

Article 14 Citizen's Petition: Amend Fiscal Year 2025 Appropriations

RECOMMENDED that the Town vote No.

COMMENT: The above article was brought forward by the above-named Citizens of the Town of Milton pursuant to the Town of Milton Bylaws, for consideration at the 2025 February Special Town Meeting. As with any monetary appropriation, Town Meeting is within its authority, as the legislative body of the Town, to request a transfer of funds from one department to another. The Article as written requests the appropriation approved by the 2024 Annual Town Meeting for the Select Board-Law and Professional Services, be reallocated to the Milton School Department budget. This specific "law" line item in our Town budget is utilized for legal action initiated by our Select Board, but also to defend the Town from lawsuits, union negotiations, and other legal actions by third parties. The Article does not give a recommendation as to the depositing of funds in any specific line item in the School Department Budget. The School Committee did not provide the Warrant Committee a recommendation on the movement of additional funds to their department, as they were not consulted during the drafting of the petition.

The Warrant Committee was advised of current litigation that the Town is involved as a party. These matters include: Memory Care Project, suit by a private citizen; Unquity House and Winter Valley charity exemption lawsuit; and M.G.L. 40B Project litigation at 648-652 Canton Avenue. In addition, all collective bargaining agreements for select departments, including teacher contracts, end on June 30, 2025. This appropriation will be utilized to satisfy legal billing for the above projects through June 2025 and most importantly during the collective bargaining process for new contracts this Spring. The Warrant Committee was also advised of the current encumbrance of funds from the original \$283,000 that was granted to the current law budget. It was advised that there is currently \$75,000 encumbered from this account as of the drafting of this comment. M.G.L. ch. 44, s. 31 governs the legal requirements for the budgets of all local municipalities. The statute dictates that all city and town departments within the Commonwealth cannot incur liability in excess of any appropriation made for its purpose. Therefore, any possible reduction in this line cannot be greater than \$208,000 or it will violate state law. This citizen's petition as submitted violates M.G.L. ch 44, s. 31 as to the dollar amount, \$283,000.

Much of the discussion concerning this article involved the current encumbrances, the historical use of this fund and the protection it affords the Town. The Warrant Committee does not recommend that Town Meeting reallocate any monies from the current Select Board Law Services appropriation. In the last 27 years, legal costs for the town have well exceeded the \$33,000 that the Citizens have requested the current item be reduced, including this year. The current pending litigation, use of Town Counsel and union contract negotiation, all expect to further reduce this account before the end of this current fiscal year. In addition, if passed, any emergency requiring the use of monies for law services would need to be drawn from the Town's Reserve Fund after Warrant Committee approval. The Reserve Fund of the Town is at one of the lowest levels in years and currently stands at \$265,000. As a practical matter, the Warrant Committee believes that reducing the law budget of the Town is not prudent public policy. The Town needs to be flexible and ready to act in any circumstance, especially this year regarding union contract negotiations which may prove difficult given our current financial complexities and need for a Proposition 2 ½ Override.

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There was additional discussion concerning the purpose of this article as it relates to the current MBTA Communities Zoning requirement and any potential future litigation by the Select Board concerning the status of the Town. Decision making for matters such as the aforementioned and other legal action, are within the purview of the Select Board. As the Chief Executive Officers of the Town, their ability to advocate and defend the Town from actions of the state and third parties should be protected.

For the above reasons, the Warrant Committee respectfully requests a NO vote.