GIFT (Heating system)
32. PETITIONED ARTICLE – SPORTS FIELD COMPLEX
33. FEASIBILITY STUDY – TOWN FIELDS (MUST BE ADDED BY BOS)
34. URBAN DOMESTICATED FOWL OR RABBIT REGULATIONS

**TOWN OF MILLIS  
NOVEMBER 4, 2013 FALL ANNUAL TOWN MEETING WARRANT**

**ARTICLE 1.** To see if the Town will vote to amend the Zoning By-law Section V. Use Regulations D. Table of Use Regulations, Retail and Service, so as to add the following new subsection thereto:

<b>Principal Uses</b>	<b>R-T</b>	<b>R-S</b>	<b>R-V</b>	<b>C-V</b>	<b>V-B</b>	<b>I-P</b>	<b>I-P2</b>
34. Retail Establishment selling agricultural goods, equipment, machinery and other products that support agricultural uses.	N	N	N	N	N	N	P

or act in any manner relating thereto. (Submitted by Planning Board)

**ARTICLE 2.** To see if the Town will vote to amend the Zoning By-law as follows:

1. To amend Zoning By-law §XIII. Special Permit Conditions. M. Adult Entertainment Uses by deleting the following language:

Adult Entertainment Uses by Special Permit in Industrial Districts

Adult entertainment uses shall be prohibited in all zoning districts except in Industrial Districts and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards are met.

and by substituting therefore the following new language:

Adult Entertainment Uses by Special Permit in Industrial-Park Two District

Adult entertainment uses shall be prohibited in all zoning districts except in the Industrial-Park Two District and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards is met.

2. To amend Zoning By-law §V. Use Regulations. Table 1. Use Regulations. Principal Uses. Retail and Service. 28. Adult Entertainment Uses by deleting the following language:

<b>Principal Uses</b>	<b>R-T</b>	<b>R-S</b>	<b>R-V</b>	<b>C-V</b>	<b>V-B</b>	<b>I-P</b>	<b>I-P-2</b>
28. Adult Entertainment Uses	N	N	N	N	N	SPB	SPB

and substituting therefore the following new language:

<b>Principal Uses</b>	<b>R-T</b>	<b>R-S</b>	<b>R-V</b>	<b>C-V</b>	<b>V-B</b>	<b>I-P</b>	<b>I-P-2</b>
28. Adult Entertainment Uses	N	N	N	N	N	N	SPB

3. To amend the Zoning By-law by repealing the “Temporary Moratorium on Medical Marijuana Treatment Centers adopted by Town Meeting during May 2013 and substituting therefore the following language:

- A. Zoning By-law §II. Definitions is hereby amended to add the following new definition:

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

- B. Zoning By-law §V. Use Regulations. Table 1. Use Regulations. Principal Uses. Retail and service is hereby amended by adding the following new subsection:

<b>Principal Uses</b>	<b>R-T</b>	<b>R-S</b>	<b>R-V</b>	<b>C-V</b>	<b>V-B</b>	<b>I-P</b>	<b>I-P-2</b>
35. Medical Marijuana Treatment Center	N	N	N	N	N	No	SPB

- C. Zoning By-law §XIII. Special Permit Conditions. is hereby amended to add the following new subsection:

R. Medical Marijuana Treatment Center.

(Insert new text here)

1. Purpose
2. Definitions
3. General Regulations
4. Findings

or to take any other action relative thereto.

**ARTICLE 3.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for sewer system improvements on Farm St. and Cedar St., including engineering, permitting, appraisal costs, and construction related thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, such land or easements as may be required for said purposes on parcels of land shown on Assessor's map 31, parcels, 5, 18, 19, 20, 100, 76, 77, 4, 3, 65, 2, 53, 1, 54, 60, 27, 26, 22, and Assessor's map 32 parcels 41, 43, and 3, and to authorize the Board of Selectmen to assess betterments for said sewer improvements pursuant to M.G.L. Chapter 80, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 4.** To see if the Town will vote to reduce the amount appropriate and the revenue therefore under Article 26 of the May 13, 2013 Annual Town Meeting for Chapter 90 Expenses from \$413,945.00 to \$275,963.00, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 5.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for drainage improvements on Rosenfeld Rd. or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 6.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for a DPW truck and plow and to authorize the Board of Selectmen to dispose of the old truck and plow by trading against the purchase price of the new vehicles, by outright sale or auction, or otherwise and that the proceeds received by such disposal be applied to the purchase price of the new vehicle, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 7.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for the replacement of the water and sewer system Supervisory Control and Data Acquisition (SCADA) computers or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 8.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for computerized controls and software which will add the DPW sewer and water station heating systems to the SCADA system or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 9.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a

sum of money for replacement of the Veterans Memorial Building boiler, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 10.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for replacement of flooring in the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 11.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for rehabilitation of the exterior building envelope, including but not limited to masonry repairs, at the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 12.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for painting the gym in the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 13.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and AFSCME Council 93 Local 1301 effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 14.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and the Massachusetts Coalition of Police Local 171 effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 15.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and Millis Police Association Dispatchers effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 16.** To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and the Millis School Traffic Supervisors Association effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 17.** To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds, a sum of money for the **Stabilization Fund** or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 18.** To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds, a sum of money for the **OPEB Trust Fund** in order fund the Town's OPEB actuarial liability, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 19.** To see if the Town will vote to accept the provisions of section 5N of Chapter 59 of the Massachusetts General Laws; create a Veterans' volunteer services/real property tax obligation program; determine whether said program shall include approved representative of disabled veterans and determine whether the maximum of the tax obligation reduction shall be based on 100 hours or eight-hundred dollars (\$800.00); and raise and appropriate or transfer from available funds a sum of money for the purposes of the program; or take any action relating thereto. (Submitted by Board of Assessors)

**ARTICLE 20.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for studying or abating the presence of hazardous materials on town owned parcels of land shown on Assessor's map 23, parcels 72, 74, 79, formerly known as Centennial Park, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 21.** To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds a sum of money for a Regional Energy Manager and to authorize the Board of Selectmen to enter into an inter-municipal agreement with the Town of Medway pursuant to M.G.L. Chapter 40, section 4A to share the costs of said position, and to authorize the Board of Selectmen to apply for and accept grants therefore, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 22.** To see if the Town will vote to appropriate a sum of money from the Open Space Reserve Fund and/or the Community Preservation Fund Budgeted Reserve and/or the Undesignated Fund for improvements to the stone wall surrounding the former Dewey property located at the intersection of Exchange St. and Orchard St, and to remove trees and brush from the perimeter of said property, or act in any manner relating thereto. (Submitted by Community Preservation Committee)

**ARTICLE 23.** To see if the Town will vote to appropriate a sum of money from the Community Preservation Historic Resource Reserve Fund and/or the Community Preservation Fund Budgeted Reserve and/or the Undesignated Fund for the **Ellice School Improvement Project** and to authorize the Board of Selectmen to apply for and accept grants therefore, or act in any manner relating thereto. (Submitted by Community Preservation Committee)

**ARTICLE 24.** To see if the Town will vote pursuant to M.G.L. Chapter 40, §15C to make Bullard Street a scenic way, or act in any manner relating thereto. (Submitted by Planning Board)

**ARTICLE 25.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds a sum of money for unpaid bills, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 26.** To see if the Town will vote to authorize under M.G.L. Chapter 44 Section 53 E1/2 the following revolving fund:

“P. Millis Rabies Clinic/Program Revolving Fund, said fund to be created from a transfer of budgeted Board of Health line item for Rabies and future funded with the collection of vaccination fees collected at the annual Millis Rabies Clinic, donations or appropriations, under the authority of the Board of Health, where proceeds to be used for services associated with the Rabies Clinic, **administering a Rabies Program** or other Rabies associated item; rabies vaccine, rabies needle disposal, or supplies, with such expenditures not to exceed \$2,500.00;

or act in any manner relating thereto. (Submitted by Board of Health)

**ARTICLE 27.** To see if the Town will vote to adopt **amendments to Schedule A-Classification Plan, Schedule B-Salary Plan of the Town of Millis Personnel Plan**, effective July 1, 2013 and to raise and appropriate from taxation or by transfer from available funds, a sum of money for any wage increase resulting therefrom, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 28.** To see if the Town will vote to ratify the reclassification, subject to the approval of the Board of Selectmen and Town Administrator, of the Department Assistant III position in the Town Clerk’s office, and to appropriate and raise by taxation or by transfer from available funds, a sum of money for any wage increase resulting therefrom, or act in any manner relating thereto. (Submitted by Town Clerk)

**ARTICLE 29.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds a sum of money for a Community Notification System, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 30.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 a sum of money for a Special Needs Van, or act in any manner relating thereto. (Submitted by School Committee)

**ARTICLE 31.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 a sum of money for a gift to American Legion Post 208 to replace an aging heating system, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 32.** Shall the Town of Millis be allowed to exempt from the provisions of Proposition 2 1/2 , so-called; the amount of (3) three million dollars, required to pay for a bond issued to design and construct new and renovated athletic facilities in the Millis



Town Park and on Millis School Department grounds, as follows: (1); A new six lane rubberized track with an interior synthetic multi-purpose use field (football, lacrosse, field hockey, soccer) to be located directly behind the Veterans Memorial Building in the existing baseball fields. (2); To relocate and expand the baseball facilities in the area of the existing football field on School Department grounds. (3); To build a new public bathroom facility in the area of the new track and synthetic field, to include; public restrooms; bleacher seating, team locker rooms, a concession stand area, a press box, new lighting, a new sound system, equipment storage areas, site furnishings, and the expansion of area parking. Further, to build additional soccer fields; baseball and/or softball fields, outdoor volleyball courts, outdoor basketball courts, or practice fields as space allows, in either the Town Park, and/or the School Department grounds, upon the completion of tasks: One: Two, Three, listed above. In addition, this article instructs the Board of Selectman and School Committee to enter into an "Memorandum of Agreement" detailing the operation and maintenance responsibilities, shared costs, rental fees, and preferential scheduling for Millis Public School- sports Teams, prior to scheduling any "non" Millis School sports team. (It is the intent of this article, to place the athletic fields, located in the Millis Town Park, under the care and custody of the Millis Recreation Department. It is the intent of this article to keep the athletic fields located on the School Department grounds, in the care and custody of the Millis School Department). (Submitted by Petition)

**ARTICLE 33.** To see if the town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 a sum of money for an existing conditions, use, and future need study of town and school athletic fields, or act in any manner relating thereto. (Submitted by Board of Selectmen)

**ARTICLE 34.** To see if the Town will vote to amend its General Bylaws by adding a new section, ARTICLE XXII, URBAN DOMESTICATED FOWL OR RABBIT REGULATIONS, AS FOLLOWS:

**"ARTICLE XXII. URBAN DOMESTICATED FOWL OR RABBIT REGULATIONS**

The raising or keeping of domesticated fowl or rabbits for private purposes as an incidental use by the owner(s) of any single-family residential property or on any parcel under one ownership with no more than three dwellings thereon, shall be permitted and regulated under the provisions of this bylaw and other applicable local and state regulations.

The provisions of this bylaw shall not apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3.

1. Regulations - All livestock or poultry governed by this by-law shall be raised and kept in a safe and humane manner, consistent with best agricultural practices and as required under all applicable state and local regulations. Best practice regulations for the

raising and keeping of livestock or poultry in Millis under this bylaw may be promulgated by the Health Director, or the Animal Control Officer.

Best practice regulations shall include, but are not limited to, the following minimum standards:

- A. **Enclosure & Shelter.** Domesticated fowl or rabbits shall be confined with fencing or other enclosure sufficient to prevent access to the animals by dogs or other predators, which enclosure shall contain a minimum of ten (10) square feet of open area per adult animal. Within or attached to any such enclosure shall be provided a covered, predator -proof shelter or roosting structure (e.g. coop, dove-cote, hutch, or shed, as appropriate) that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned and maintained by the owners, and at least 2 square feet per animal in size. As appropriate to the species, animals may be required to be shut into the shelter coop at night, from sunset to sunrise.
- B. **Feed Storage.** Feed shall be stored in a secure, rodent- and predator-proof container in a manner that will not attract pests.
- C. **Waste.** Accumulated waste shall be stored in a covered container and removed from the property at suitable intervals, or composted on site in a manner that will not attract pests or promote disease. No animal manure may be put into household trash.
- D. **Odors & Noise.** Odors from domesticated fowl and rabbits, their waste, compost, or other related substances shall not be perceptible at the property boundaries. It shall be a violation of these regulations for the owner, custodian, or keeper of any animal governed under these regulations to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. Complaint shall be to the Health Director or Animal Control Officer.

2. **Registration & Inspections** - Prior to acquiring livestock or poultry, the property owner shall register with the Millis Health Department an application describing fully and accurately their proposal to raise and keep livestock or poultry, and registering the property involved.

The Health Director may require that such applications be made on forms provided by the Millis Health Department. All registration applications shall be reviewed and approved, denied, or approved with conditions by the Health Director after consultation with the Animal Control Officer. Any approved registrant shall thereafter abide by the provisions of the best practice regulations established hereunder and any specific conditions imposed under the approval, and shall permit annual inspections and such other inspections of the premises as may be required by the Animal Welfare Officer under the provisions of MGL Ch. 129, Section 7.

3. Fees - Under the provisions of MGL. Ch. 40, Section 22F, the Health Director is authorized to set reasonable fees for registration and such inspections as may be required. There shall be no reimbursement or pro-rating of application or inspection fees. Notice – Except as provided for under Section F., as part of every application made under these regulations, an applicant shall provide a copy of a certified abutter's list obtained from the Assessor and written notice of their intent to raise or keep livestock or poultry, to be sent by the Health Department by standard mail to parties in interest as required under MGL Ch. 40A, Section 11. The notice shall fully and accurately describe the location and the proposed number and type of animals, as well as all associated structures and facilities. The notice shall also indicate that abutters have the right to file with the Health Director written comments in support of or objecting to the application, and shall indicate the deadline for submission of comments.

4 . Administrative Hearing - Where no special permit will be required under Millis's zoning for the keeping or raising of animals for which application is also being made under these regulations, the Health Director shall not act on said application until more than fourteen (14) working days have passed since the mailing of notice to abutters. If at the end of that period the Health Director has received written comments whereby the owners of a majority of the abutting properties have expressed objection to the application, the Director shall schedule and hold, within thirty (30) days of the deadline for receiving abutter comment, an administrative hearing for the purpose of taking public testimony regarding the proposal. The Director shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the applicant by certified mail, to abutters and parties in interest by mail, by posting with the Town Clerk, and by publication once in a newspaper of local circulation. Failure to hold an administrative hearing within the specified time period shall be considered to constitute a constructive grant of approval of the application.

5 . Exception - No certified abutters list, nor any notice to abutters, nor an administrative hearing shall be required in those instances where a special permit will also be required under Millis's Zoning Bylaw for the keeping or raising of animals subject to an application under this bylaw.

6 . Decision – Following the close of an administrative hearing, the Health Director shall within five (5) working days render a decision in writing based upon compliance of the proposal with best practices and such other factors of public health and welfare as the Health Director may deem appropriate. In approving an application, the Health Director may, following consultation with the Animal Control Officer, impose any reasonable conditions, safeguards and limitations including conditions above and beyond those specified in the best practices regulations developed under this section, all as in compliance with existing zoning and other regulations.

7 . Violations – Violation of this section may be subject to a penalty of \$25.00 for each offense, with each day the violation continues constituting a separate offense.

8 . Enforcement – Enforcing persons shall be the Millis Police Department, Animal Control Officer or the Health Director.”; or act in any manner relating thereto.  
(Submitted by Planning Board)

DRAFT

and, you are hereby directed to serve this Warrant by posting attested copies hereof fourteen days before time of said meeting as directed by the vote of the Town. Hereof fail not and make due return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 7th day of October in the Year of Our Lord two thousand and Thirteen.

**TOWN OF MILLIS  
BOARD OF SELECTMEN**

\_\_\_\_\_  
**Charles V. Vecchi, Chairman**

\_\_\_\_\_  
**Andrea J. Wagner, Vice-Chairman**

\_\_\_\_\_  
**Christopher J. Smith, Clerk**

**A True Copy, Attest**

\_\_\_\_\_  
**Lisa J. Hardin, Town Clerk**