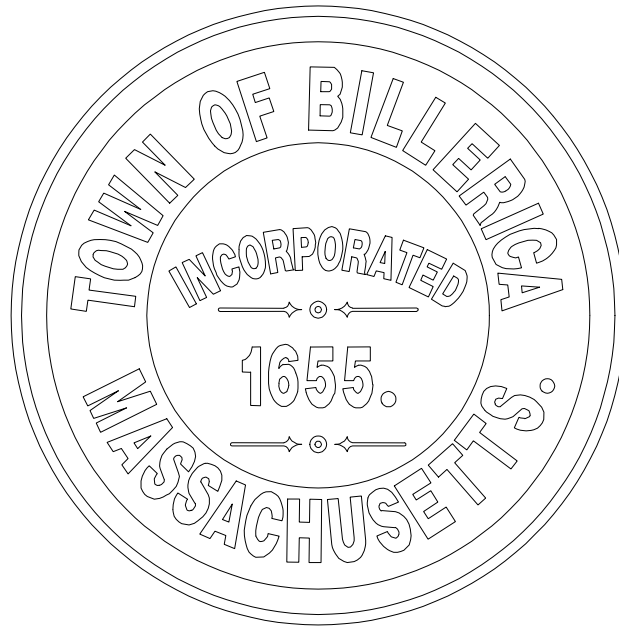


TOWN OF BILLERICA
FINAL WARRANT



ANNUAL FALL
TOWN MEETING

Annual Fall Town Meeting
Tuesday, October 2, 2012 at 7:30 PM
At
Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Committee Articles

1	To Appoint One Member to the Bower's Fund			Board of Selectmen	Recommends
2	To Hear Committee Reports			Board of Selectmen	Recommends

Financial Articles

3	To Fund Collective Bargaining Agreement for School Custodians		Raise & Appropriate / Available Funds	Billerica School Committee	Recommends
4	To Fund Collective Bargaining Agreement for School Administrators		Raise & Appropriate / Available Funds	Billerica School Committee	Recommends
5	To Fund Collective Bargaining Agreement for Teachers		Raise & Appropriate / Available Funds	Billerica School Committee	Reserves Recommendation
6	To Fund Collective Bargaining Agreement for School Paraprofessionals		Raise & Appropriate / Available Funds	Billerica School Committee	Reserves Recommendation
7	To Fund Collective Bargaining Agreement for School Secretarial		Raise & Appropriate / Available Funds	Billerica School Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement for School Administrators		Raise & Appropriate / Available Funds	Billerica School Committee	Reserves Recommendation
9	To Amend Various Fiscal Year 2013 Town and School Operating Budget Line Items	\$1,300,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Recommends Town Line Items; Reserves Recommendation Regarding School Line Items
10	To Accept Chapter 32B Section 20 to Establish an Other Post-Employment Benefits (OPEB) Liability Trust Fund			Town Manager; authorized by BOS	Recommends
11	To Transfer from Health Insurance Budget into Other Post-Employment Benefits (OPEB) Liability Trust Fund	\$400,000	Available Funds	Town Manager; authorized by BOS	Recommends
12	To Fund the Debt Stabilization Fund	\$724,588	Raise & Appropriate	Town Manager; authorized by BOS	Recommends
13	To Fund Town Center Reconstruction and Traffic Improvements	\$9,800,000	Borrowing	Town Manager; authorized by BOS	Recommends
14	To Fund Town Center Reconstruction and Traffic Improvements	\$1,136,730	Available Funds	Town Manager; authorized by BOS	Recommends
15	To Fund Town Center Reconstruction and Traffic Improvements	\$1,200,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
16	To Fund General Fund Capital Budget	\$500,000	Raise & Appropriate	Town Manager; authorized by BOS	Recommends

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
17	To Fund the Substance Abuse Committee	\$25,000	Free Cash	Town Manager; authorized by BOS	Recommends
18	To Fund Regulatory Compliance of DPW Facilities	\$55,000	Free Cash	Town Manager; authorized by BOS	Recommends
19	To Fund Curricular Adoptions for Billerica Public Schools	\$350,000	Free Cash	Billerica School Committee	Recommends
20	To Fund the DPW Capital Equipment	\$377,900	Free Cash	Town Manager; authorized by BOS	Recommends
21	To Fund Critical Needs at the Wastewater Treatment Facility	\$1,820,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
22	To Fund the Fiscal Year 2013 Town/School Capital Budget	\$5,000,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
23	To Vote Free Cash to the Debt Stabilization Fund	\$3,000,000	Free Cash	Finance Committee	Reserves Recommendation
24	To Vote Free Cash to be Applied to the Fiscal Year 2013 Tax Rate	\$500,000	Free Cash	Petitioner Article	Reserves Recommendation
25	To Vote Free Cash to the Stabilization Fund	\$3,000,000	Free Cash	Finance Committee	Reserves Recommendation
26	To Vote Free Cash to the Land Bank Account	\$3,000,000	Free Cash	Finance Committee	Reserves Recommendation
27	To Vote Free Cash to be Applied to the Fiscal Year 2013 Tax Rate		Free Cash	Finance Committee	Reserves Recommendation
28	To Fund Middlesex Corporate Park Sewer and Road Betterment Assessment	\$5,000,000	Betterments	Town Manager; authorized by BOS	Reserves Recommendation

Local Acceptance of State Statues

29	To Accept Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors & Town Manager; authorized by BOS	Reserves Recommendation
30	To Exempt Police Department Position from Civil Service			Town Manager; authorized by BOS	Recommends

By-Law Change Articles

31	To Amend Zoning By-Law			Building Commissioner	Recommends
32	To Amend General By-Law			Recreation Commission	Reserves Recommendation
33	To Amend General By-Law			Water Conservation Oversight Committee	Recommends

**FINAL WARRANT
OCTOBER 2, 2012
ANNUAL FALL TOWN MEETING**

Middlesex, ss.

To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Maurice A. Buck Memorial Auditorium, Town Hall, 365 Boston Road, Billerica, MA on Tuesday, October 2, 2012 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

ARTICLE 1 - TO APPOINT ONE MEMBER TO THE BOWER’S FUND

To see if the Town will vote to appoint one (1) member to the Bower’s Fund for a term of five (5) years; or act in relation thereto.

Submitted by the Board of Selectmen

Finance Committee recommends approval.

Article 1 Explanation: The Bower’s Fund was established in the late 1800’s when the Bower sisters left their entire estate to the Town of Billerica, approximately \$11,000, with the express intent of assisting the poor of Billerica. The current expendable balance in the fund is \$20,785.07 and the principal balance is \$129,418.61. Town Meeting appoints members to the Bower’s Fund. Committee member John G. Conway’s term is expiring and he is requesting that he be reappointed.

ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS

To see if the Town will vote to hear and act upon the reports of Town Departments, Committees and Officers; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 2 Explanation: This article provides an opportunity to hear and act upon reports of Town Meeting Committees.

ARTICLE 3 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIANS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee recommends approval.

Article 3 Explanation: This article seeks approval for a Collective Bargaining Agreement between the Billerica School Committee and AFSCME Local 2747, Custodians. This agreement begins July 1, 2012 and continues through June 30, 2015. The financial terms of the agreement are:

- 0% increase for Fiscal Year 2013
- A wage re-opener for Fiscal Years 2014 and 2015

All language changes in the contract are available in the Memorandum of Understanding. This article seeks no additional appropriation from Town Meeting, as related expenses are addressed in the School Department operating budget.

ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee recommends approval.

Article 4 Explanation: This article seeks approval for a Collective Bargaining wage re-opener between the Billerica School Committee and the Billerica Administrative Group. This wage re-opener was negotiated for Fiscal Years 2011 and 2012 for a contract that expired on June 30, 2012. The financial terms of the wage re-opener are as follows:

- 0.5% increase on June 30, 2011
- 1.5% increase on June 30, 2012

The terms of this wage re-opener are identical to terms previously approved for teachers, paraprofessionals, clerical, custodial, and non-union personnel during the same time period. This article seeks no additional appropriation from Town Meeting, as related expenses are addressed in the School Department operating budget.

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - TEACHERS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO; or act in relation thereto.

Submitted by the Billerica School Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 5 Explanation: At the time of printing, there were no Collective Bargaining Agreements.

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL PARAPROFESSIONALS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO, Paraprofessionals; or act in relation thereto.

Submitted by the Billerica School Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 6 Explanation: At the time of printing, there were no Collective Bargaining Agreements.

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL SECRETARIAL

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Secretarial Employees; or act in relation thereto.

Submitted by the Billerica School Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 7 Explanation: At the time of printing, there were no Collective Bargaining Agreements.

ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the Billerica School Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 8 Explanation: At the time of printing, there were no Collective Bargaining Agreements.

ARTICLE 9 - TO AMEND VARIOUS FISCAL YEAR 2013 TOWN AND SCHOOL OPERATING BUDGET LINE ITEMS

To see if the Town will vote to raise and appropriate the sum of \$1,300,000 to amend the following Fiscal Year 2013 Town and School budget line items:

Account Number	Account Name	Amount
13510-5110	Town Accountant Dept - Salary	\$ 9,000
14110-5110	Assessor Dept - Salary	9,000
17130-5200	Conservation Commission - Contract Services	20,000
21020-5400	Police Dept - Supplies & Expenses	25,000
22010-5130	Fire - Overtime	25,000
22020-5400	Fire Dept - Supplies & Expenses	25,000
23130-5200	Ambulance - Contract Services	20,000
42220-5400	Highway Dept - Supplies & Expenses	100,000
45010-5132	Water Dept - Flushing Program	50,000
72040-5800	General Fund Capital	367,000
30020-5400	Billerica Public Schools – Supplies & Expenses	150,000
30030-5200	Billerica Public Schools – Contract Services/Leases	350,000
30040-5800	Billerica Public Schools – Contract Outlay	150,000
	Total Amendment	\$ 1,300,000

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval of Town line items. The Finance Committee will make its recommendation about School line items at Town Meeting.

Article 9 Explanation: The two salary adjustments are for non-union positions; the Principle Assessor and the Town Accountant. Prior to this increase, the pay for these positions was not commensurate with surrounding communities. Police and Fire Supplies and Expenses have been increased to reflect increase in fuel costs. Ambulance Contract Services have been increased in anticipation of increased ambulance receipts. The Comstar billing contract requires additional funding based on a percentage of receipts. The Highway Department auto mechanics line item was increased significantly at the end of FY 2011 due to age of equipment. This appropriation reflects that increase. The Water Department Flushing Program will be increased to accommodate overtime to institute a Hydrant Inspection Program. The General Fund Capital Account is being increased to address Capital needs from the Five Year Capital Plan of which the primary target will be technology. The Conservation Department appropriation will begin a Land Use Management Program within the Conservation Department.

ARTICLE 10 - TO ACCEPT CHAPTER 32B SECTION 20 TO ESTABLISH AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, Section 20 to establish an Other Post-Employment Benefits (OPEB) Liability Trust Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 10 Explanation: This article will allow the Town to establish a Trust Fund for the purpose of pre-funding Other Post-Employment Benefits (OPEB) Liability. Other Post-Employment Benefits include future health care benefit costs. The Town's most recent actuarial valuation calculates the unfunded OPEB liability as \$233,836,366.

ARTICLE 11 - TO TRANSFER FROM HEALTH INSURANCE BUDGET INTO OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to transfer from the Town/School Shared Cost – Health Insurance Budget (91070-7012) the sum of \$400,000 and to appropriate the sum to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 11 Explanation: This article will begin the process of funding for the OPEB Liability Trust Fund established in Warrant Article 10. Funds are available in the health insurance appropriation due to plan design changes that took effect on July 1, 2012.

ARTICLE 12 - TO FUND THE DEBT STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of \$724,588 to fund the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 12 Explanation: This appropriation will increase the Debt Stabilization balance to \$2,098,181. These funds will be used to stabilize the tax rate by maintaining annual level debt service appropriations.

ARTICLE 13 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of \$9,800,000 for the Town Center Reconstruction and Traffic Improvements Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 13 Explanation: The Town Center Project is both an Economic Development project and a Traffic and Safety Project. It includes reconfiguring the traffic flow in the center, adding and upgrading sidewalks through the center down to Charnstaffe Lane, burying utilities, gaining greater pedestrian access to the Town Common and aesthetic enhancements such as brick accents and decorative street lights and traffic signals. This bond authorization requires a two-thirds vote. These funds will be used to pay for a portion of the Town Center Project. The cost is projected to be \$14 million. This article and articles 14 and 15 will fund \$12.1 million of this project and \$1.9 million of the project will be funded through the State Transportation Improvement Plan. The \$1.9 million will fund the State portion of the Town Center Project. The Town is also seeking grant money from the State MassWorks Program. If this money is awarded, these funds will reduce the final bond amount. Go to www.town.billerica.ma.us to access further information about the project.

ARTICLE 14 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to reauthorize the unexpended balances of the previously approved Town Meeting Articles:

2000 Annual Fall Town Meeting, Article 12	\$ 136,730
2001 Annual Fall Town Meeting, Article 6	\$1,000,000

to fund the Town Center Reconstruction and Traffic Improvements Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 14 Explanation: These articles were originally funded by Town Meeting for the same purpose – to fund the Town Center Reconstruction and Traffic Improvements. Articles sunset after three years and money cannot be expended from these articles unless it is reauthorized by Town Meeting. This article requests to reauthorize these articles for the same purpose. Go to www.town.billerica.ma.us to access further information about the project.

ARTICLE 15 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to transfer from Free Cash the sum of \$1,200,000 to fund the Town Center Reconstruction and Traffic Improvement Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 15 Explanation: This article proposes to appropriate money from this source to fund a portion of the Town Center Project and reduce the need to borrow money for this project. Please go to www.town.billerica.ma.us to access further information about the project. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 16 - TO FUND GENERAL FUND CAPITAL BUDGET

To see if the Town will vote to raise and appropriate the sum of \$500,000 to fund a new General Fund Capital Budget (72040-5850); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 16 Explanation: This article requests the establishment of a Roadway Infrastructure Capital Account. Funds from this account would supplement the Chapter 90 Funds the Town uses to make roadway improvements. The projects are prioritized based on the Roadway Management Plan maintained by the Engineering Department. This appropriation would serve to expedite roadway projects throughout the Town.

ARTICLE 17 - TO FUND THE SUBSTANCE ABUSE COMMITTEE

To see if the Town will vote to transfer from Free Cash the sum of \$25,000 to fund the Substance Abuse Committee; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 17 Explanation: These funds would be used for the following purposes:

- \$15,000 – Targeted Drug Education for students in grades 4 thru 7 (presentations in schools as well as the delivery of Drug Education Curriculum for all students)
- \$5,000 – Targeted After-School Intervention Program for the Middle Schools for students at risk for drug use
- \$2,500 – Administration of the “Communities that Care Youth Survey” to measure progress towards the attainment of the goals
- \$1,500 – Town Forum on Substance Abuse Prevention
- \$1,000 – Operation expenses (water bill inserts, photocopying, etc.)

The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 18 - TO FUND REGULATORY COMPLIANCE OF DPW FACILITIES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund \$55,000 for regulatory compliance audits for DPW facilities on Boston road and the Wastewater Treatment Plant per the Consent Decree issued by DEP/EPA; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 18 Explanation: Due to a Clean Water Act Violation between 1979 and 2003, the EPA and Mass DEP issued a Consent Decree in 2007 for the violation. One of the Consent Decree conditions requires the Town to conduct an Environmental Audit for the Public Works Facility located at 250 Boston Road and the Letchworth Avenue Facility to be performed by an independent third party consultant. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 19 - TO FUND CURRICULAR ADOPTIONS FOR BILLERICA PUBLIC SCHOOLS

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$350,000 to fund the adoption of new educational programs aligned with the Massachusetts Curriculum Frameworks and the National Common Core standards; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee recommends approval.

Article 19 Explanation: This article seeks to use \$350,000 from Free Cash to support the purchase and implementation of mathematics curriculum resources to support students across all schools, K-8, in response to the new Massachusetts Curriculum Frameworks. These frameworks were adopted by the Massachusetts Department of Elementary and Secondary Education (DESE) in 2011, and are expected to be fully implemented in all school districts for the 2013-2014 school year. These new frameworks are in response to both the implementation of the national Common Core curriculum standards and the Massachusetts DESE periodic ten-year curriculum review process.

If approved, a committee of educators will work throughout the 2012-2013 school year to review curriculum resources, with a purchase anticipated in spring 2013 and implementation at the beginning of the 2013-2014 school year. Funding from this article will be used to purchase textbooks, classroom and online resources, and other supplies needed to start the program. Recurring expenses for the program to replenish consumable materials will be paid for annually out of the School Department operating budget. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 20 - TO FUND THE DPW CAPITAL EQUIPMENT

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund \$377,900 for the following DPW Capital Equipment:

F350 Pick up- Highway (to replace 1999 H-11)	\$38,700
F350 Pick up – Highway (to replace 1996 H-10)	\$38,700
F250 Pick up –Administration (to replace 1997 A-2)	\$37,400
F250 Pick up –Water (to replace 2000 W-4)	\$37,400
F250 Pick up –Water (to replace 2000 W-5)	\$37,400
F350 Pick up –Water (to replace 1997 W-8)	\$38,700
F250 Pick up – Cemetery (to replace 1994 C-3)	\$37,400
F250 Pick up – Wastewater (to replace 2001 S-2)	\$37,400
F250 Pick up – Wastewater (to replace 2000 S-4)	\$37,400
F250 Pick up –Wastewater (to replace 1997 S-8)	<u>\$37,400</u>
	\$377,900

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 20 Explanation: Listed below are the vehicle year, make and mileage:

1999 Ford F350 - H11, 155,000 miles; 1996 Ford F350 - H10, 115,000 miles; 1997 Chevy 2500 PU - A2, 102,000 miles; 2000 Ford F250 - W4, 124,000 miles; 2000 Ford F250 – W5, 120,000 miles; 1997 Ford F350 – W8, 70,000 miles; 1994 Chevy 2500 PU – C3, 140,000 miles; 2001 Ford F250 – S2, 151,000 miles; 2000 Ford F250 – S4, 223,000 miles; 1997 Chevy ¾ ton pick up – S8, 146,000 miles. More information can be obtained on the Town Meeting Page of the Website under Article 20 <http://www.town.billerica.ma.us/>.

The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 21 - TO FUND CRITICAL NEEDS AT THE WASTEWATER TREATMENT FACILITY

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,820,000 for design and construction of new influent screens at the Wastewater Treatment Facility, as detailed in the Comprehensive Wastewater Management Plan (CWMP); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 21 Explanation: This article will fund replacement of the entire Preliminary Treatment System at the Wastewater Treatment Facility, including the influent bar screens, wash press, grit collector, grit dewatering screw, flow meters, instrumentation and control, and all associated electrical and support systems. The preliminary treatment equipment is used for screening out solid material and removing rocks and other grit from the raw wastewater in order to protect the downstream treatment processes. The equipment involved in this treatment step is subjected to the most hostile and corrosive environment within the treatment works.

This preliminary treatment equipment was installed in 1989 and is well beyond its useful service life. The replacement of the equipment is included in the Comprehensive Wastewater Management Plan Capital Improvement Plan for the Wastewater Treatment Facility. Proper routine maintenance has extended the equipment life beyond the typical 20 year design life. However, recent mechanical failure of this equipment has required short term spot repairs and has elevated the work to the number one Capital replacement priority. Replacement of the equipment is now the only alternative to maintain this critical plant process. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 22 - TO FUND THE FISCAL YEAR 2013 TOWN/SCHOOL CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000,000 to fund the Fiscal Year 2013 Town Capital Budget; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 22 Explanation: There are no Capital appropriations for the Town in this article. Regarding the School Department, this article seeks to use \$547,199 from Free Cash to fund Capital improvements in the Billerica Public Schools. These improvements will be items identified from the Billerica School Department's Comprehensive Facilities Study. At the time of the printing of the Final Warrant, these items were not yet identified with cost estimates; however, this information will be available for Town Meeting representatives prior to the opening session of Town Meeting. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 23 - TO VOTE FREE CASH TO THE DEBT STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 23 Explanation: The purpose of this fund is to set money aside to be used to stabilize debt service appropriations. Stabilization of debt service allows the Town to avoid increases to the tax rate and/or budget service cuts caused by increased debt. The current balance of the Debt Stabilization Fund is \$1,381,123. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 24 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$500,000 (five hundred thousand dollars) from Free Cash to offset the Fiscal Year 2013 real estate taxes; or act in relation thereto.

Submitted by Michael Rosa and Messrs. Cerrato, Rosa, Sarno, Jansen, Capezza and Madames Rosa, Demeo, Cerrato, Rosa, Pagliuca, Pagliuca and Jansen.

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 24 Explanation: This is a petitioner article.

ARTICLE 25 - TO VOTE FREE CASH TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 25 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. It is intended that \$200,000 of this money is earmarked for “The Yankee Doodle Bike Path” design and or taking costs. It should be noted that money can be expended from any Stabilization Fund for any purpose, provided it receives a two-thirds vote from Town Meeting. The current balance of the Town Stabilization Fund is \$3,808,639. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 26 - TO VOTE FREE CASH TO THE LAND BANK ACCOUNT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Land Bank Account; or act in relation thereto.

Submitted by the Finance Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 26 Explanation: The Land Bank Account was established by Special Legislation. The text of that legislation can be found in Appendix C. The balance in the Land Bank Account is \$463,915. The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 27 - TO VOTE FREE CASH TO BE APPLIED TO THE FISCAL YEAR 2013 TAX RATE

To see if the Town will vote to transfer from Free Cash a sum of money to be applied to the Fiscal Year 2013 tax rate; or act in relation thereto.

Submitted by the Finance Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 27 Explanation: The Department of Revenue certified Free Cash as of July 1, 2012 at \$5,864,420.

ARTICLE 28 – TO FUND MIDDLESEX CORPORATE PARK SEWER AND ROAD BETTERMENT ASSESSMENT

To see if the Town will vote to borrow \$5,000,000 for the Middlesex Corporate Park Sewer and Road Betterment Assessment; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 28 Explanation: The Town of Billerica is working to assist the Middlesex Corporate Park, Inc. to extend sewer and improve the roads throughout the MCP. This MCP Improvement Project is an estimated \$5 million project aimed to bring these private roads up to public standards. It is the intent that these roads will become accepted as public roads and be maintained in the future by the Town of Billerica.

Cost estimates (below) were provided by the Billerica Engineering Department. Please note that these are rough estimates and a Comprehensive Engineering Study needs to be completed for final costs and timeframe. These numbers include the costs to extend sewer to the entire park, as well as improve the roads to public standards.

Sewer Design	\$ 350,000
Sewer Construction	\$1,550,000
Roadway and Drainage Construction	\$2,500,000
Police Detail and Contingency	\$ 600,000
 Total Estimate	 \$5,000,000

In order for this project to move forward, the Middlesex Corporate Park, Inc. needs to obtain agreement from 75% of the impacted property owners along each street. This agreement would entail an acceptance to pay one or both betterments – one for sewer and one for road improvements. These betterments would be paid by property owners over a twenty-year period through local tax bills. Owners who currently have sewer will not be included in the sewer betterment.

If Billerica Town Meeting Representatives approve bond financing and 75% of property owners have agreed to the betterment assessments, design and construction can move forward and will be paid by the Town of Billerica’s bond financing and reimbursed by property owners through the two local betterments.

ARTICLE 29 - TO ACCEPT CHAPTER 126 OF THE ACTS OF 1988 AND CHAPTER 73 OF THE ACTS OF 1986

To see if the Town will vote to accept the provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986 in order to offer optional additional real estate tax exemptions to persons who qualify for current property tax exemptions under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of M.G.L. Chapter 59 in the amount of a uniform 60% increase for all persons qualified; or act in relation thereto.

Submitted by the Board of Assessors and the Town Manager; authorized by the Board of Selectmen

The Finance Committee will make its recommendation about this article at Town Meeting.

Article 29 Explanation: This article authorizes the Board of Assessors to offer property tax exemptions as authorized by State Law.

ARTICLE 30 - TO EXEMPT POLICE DEPARTMENT POSITION FROM CIVIL SERVICE

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the Legislature to pass an Act to exempt from Civil Service Law the position of Building Maintenance Craftsman in the Billerica Police Department; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 30 Explanation: This article requests that a non-union custodial position be removed from Civil Service. This will allow the Town to consider a wider range of qualified candidates. The Civil Service budget has been significantly reduced in recent years and provides little to no support to municipalities.

ARTICLE 31 - TO AMEND ZONING BY-LAW

To see if the Town will vote to amend the Zoning By-Laws by deleting the following section:

Section 7.D.7 – An accessory building, structure or use with a gross square footage of 100 or less may be placed in the side or rear yard of a lot with a 7 ½ foot side yard and a 10 foot rear yard. All other accessory buildings, structures or uses shall comply with the minimum yard requirements for principal buildings, structures or uses.

And replace Section 7.D.7 with the following:

Section 7.D.7 – An accessory building with a gross square footage of 120 or less and a maximum height of 15' shall be exempt from the rear and side yard setback requirements. All other accessory buildings and structures shall comply with the minimum yard requirements for principal buildings and structures;

or act in relation thereto.

Submitted by the Building Commissioner

Finance Committee recommends approval.

Article 31 Explanation: The intent of this By-Law is to make the zoning less cumbersome for sheds of a limited size. Relief is provided for setbacks on sheds that are less than 120 gross square feet.

ARTICLE 32 – TO AMEND GENERAL BY-LAW

To see if the Town will vote to make the following changes to the Town of Billerica General By-Laws, Article VII as follows; or act in relation thereto.

2.1 Restraint of Dogs

No person shall own, keep or harbor in the Town, outside the confines of the owner's property (meaning owned, rented or leased), any dog which is not held firmly on a leash, no longer than six (6) feet, by a person who shall have control of such a dog, **except in any area officially designated by the Board of Selectmen for off-leash activities.**

2.1.1 Off-Leash Areas

Within areas that have been officially designated as off-leash areas by the Board of Selectmen, dogs may be allowed to run at large, subject to such rules and regulations as may be determined by the Board of Selectmen. Owners of dogs shall be legally responsible for any and all injury or destruction of property caused by their dog(s) in an off-leash area;

or act in relation thereto.

Submitted by the Recreation Commission

The Finance Committee will make its recommendation about this article at Town Meeting.

Rules Committee recommends approval.

Article 32 Explanation: This article seeks to allow dogs off-leash in areas specifically designated by the Board of Selectmen. The Board of Selectmen would approve any rules and regulations related to such areas. It also reiterates the owners of dogs legal responsibility.

ARTICLE 33 - TO AMEND GENERAL BY-LAW

To see if the Town will vote to amend Article 8, Section 6 of the General By-Laws by deleting the present By-Law and inserting in its place the following to read:

6.0 WATER CONSERVATION**Definitions**

State of Water Supply Emergency: A state of water supply emergency declared by the Massachusetts Department of Environmental Protection under M.G.L. Chapter 21G, Section 15-17.

State of Water Supply Conservation: A state of water supply conservation declared by the Billerica Board of Selectmen pursuant to Section 6.2 of this By-Law.

Water User: All public and private users connected to the Town's public water supply, irrespective of any user's responsibility for billing purposes for water used on any particular site. Included within this definition are all water users whose properties are located, or whose use of water will take place, outside the geographical boundaries of the Town.

Non Essential Uses:

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems
- Manual washing of vehicles, except as necessary for operator safety
- Washing of exterior building surfaces, parking lots, driveway or side walks
- Exceptions to non-essential uses are listed in section **6.10 Exemptions** in this By-Law

Allowed Outdoor uses:

- Use for health or safety
- By regulation
- For the production of food and fiber
- For the maintenance of livestock
- To meet the core function of a business (golf courses, plant nurseries, etc)

6.1 Authority

This By-Law is adopted by the Town under its police powers to protect the public health and welfare and its powers under M.G.L. Chapter 40, Section 21 (7), and any other enabling authority, and implements the Town's authority to regulate water use pursuant to M.G.L. Chapter 41, Section 69B. This By-Law also implements the Town's authority under M.G.L Chapter 40, Subsection 41A, conditioned upon a declaration of water supply emergencies issued by the Department of Environmental Protection; or drought advisory issued by the Massachusetts Drought Advisory Task Force.

6.2 Declaration of State of Water Supply Conservation

6.2.1 At the request of the Director of Public Works Department, the Town Manager shall ask the Board of Selectmen to declare a State of Water Supply Conservation. Upon determination by a majority vote of the Board of Selectmen that a shortage of water, treatment limitation, distribution limitation exists, and/or that existing conditions could result in withdrawals of water from the Concord River in excess of the limits imposed upon the Town by then applicable regulatory permit(s). Public notice of a State of Water Supply Conservation shall be given under Section 6.5 of this By-Law before it may be enforced.

6.2.2 In the event of a vacancy of a DPW Director, the Town Manager shall ask the Board of Selectmen to declare a State of Water Supply Conservation. In the event of a vacancy of a Town Manager, the DPW Director shall ask the Board of Selectmen to declare a State of Water Supply Conservation.

6.3 Restricted Water Uses

6.3.1 Residential and commercial Non-Essential Uses of water shall be allowed only before 9:00 AM and after 5:00 PM on days specified by the Board of Selectmen or its designee. Municipal use of water for recreation fields will be allowed every other day before 9:00 AM and after 5:00 PM.

6.3.2 Private well water is not subjected to this By-Law. However, any property using a private well to supply outdoor watering must provide a sign clearly visible from the street that indicates the use of well water. This sign shall be a maximum of one square foot in size.

6.4 Stages and Penalties of Water Supply Restrictions

6.4.1 A declaration of a State of Water Supply Conservation shall invoke Stage I-II restrictions limiting the uses of water as necessary to protect the water supply and public safety. The applicable water conservation stage with restrictions, conditions and enforcement shall be included on the public notice required under section 6.

6.4.2 Stage I – Effective May 1 – October 1

Mandatory

Non-essential outdoor water use will be allowed two (2) days per week. Allowable days will be at the discretion of the DPW Director. Non-essential outdoor water use will only be allowed before 9:00 AM and after 5:00 PM on the designated days.

Lawns, gardens, flowers and ornamental plant may be watered by use of a hand-held hose on any day of the week.

Penalties and Fines for Violations

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Second Violation	\$50.00	\$100.00
Subsequent Violations	\$100.00	\$200.00
Subsequent Violations – May result in termination of service plus cost of termination and restoration.		

6.4.3 Stage II - Mandatory

Non-essential outdoor water use will be allowed one (1) day and only before 9:00 AM and after 5:00 PM. Allowable day will be at the discretion of the DPW Director.

Lawns, gardens, flowers and ornamental plant may be watered by use of a hand held hose on any day of the week.

Penalties and Fines for Violations

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Second violation	\$50.00	\$100.00
Subsequent Violations	\$100.00	\$200.00
Subsequent Violations – May result in termination of service plus cost of termination and restoration.		

6.4.4 Stage III – Mandatory Water Conservation

All outside use of water forbidden. Hand held hoses may not be used.

Penalties and Fines for Violations

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Subsequent Violations – Termination of service plus cost of termination and restoration.		

6.5 Public Notification of a Declaration of a State of Water Supply Conservation

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such means reasonably calculated to reach and inform all water users of the State of Water Supply Conservation. Any restriction imposed under Section 6.4 shall not be in effect until such notice is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

6.6 Termination or Change of a State of Water Supply Conservation

A State of Water Supply Conservation may be terminated or restricted or a restriction stage may be changed by a majority vote of the Board of Selectmen, after consultation with the Town Manager. Public notification of termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.5, unless the termination date was included.

6.7 State of Water Supply Emergency: Compliance with DEP Orders

Upon notification to the public that a State of Water Supply Emergency has been issued by the Massachusetts Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by MA DEP intended to bring about an end to the State of Water Supply Emergency.

6.8 Penalties during Water Supply Conservation Conditions

- 6.8.1** For Stage II and Stage III, first violation notice shall state the consequences for each subsequent violation cited during the restriction period.
- 6.8.2** Cost of termination and restoration of water service and all fines shall be paid in full before service is restored.
- 6.8.3** Termination and restoration charge shall be a minimum \$100.00 or actual cost if higher. Where service restoration can reasonable be accomplished only outside the Billerica Water Division's normal working hours (Monday through Friday, 7:00 AM to 3:30 PM), the termination and restoration charge imposed on a customer of record and subsequent violations may be higher than \$100.00 in order to recover the Division's actual overtime costs. The charge imposed outside normal working hours shall be limited to the Division's actual costs, which vary according to the time and personnel involved, day of the week and time of day and holidays.
- 6.8.4** The charge for termination and restoration is applicable to all customers located on the mains of the Town for the purpose of water conservation conditions.
- 6.8.5** Fines shall be recovered by non-criminal disposition in accordance with M.G.L. Chapter 40, Section 21D. Each day of violation shall constitute a separate offense.
- 6.8.6** The Water Division shall be the primary enforcing agent for the By-Law.

6.9 Special Restrictions

6.9.1 Automatic Sprinkler Irrigation Systems

- 6.9.1.1** All automatic irrigation systems shall require a permit from the Plumbing Inspector prior to installation and operation. All automatic irrigation systems shall be required to have a rain sensor device and a back flow prevention device installed. The fee for said permit shall be set by the Board of Selectmen.

6.9.2 Swimming Pools

- 6.9.2.1** For purposes of this section, a swimming pool is defined as any permanent in-ground or above ground pool with a minimum size of four feet deep and fifteen feet in diameter.

6.9.2.2 Any complete filling of swimming pools during periods of water restriction shall be done by the use of private water source.

6.9.2.3 Adding water due to evaporation and normal maintenance shall be done with in the provisions set forth by this By-Law.

6.10 Exemptions

Exemptions from this By-Law shall include new construction erosion control systems and the establishment of wetlands replication. Exemptions shall also include commercial agriculture, water to sustain animal life and commercial car washes. These sites shall be identified and have a water audit conducted by a designee of the DPW Director. All persons seeking exemption from this By-Law for said purposes shall obtain an exemption in writing from the Director of Public Works or his designee.

Includes any drought advisory or higher advisory issued by the Massachusetts Drought Advisory Task Force for the area in which the Town is located.

Submitted by the Water Conservation Oversight Committee

The Finance Committee will make its recommendation about this article at Town Meeting.

Rules Committee recommends approval.

Article 33 Explanation: In November of 2010 the Massachusetts Department of Environmental Protection (DEP) modified our water usage permit (our permit to draw water from the Concord River).

As part of the modification, a requirement was added to promote water conservation. The Town is required to achieve water usage of less than 65 gallons per person per day. If the Town does not meet this requirement, water conservation measures must be in place including By-Laws with specific water usage limitations. For the reporting year 2010, the Town had a residential usage of 67 gallons/person/day, therefore we are not in compliance with our use limitations. Our current water conservation By-Law is also out of compliance with the requirements of the permit.

Due to our non-compliance the permit requires:

“Calendar Triggered Restrictions from May 1st through September 30th

- **Nonessential outdoor water use is allowed TWO DAYS per week before 9:00 AM and after 5:00 PM and**
- **Nonessential outdoor water use is allowed ONE DAY per week before 9:00 AM and after 5:00 PM whenever a Drought Advisory or higher is declared.”**

Failure to comply with the permit requirements can result in fines up to \$25,000/day, which represents a potential \$9,125,000 liability to the Town.

The attached proposed By-Law was drafted to improve our water conservation, comply with the specifications of the permit and limit or eliminate the severity of potential DEP fines.

The major changes are:

- Remove “Voluntary” water conservation level, as it is advisory only
- Create new “Stage I” level of mandatory water conservation
 1. Allows outdoor water use on 2 days/week
 2. Morning and evening hours only
 3. Effective May 1 through October 1
- Create new “Stage II” level on mandatory water conservation
 1. Allows outdoor water usage on 1 day/week
 2. Morning and evening hours only
 3. Effective by order of Mass DEP or the Board of Selectmen based on water resource limitations
- Create new “Stage III” level of mandatory water conservation
 1. Prohibits all outdoor water uses
 2. Exception: water use to maintain livestock and animals
 3. Effective by order of Mass DEP or Board of Selectmen based on critical water resources limitation or infrastructure emergency

Failure of residents to comply with the mandatory water restriction measures would result in fines and the potential to have water service terminated.