

FINANCE COMMITTEE REPORT

**FISCAL PERIOD JULY 1, 2017 THROUGH JUNE 30, 2018 ANNUAL FALL TOWN MEETING
Containing the Recommendations of the Finance Committee**

PLEASE BRING THIS REPORT WITH YOU TO THE ANNUAL TOWN MEETING



**ANNUAL FALL TOWN MEETING – MONDAY, NOVEMBER 6, 2017 AT 7:30 PM
MIDDLE/HIGH SCHOOL AUDITORIUM**

**PRE-TOWN MEETING – WEDNESDAY, NOVEMBER 1, 2017 AT 7:30 PM
VETERANS MEMORIAL BUILDING – ROOM #229**

TM Introduction:

Each November the Millis Town Meeting convenes to enact the business of the Town. All residents who are registered to vote are eligible to attend Town Meeting. There they may speak out and vote on the issues presented to the Town Meeting in the meeting Warrant. This year we have thirty Warrant Articles to consider.

The Town Meeting is the Legislative branch of town government. The Board of Selectmen acts as the Executive branch. The Finance Committee is appointed by the moderator to study and make recommendations on all Warrant Articles presented by the Board of Selectmen. Neither the Finance Committee nor the Board of Selectmen has any authority to spend funds or make zoning, bylaw or charter changes on their own. These responsibilities rest solely with Town Meeting. It is very important that everyone who cares about how the town is run attend and vote at Town Meeting. Those who attend and vote are the ones who have a say in how the town is governed.

Free Cash Status Update:

If you recall, last fall we had nearly \$1,000,000.00 in Free Cash. Free Cash is certified by the state and is made up of turn backs from unused departmental funds from prior fiscal year budgets, revenues in excess of our estimates and unused Warrant Article funds from prior fiscal years. This amount is typically between \$400,000.00 and \$500,000.00. This year we have only \$250,000.00 currently certified in Free Cash. Due to the highly volatile nature of Free Cash, we typically use it to fund one time or non-recurring items. Last Spring we used \$71,000.00 of Free Cash to close municipal budget gaps and warned of the risk associated with this in our Spring Town Meeting Report. If Free Cash stays at this historically low amount, we will be forced in the spring to use Taxation to fund capital items. This will result in a reduction in funds available for Operating Budgets and will necessitate cuts in spending or providing funds through other means.

Significant Articles:

All articles are important, but there are two that deserve some special attention:

- Article #2 is a moratorium on the sale of recreational marijuana. Since the state has yet to provide guidelines for the implementation of this new law, this article would be a one year moratorium to give the town a chance to solicit input on how the residents of the town wish to proceed and to write Zoning By-Laws needed, once we fully understand the legal guidelines.
- Article #3 is a By-Law change that will create and fund a Storm Water Management Utility Fund. This article will allow Town Meeting to appropriate funds for Storm Water Management (which is estimated at \$400,000.00 for FY19). The Board of Selectmen will then have the authority to raise these funds based on a charge assessed to every property owner. The charge will be based on the impermeable surface on each parcel of land. The details are included in the warrant and have been addressed in a mailer and at several meetings. We will continue to address this at the Town Meeting. Millis has no choice but to comply with the Storm Water Management Act and this is the funding solution proposed by the Board of Selectmen. Article #4 will provide funding to set up this Utility Fund, should Article #3 pass.

Beyond these two extraordinary items, we have the typical expenditures: unpaid bills, new police vehicles, school busses and air packs for the Fire Department all of these are far more typical of a November Town Meeting.

We could not recommend funding many important articles due to the lack of available Free Cash. These articles are listed in the Report with the recommendation of dismissal. It is our hope to consider some of these at the Spring Town Meeting but many will not be acted upon unless new funds become available.

Articles Impacting the Construction of the new Clyde F. Brown School

Articles #28 and #29 are petitioned articles that relate to the construction of the new elementary school on the currently approved site. A petitioned article is submitted by a resident of the Town, and as long as there are enough certified signatures, the article must be included in the warrant.

Article #28 would ask the Town to cease and desist constructing the school on the currently voted site and charge the Town with proposing a new site. Article #29 would seek to have the land that was transferred to the School Department's control for the construction reverted back to Park status. The Finance Committee is recommending dismissal on both of these articles.

Article #30 is an article drafted by the Board of Selectmen to send a strong message to the MSBA that Millis supports the school project. Approval of this article will re-affirm the Town's support of the school project and confirm the Town's commitment to move forward with the proposed Elementary School Building project. The Finance Committee is recommending approval of this article.

Thank you for your consideration of these articles and I hope you can attend Town Meeting to make your voices heard.

Respectfully Submitted,

Craig Schultze, Chair
Tayana Antin
Jerry Nunnaley

Jodie Garzon, Vice Chair
Jim Bullion
Doug Riley

Peter Berube, Clerk
Peter Jurmain
Susan Vecchi

Article #1: Unpaid Bills

This is an annual article to fund bills incurred in previous fiscal years. The bills for this town meeting total \$7,236.05.

The Finance Committee will recommend approval of this article at Town Meeting.

Article #2: By-Law – Marijuana Moratorium

This article will place a temporary moratorium of at least a year on recreational marijuana establishments in Millis to avoid contradicting the State's Regulations which have not been established yet. Failing this moratorium, anyone would have the ability to sell recreational marijuana anywhere in town after April 1, 2018.

The Finance committee recommends approval of this article.

Article #3: By-Law - Stormwater Management Utility

The purpose of this article is to establish a new utility, in the form of an Enterprise Fund similar to the Water and Sewer Enterprise Funds, for the purpose of complying with the town's required obligations under its Municipal Separate Storm Sewer System (MS4) permit, a federal mandate issued under the Clean Water Act. The utility would be funded through user fees and all expenditures would be dedicated to Storm Water Management activities, including, but not limited to, infrastructure maintenance, flow measurement, and water pollutant testing and monitoring.

The Finance Committee recommends approval of this article.

Article #4: Funding for consulting Stormwater Management Utility

Subsequent to Article #3, this article seeks to appropriate funds to pay consulting services, including but not limited to, legal and administrative work, to set up the Stormwater Management Utility Enterprise Fund.

The Finance Committee recommends approval of this article in the amount of \$69,400.00.

Article #5 Replacement of Air Packs

This article will fund the replacement of 5 SCBA air packs for use by Fire Department personnel. The existing air packs have exceeded their recommended life and must be replaced.

The Finance Committee recommends approval of this article in the amount of \$41,075.00.

Article #6 ALS Training Funding

This article appropriates funding for the final year of a three-year program to have three Millis Paramedics become ALS certified. Certification allows these paramedics to be able to administer specific medications and procedures that would otherwise have to be handled by other municipalities or private companies.

The Finance Committee recommends approval of this article in the amount of \$20,000.00.

Article #7 Town Gasoline and Diesel System Replacement

This article will fund the purchase of an updated gasoline and diesel system for all town vehicles. The current system is out of date. The system requires individuals to enter the amount of gas or diesel and date. The information is provided to a Department Assistant for tracking and billing which is unproductive. The new system will be able to log each entry automatically and provide the information in a timely manner.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #8 Front End Loader

This article funds the purchase of a new Front-End Loader for the Department of Public Works. The current Front-End Loader has provided 29 years of service. Currently replacement parts are not available. The new Front-End Loader would come with a 5 year warranty.

The Finance Committee recommends approval of this article in the amount of \$170,000.00.

Article #9 Traffic Enforcement Upgrades

This article would fund the purchase of 16 solar powered flashing stop signs to be placed in town. The locations will be determined by the Chief of Police. These solar powered flashing lights provide an additional enhancement to public safety and will replace existing stop signs.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #10 Sewer Infiltration and Inflow Analysis/Plan

This article funds the analysis of different parts of our existing sewer system in order to comply with the MassDEP Guidelines for Performing I/I Analysis and Sewer System Evaluation Surveys (SSES). The activity will commence in the spring.

The Finance Committee recommends approval of this article in the amount of \$218,290.00.

Article #11 Police Vehicle Lease

This article appropriates funding for the first year of a 3 year lease for 4 new police cruisers. The 4 vehicles being replaced by this article are no longer reliable as front-line vehicles due to a combination of age and maintenance issues.

The Finance Committee recommends approval of this article in the amount of \$50,302.31.

Article #12 This article funds the replacement of the old copper wire secure network used by the Police and Fire departments which will no longer be maintained or provisioned by Verizon. Verizon will be removing the old copper lines and the existing equipment is no longer supported by Motorola. This secure radio network is used by public safety personnel when communicating between remote locations, the home office and the State. All towns are required to maintain such a network. This article funds the interface equipment, not the transmission facilities. The town can lease the entire amount from Motorola and will not have to pay anything until the start of the next fiscal year (July 1, 2018). However, the town does need to approve the article so that the town can sign a lease with Motorola and start the replacement of the existing facilities.

The Finance Committee recommends approval of this article in the amount of \$90,000.00.

Article #13 CPC Niagara Fire House Records Preservation Project

This article request \$7,000.00 of Community Preservation Committee Funds to restore the Niagara Hall Fire Engine House Records.

The Finance Committee recommends approval of this article in the amount of \$7,000.00.

Article #14 Town Website Upgrade

This article would authorize the funding of an upgrade to the town's website in the amount of \$12,000.00.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article 15: Repurchase Cemetery Lots

This article seeks the appropriation of \$2,100 for the purpose of repurchasing unwanted or unneeded cemetery lots from their current owners.

The Finance Committee recommends approval of this article in the amount of \$2,100.00

Article #16 Establish Bus Lease Stabilization Fund

This article would establish a Stabilization Fund for the sole purpose of purchasing used school buses when the lease is complete. The schools retain some of the older buses to use for athletic travel, field trips and as back up when other buses need repair.

The Finance Committee recommends approval of this article.

Article #17 Fund School Bus Stabilization Fund

This article is contingent upon the passage of article #17. If the town meeting chooses to establish a School Bus Stabilization Fund, this article would provide funds to purchase a bus or buses at the end of the current lease which expires at the end of the fiscal year. The School Committee has requested \$90,000.00 for the purchase of two used buses.

The Finance Committee recommends approval of this article in the amount of \$45,000.00. This will fund the purchase of one bus.

Article #18 School Auditorium Seating, Lighting and Sound

The current seating in the auditorium is approximately 20 years old and some of the seats are deteriorating and becoming unusable. The lighting and audio systems are also in need of upgrading and repair. This article would fund replacement of a section of seats which would also provide parts for repair of seats in other sections. It would also fund upgrade and replacement of lighting. The request is for \$55,000.00.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #19 Special Education Van

This article would fund the replacement of a van used to transport students with special needs that has approximately 150,000 miles on it. The funding request is \$27,000.00.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #20 School Instructional Resources

This article would fund revision and updating the Social Studies Curriculum to bring it up to State standards and provide up to date classroom materials in the amount of \$25,000.00. It would also provide for curriculum development in Unified Arts in the amount of \$9,600.00

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #21: OPEB Trust Fund

This article would add funds to the Other Post-Employment Benefits Fund. Currently the town is covering claims as needed but should be setting aside additional funds for future OPEB obligations.

The Finance Committee recommends dismissal of this article due to insufficient funds.

Article #22: Replenish Stabilization Fund

The Town of Millis has adopted a policy to maintain a Stabilization Fund equal to 5% of its annual General Fund Budget expenditures to be used for unforeseen and emergency purposes. The fund is currently above its 5% target and therefore a transfer is not necessary at this time.

The Finance Committee recommends dismissal of this article.

Article #23 Acceptance of MGL C90 17C Establishments of Speed Limits

Cities and towns have the option to opt-in to MGL C 90 §17C, reducing the statutory speed limit from 30 mph to 25 mph in thickly settled or business districts. A town that accepts this may, in the interest of public safety and without further authority, establish a speed limit of 25 mph on any roadway inside a designated thickly settled or business district in the town on any road that is not a state highway. Adoption of this article will allow the Town of Millis to reduce the statutory speed limit on all town controlled roadways from 30 mph to 25 mph in designated thickly settled or business districts.

The Finance Committee recommends approval of this article.

Article #24 Acceptance of MGL C90 18B Establishments of Speed Limits

Cities and towns have the option to opt-in to MGL C 90 §18b, reducing the statutory speed limits from to 20 mph in designated safety zones. A town that accepts this section may, in the interest of public safety and without further authority, establish designated safety zones on any road which is not a state highway, and with the approval of the State Department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 mph. Adoption of this article will allow the Town of Millis to reduce the statutory speed limit on all town controlled roadways to 20 mph in designated safety zones.

The Finance Committee recommends approval of this article.

Article #25 PILOT for Large Scale Ground Mounted Community Solar at 1280 Main Street

This article allows the town to accept payment in lieu of taxes (PILOT) for the solar panel project at 1280 Main Street.

The Finance Committee recommends approval of this article.

Article #26 Authorization of Moderator to Appoint a Committee to Town Meeting Voting Procedures

This article will empower the Town Moderator to appoint a committee to study the method and meeting dates for Town Meetings. Many people have requested Saturday Town Meetings and the option to hold votes by secret ballot. Since Town Meeting is the legislative branch of the government, it is appropriate that this be studied and recommended on by a group of Town Meeting attendees.

The Finance Committee recommends approval of this article.

Article #27: Senior Property Tax work off program

This article asks the town meeting members to accept an amendment to MGL. C59 s.5k, which allows a senior citizen qualifying for the property tax abatement work-off program, as provided by statute and adopted by the town, and who is physically unable to perform work or provide service to the town, to appoint a representative to provide service to the town on their behalf.

The Finance Committee recommends approval of this article.

Article #28 Petitioned Article: Cease and Desist ESBC Project

This article would seek to halt construction of the new Clyde Brown School on the pine hill site and instruct the town to find a new site.

The Finance Committee recommends dismissal of this article.

Article #29 Petitioned Article: Land Transfer

This article would seek to transfer the pine hill from the school control back to park status.

The Finance Committee recommends dismissal of this article.

Article #30 Replacement Facility for Clyde F. Brown Elementary School

The approval of this article will re-affirm the town's support of the school project and confirm the town's commitment to move forward with the proposed Elementary School Building Committee project.

The Finance Committee recommends approval of this article



WARRANT

2017

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 sixth day of November, AD 2017 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**

WARRANT INSTRUCTIONS

OPENING MOTIONS

Pledge of Allegiance

Opening Comments (Moderator, Finance Committee Chairman)

Opening Motions

(Paul Jacobsen) Moderator recognizes Finance Committee Chairperson

(Craig Schultze) I move that the reading of the warrant and return of service thereof be omitted

(Jody Garzon) Second

Discussion

Vote

(Paul Jacobsen) Moderator recognizes Finance Committee Chairperson

(Craig Schultze) I move that the Moderator be granted unanimous consent to omit the reading of the articles and to refer to them by number and subject matter.

Second (Jody Garzon)

Discussion

Vote

FALL 2017 TOWN MEETING ARTICLE LIST

1. Unpaid Bills
2. Marijuana Moratorium
3. Stormwater Management Utility Bylaw
4. Funding for Consulting Stormwater Management Utility
5. Replacement of Air Packs
6. ALS Training Funding
7. Town Gasoline and Diesel System Replacement
8. Front End Loader
9. Traffic Enforcement Upgrades
10. Sewer I/I Analysis
11. Police Vehicle Lease
12. Police/Fire Copper Line to Fiber Line Transition
13. CPC Niagara Fire House Records Preservation Project
14. Town Website Upgrade
15. Repurchase of Cemetery Lots
16. Establish Bus Lease Stabilization Fund
17. School Stabilization Fund Funding for Purchase of 2 Buses
18. School Auditorium Seating, Lighting, and Sound
19. School Special Education Van
20. School Instructional Resources
21. OPEB
22. Replenish Stabilization Fund
23. Acceptance of M.G. L. c. 90 §17c Establishment of Speed Limits
24. Acceptance of M.G. L. c. 90 §18b Establishment of Speed Limits
25. PILOT for Large Scale Ground Mounted Community Solar at 1280 Main St.
26. Authorization of Moderator to Appoint Committee on Town Meeting Voting Procedures
27. Senior Property Tax Work-off Program
28. Petitioned Article: Cease and Desist ESBC Project
29. Petitioned Article: Land Transfer
30. Replacement Facility for Clyde F. Brown Elementary School

**TOWN OF MILLIS
NOVEMBER 6, 2017 FALL ANNUAL TOWN MEETING WARRANT**

ARTICLE 1. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds or by transfer from the Stabilization Fund a sum of money for unpaid bills, or act in any manner relating thereto.
(Submitted by Board of Selectmen)

DEPARTMENT	VENDOR	AMOUNT
SELECTMEN	COLUMBIA GAS	\$ 445.89
SELECTMEN	EVERSOURCE (VMB)	\$ 2,384.45
SELECTMEN	EVERSOURCE (STREET LIGHTING)	\$ 1,077.25
SELECTMEN	VERIZON	\$ 55.57
TREASURER	BOSTON GLOBE (BILL PRINTING)	\$ 2,016.33
TREASURER	INFORM BUSINESS SYSTEMS	\$ 266.49
DPW	IMPERIAL CHEVROLET	\$ 77.70
DPW	CAMPBELL SUPPLE CO. INC	\$ 149.00
POLICE	POWERPHONE	\$ 508.00
POLICE	EATON (WRIGHTLINE)	\$ 174.92
POLICE	ROCKY'S ACE HARDWARE	\$ <u>80.45</u>
TOTAL GENERAL FUND UNPAID BILLS		\$ 7,236.05

ARTICLE 2. To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new section V, Use Regulations, Subsection G., **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section V.G. "Temporary Moratorium on Recreational Marijuana Establishments:"
(Submitted by Board of Selectmen)

Section V, Subsection G. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

1. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016

by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

2. Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

3. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or act in any manner relating thereto.

ARTICLE 3. To see if the Town will vote to amend the Town’s Bylaws by adding a new section entitled **Stormwater Management Utility Bylaw** as provided herein and further to authorize the Town Clerk, in consultation with the Town Administrator, to assign appropriate numbering for this Bylaw so that it may be in compliance with the numbering format of the Town Bylaws.
(Submitted by Board of Selectmen)

SECTION 1.0 GENERAL PROVISIONS

1.1. Title

This By-Law shall be known as the Stormwater Utility Administration By-Law of the Town of Millis, Massachusetts, hereinafter referred to as "this by-law."

1.2. Responsibility for Administration

The Board of Selectmen (the "Board") shall administer, implement, and enforce this by-law unless otherwise provided in this by-law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

1.3. Purpose

The Board of Selectmen shall administer the stormwater management program of the Town. It shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program, described in part through Articles I and II of the Town's Stormwater Management Regulations, is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities.

SECTION 2.0 Authority

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section sixteen of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as granted to cities in the said General Laws.

SECTION 3.0 DEFINITIONS

The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.

(2) *Developable* shall mean a parcel of land, as designated by the Assessor or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

(3) *Developed* means property altered from its natural state by construction or installation of greater than or equal to two hundred (200) square feet of impervious surfaces.

(4) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

(5) *General Laws* means the General Laws of the Commonwealth of Massachusetts.

(6) *Impervious surface* includes any material or structure on below or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved parking lots, rooftops, buildings or structures, sidewalks, driveways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

(7) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(8) *Stormwater management services* mean all services provided by the Town which relate to the:

- (a) Transfer, control, conveyance or movement of stormwater runoff through the Town;
- (b) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
- (c) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
- (d) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities;
- (e) Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

(9) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

(10) *Stormwater Utility fee* means the periodic user fee imposed pursuant to this by-law by the Town of Millis which will be dedicated to the provision of public stormwater management services.

(11) *Undevelopable land* is all land including crops, forest land, pasture, conservation or recreation as designated by the Assessor.

(12) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than two hundred (200) square feet of impervious surface area.

SECTION 4.0 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; BILLING; DEPOSIT TO STORMWATER ENTERPRISE FUND

(a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the

Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the systems and facilities in the Town of Millis.

(b) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.

(c) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.

(d) Expenditure of funds may consider both stormwater quality and quantity management needs, and can be used as described in Section 7.0.

(e) The Deputy Director of Public Works under the general supervision of the Board of Selectmen, shall within forty-five (45) days after the close of each fiscal year, prepare an annual report of the change in cash balances which shall detail the cash receipts and disbursements for the year and which shall be submitted to the Town Administrator and Board of Selectmen.

SECTION 5.0 RATES

(a) The Board of Selectmen shall establish reasonable rates to defray the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Board of Selectmen. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Millis.

(b) The billing rate structure shall consist of a uniform flat rate based on billing units of 1,000 square feet of impervious area on a developed parcel.

(c) Impervious area per parcel is determined by the Town of Millis by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

SECTION 6.0 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

(a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:

(1) Within public road rights-of-way;

(2) On private property but within easements granted to, and accepted by, the Town of Millis, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means

to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;

(3) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.

(b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

SECTION 7.0 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

(a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;

(b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

(c) Payment on principal and interest on debt obligations;

(d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;

(e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;

(f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);

(g) Illicit discharge detection and elimination;

(h) Monitoring, surveillance, and inspection of stormwater control devices;

(i) Water quality monitoring and water quality programs;

(j) Retrofitting developed areas for pollution control;

(k) Inspection and enforcement activities;

(l) Billing and related administrative costs; and

(m) Other activities which are reasonably necessary, including costs related to regulatory compliance.

SECTION 8.0 STORMWATER UTILITY FEE EXEMPTIONS

(a) The Town of Millis finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Millis shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.

(b) The Town establishes exemptions to the Stormwater Utility fee as follows:

(1) *Undevelopable land.*

(2) *Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.*

(3) *Public streets, highways and rights-of-way. However, maintenance buildings and/or other developed property used for road maintenance purposes shall not be exempt from Stormwater Utility fee charges.* All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

SECTION 9.0 STORMWATER UTILITY FEE CREDITS

(a) The Director of Public Works or his or her designee (the "Director") (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board. The Credit Manual shall be implemented during the first year of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.

(b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services, and shall be approved by the Board (or their designee). The maximum possible credit for properties shall be detailed in the Credit Manual.

(c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Board or Director may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.

(d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Town for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.

(e) When an application for a credit is deemed complete by the Director, the Director may either

grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

SECTION 10.0 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS

(a) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.

(b) Stormwater Utility bills shall be committed to the Treasurer/Collector for collection. The Treasurer/Collector shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.

(c) In any case of nonpayment of a Stormwater Utility bill for sixty (60) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, and shall inform the Board (or their designee) in writing that such notice has been sent.

(d) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.

(e) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.

(f) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director for an abatement. The Director shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

SECTION 11.0 APPEALS AND HEARINGS

(a) In the event that a property owner is aggrieved by a written decision of the Director denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board shall make available all documents constituting the record upon which the particular decision was made. The Board shall set a date for hearing which shall be within ninety (90) days of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than

ten (10) days prior to the hearing date. The Board shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the action or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater Utility fee as charged and has also requested an abatement.

SECTION 12.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

SECTION 13.0 EFFECTIVE DATE

To be inserted upon by-law approval of the Attorney General.

Or act in any manner relating thereto.

ARTICLE 4. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$69,400 for consulting work associated with the establishment of a Stormwater Management Utility**, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 5. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$41,075 for the Replacement of 4 Self Contained Breathing Apparatus (SCBA) packs, bottles, and related appurtenances**, including the payment of all costs and expenses incidental and related thereto, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 6. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$20,000 for the remainder of the cost of ALS (Paramedic) Training for two firefighters**, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 7. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$50,000 to replace the Town's Gasoline and Diesel Fuel Supply and Dispensary System**, including the payment of all costs and expenses incidental and related thereto, or act in any manner relating thereto.

(Submitted by the 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 the sum of **\$182,698 for the purchase and equipping of a Front End Loader for use by the Department of Public Works**, and further to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money pursuant to Chapter 44 of the General Laws, as amended, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, section 20 of the General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 9. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$26,400 for the purchase and installation of Traffic Enforcement Upgrades**, including the payment of all costs and expenses incidental and related thereto, or act in any manner relating thereto.
(Submitted by the 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 the sum of **\$218,290 to conduct an Infiltration and Inflow (I/I) Analysis of the Town's Sewer System**, and to authorize the Board of Selectmen to execute all documents, including contracts in excess of three years, to effectuate the purpose of this Article, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen to enter into a **three year Lease/Purchase Agreement for the Lease/Purchase of Four (4) 2018 Sedans and related appurtenances for use by the Police Department** and further to appropriate and raise by taxation or by transfer from available funds the sum of **\$50,302.31 for the first year costs of such a Lease/Purchase Agreement**, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen to enter into a **three year Lease/Purchase Agreement (for an amount not to exceed \$90,000) for the Lease/Purchase of phone line systems for the Police and Fire Stations** and related appurtenances for use by the Police and Fire Departments, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 13. To see if the Town will vote to appropriate a sum of money from the Community Preservation Historic Resource Reserve Fund for the **Niagara Fire House Records Preservation Project**, or act in any manner relating thereto.
(Submitted by the Community Preservation Committee)

ARTICLE 14. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$12,000 for the construction and launch of a new Town Website**, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 15. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$2,100 for the repurchase of Cemetery Lots**, no longer wanted by their owners, or act in any manner relating thereto.
(Submitted by the Board of Selectmen)

ARTICLE 16. To see if the Town will vote to establish a **Stabilization Fund**, pursuant to the provisions of G.L. c. 40 §5B, **for the purpose of purchasing buses**, including those previously leased, for the transportation of students, or act in any manner relating thereto.
(Submitted by the School Committee)

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 School Bus Stabilization Fund**, or act in any manner relating thereto.
(Submitted by the School Committee)

ARTICLE 18. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$55,000 to replace the lighting, seating, and sound system in the Millis High/Middle School Auditorium**, including the payment of all costs and expenses incidental and related thereto, or act in any manner relating thereto.
(Submitted by the School Committee)

ARTICLE 19. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds **the sum of \$27,000 for the purchase and equipping of a Special Needs Van** for use by the Millis School Department, or act in any manner relating thereto.
(Submitted by the School Committee)

ARTICLE 20. To see if the Town will vote to appropriate and raise by taxation or by transfer from available funds the sum of **\$34,600 for the purchase of Curriculum and Instructional Materials for the Millis Public Schools**, or act in any manner relating thereto.

(Submitted by the School Committee)

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 the **OPEB Trust Fund**, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 22. 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 the Board of Selectmen)

ARTICLE 23. To see if the Town will vote to **accept the provisions of G.L. c. 90, Section 17C**, which allows the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or act in any manner relating thereto.

(Submitted by Board of Selectmen)

ARTICLE 24. To see if the Town will vote to **accept the provisions of G.L. c.90, Section 18B**, allowing the Board of Selectmen to establish designated “safety zones” with a speed limit of 20 miles per hour on, at, or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the Department of Transportation, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to enter into a **Payment in Lieu of Taxes Agreement (PILOT) with Clean Energy Collective** pursuant to the provisions of G.L. c. 59, § 38H(b), or any other enabling authority, for a period of up to 25 years in relation to a 1MW AC Solar Farm to be located at 1280 Main Street, and further to authorize the Board of Selectmen to take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the PILOT agreement, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 26. To see if the Town will vote to authorize the Town Moderator to establish and **appoint a committee to study and report on the voting procedures at Town Meetings** as well as the day, date, and time of the Town Meetings, and for such committee to report its findings to Town Meeting as determined by the Moderator, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 27. To see if the Town will vote to **accept the amendment to G.L., c.59, Section 5k, (Tax Work-Off Program)** as amended by the Acts of 2016, c.218, Section 127, to adjust the exemption in this clause by **allowing an approved representative, for persons physically unable, to provide such services to the town**, and to add one additional such placement to the Town's current quota, solely for that purpose, or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

ARTICLE 28. To see if the Town will cease and desist from demolishing the hill by the bandstand and from cutting down trees thereupon, and block construction of an elementary school on that site, requiring the Elementary School Building Committee to recommend at least two different sites for a replacement for the Clyde F. Brown School.

(Submitted by Petition)

ARTICLE 29. To see if the Town will transfer approximately 6.4 acres of land by the bandstand, the parcels identified in Chapter 12 of the Acts of 2017, back to park and recreation purposes, and record into the property records that said parcels are entitled to the protections of Article 97 of the Constitution of the Commonwealth of Massachusetts.

(Submitted by Petition)

ARTICLE 30. To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of fifty-one million, seven hundred sixty-five thousand, eight hundred fifty-seven dollars (\$51,765,857) for the design, construction, equipping, and furnishing of a **new replacement facility for the existing Clyde Brown Elementary School**, 7 Park Rd., Millis, MA, and to authorize any and all incidental and related costs, including but not limited to building demolition and site preparation, which new school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA

for the Project shall not exceed the lesser of (1) the approved reimbursement rate as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. Further to authorize use of the construction management at risk delivery method pursuant to the provisions of G.L. c.149A, §§1-13; and further, to fund an appropriation made hereunder, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow such sum under and pursuant to the provisions of G.L. c. 44, §§7 or 8 or any other enabling authority, and to issue bonds or notes of the Town therefor, provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; any such borrowing undertaken pursuant to this Article to be subject to the debt exclusion authorization previously approved by the voters by ballot on May 1, 2017, in accordance with the provisions of G.L. c. 59, §21C (Proposition 2½); and further to authorize the Board of Selectmen to enter into any agreements and execute all documents including contracts for a term in excess of three years, necessary to effectuate the purposes of this Article; or act in any manner relating thereto.

(Submitted by the Board of Selectmen)

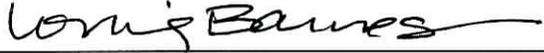
And, you are hereby directed to serve this Warrant by posting attested copies hereof fourteen days before time of said meeting as directed by the vote of the Town. Hereof fail not and make due return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 16th day of October in the Year of Our Lord two thousand and seventeen.

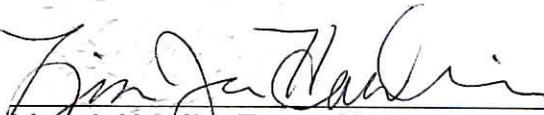
**TOWN OF MILLIS
BOARD OF SELECTMEN**


James J. McCaffrey, Chairman


Catherine C. MacInnes, Vice-Chairman


Loring Barnes, Clerk

A True Copy, Attest


Lisa J. Hardin, Town Clerk


Helen R. Kubacki, Constable
Town of Millis

ANNUAL FALL TOWN MEETING

Middle/High School Auditorium

Monday, November 6, 2017 – 7:30 PM

PRE-TOWN MEETING

Veterans Memorial Building – Room #229

Wednesday, November 1, 2017 – 7:30 PM

MILLIS BOARD OF SELECTMEN

James J. McCaffrey, Chairman

Catherine C. MacInnes, Vice Chairman

Loring Barnes Edmonds, Clerk

PRESORT - STANDARD

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