

Warrant Committee
March 16, 2016
Twenty-ninth meeting

Present: Chair LeeMichael McLean, Members Jean Eckner, Philip Mathews, Brian Beaupre, Betty White, Michael Maholchic, Darnell Turner, Richard Boehler, and Steve McCurdy.

Absent: Ted Hays, Chuck Karimbakas, James Potter, and Jonathan Schindler

Guests: Milton Playground Planners members Kelly Balestracci, Carolyn MacKay and Sarah Mabel-Skillin; Assistant Superintendent for Business and Personnel, Blue Hills Regional Technical School Steven Moore, Festus Joyce, Town of Milton School Committee Representative, Blue Hills Technical School; Planning Board Chair Bryan Furze, and Planning Director Bill Clark.

Reserve Fund Balance: \$597,445

The twenty-ninth meeting of the Warrant Committee for FY16 was called to order at 7:42 p.m. in the Carol Blute Conference Room of Milton Town Hall.

1. Ms. Balestracci, Ms. MacKay and Ms. Mabel-Skillin gave a presentation on the citizen's petition to receive Town funding for improvement of the town's 5 playgrounds. Their goal is to raise \$750,000 to rebuild, and upgrade the playgrounds. Coordination with a Parks and Recreation capital request of \$125,000 for playground equipment improvement was considered.

Member Boehler arrived at 7:51 p.m., having participated from the beginning of the meeting via phone.

2. Mr. Moore distributed booklets on the Blue Hills Technical School 2016-2017 operating budget. Personnel adjustments, achievement brackets, transportation, technology and facility upgrades were addressed. Mr. Joyce spoke in praise of the school's accomplishments and significance.

3. Mr. Furze explained the Bed and Breakfasts article (40) and asked that the Committee recommend sending it back to the Planning Board for further study. On a motion by Mr. Mathews, seconded by Ms. White, the Committee voted in favor, 10/0/0. A discussion followed about ways in which to educate the public and receive feedback on Town Meeting articles.

4. The Committee discussed article 41, which authorizes the Town to impose a local sales tax upon Bed and Breakfasts. Regulation of Airbnb was discussed.

5. Article 42, the Non-Conforming Business Use Bylaw, was discussed after an explanation of the article by Mr. Furze. He suggested that the Warrant Committee return the article to the Planning Board for further study. On a motion by Mr. Turner, seconded by Ms. White, the Committee voted 10/0/0 in favor of this suggestion.

6. Mr. Clark explained Article 43, the redesignation of Subsection L of Section III (“Assisted Living Residence Development (ALRD)”) as Subsection P of Section III in the zoning bylaws. Mr. Clark described the need for a professional organizational overhaul of the Town’s bylaws and addressed the \$15,000 Planning Board request for bylaw codification services. On a motion by Mr. Turner, seconded by Ms. White, the Committee voted 10/0/0 to approve the following recommendation for Article 43:

RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws known as the Zoning Bylaws by redesignating Subsection L of Section III ("Assisted Living Residence Development (ALRD)) (Article 43 on the May 2013 Warrant) as Subsection P of Section III.

7. Mr. Clark presented the Planning Department’s operational budget.

8. The Committee discussed Article 39, “Noise Prevention from Construction, Renovation and Remodeling Operations.” On a motion by Mr. Turner, seconded by Ms. Eckner, the article was passed as written, 10/0/0:

RECOMMENDED that the Town vote to amend the General By-Laws of the Town to add the following new Chapter:

CHAPTER 23

NOISE PREVENTION FROM CONSTRUCTION, RENOVATION AND REMODELING OPERATIONS

Section 1. Purpose and Intent.

This bylaw is adopted for the purpose of protecting the public health, welfare and safety of Town residents, by regulating noise resulting from construction, renovation and remodeling work or operations outside of certain hours, which can be considered disturbing to the surrounding neighborhood in certain circumstances.

Section 2. Prohibition of Certain Activities.

No person, corporation or other entity (excluding the Town of Milton, and, in an emergency, public utilities such as natural gas, electricity, telephone and water utilities) shall operate any equipment, machinery, power-operated tools, and/or construction trucks on the exterior of the premises of privately owned properties in connection with any construction, renovation and/or remodeling work or operations, except between the hours of 7:00 am and 7:00 pm between Monday and Friday, 8:00 a.m. to 5:00 p.m. on Saturdays, and 10:00 a.m. to 3:00 p.m. on Sundays and legal holidays. In the event of an emergency, a written permit may be granted for such activities to occur during a specific time on a single day outside of said hours restriction, with said permit to be issued by the Police Chief, Fire Chief, Director of the Department of Public Works, Health Agent, or Building Commissioner, subject to such terms and conditions as may be deemed appropriate by the permitting authority. The provisions of this section shall not apply to regular landscaping maintenance.

Section 3. Enforcement.

Any person or entity who violates this By-Law shall receive a warning for the first violation, shall be liable to the Town of Milton in the amount of \$50.00 for the second violation, and in the amount of \$300.00 for the third and each subsequent violation. Fines may be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with M.G.L. c. 40, § 21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation. Enforcement of this bylaw may be by the Building Commissioner or his or her designee.

Section 4. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of said bylaw, to the extent permitted by law.

9. The Committee discussed budget adjustments to the Reserve Fund. The Blue Hills Tech., Law, Public Works, Fire, Planning, and General Insurance budgets were addressed. The Affordable Housing Trust, free kindergarten, OPEB trust, capital expenditures, and one-time funds were discussed.

10. Schedules were reviewed.

11. On a motion by Mr. McCurdy, seconded by Mr. Boehler, the meeting was adjourned at 10:12 p.m., 10/0/0.

Reserve Fund Balance: \$597,445

Respectfully submitted by
Julia Getman
Warrant Committee Clerk