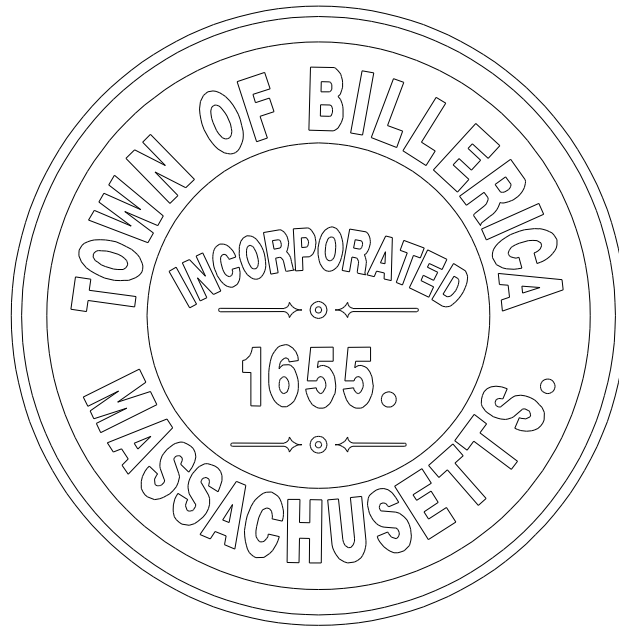


**TOWN OF BILLERICA**  
**FINAL WARRANT**



**ANNUAL FALL**  
**TOWN MEETING**

**Annual Fall Town Meeting**  
**Tuesday, October 7, 2014 at 7:30 PM**  
**At**  
**Billerica Town Hall Auditorium**

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

**Committee Articles**

1	To Appoint One Member to the Bowers Fund			Board of Selectmen	Recommends
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	Recommends

**Financial Articles**

3	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (A) Patrolmen		Free Cash	Town Manager; authorized by BOS	Recommends
4	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (B) Superior Officers		Free Cash	Town Manager; authorized by BOS	Recommends
5	To Fund Collective Bargaining Agreement – IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
6	To Amend Various Fiscal Year 2015 Town and School Operating Budget Line Items	\$447,176	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Recommends
7	To Fund Fiscal Year 2015 Town Capital Budget	\$750,000	Free Cash	Town Manager; authorized by BOS	Recommends
8	To Fund the Purchase of Repairs to an Existing Ambulance and Related Equipment	\$38,000	Free Cash	Town Manager; authorized by BOS	Recommends
9	To Purchase a New Fire Pump Engine	\$600,000	Free Cash	Town Manager; authorized by BOS	Recommends
10	To Fund Fiscal Year 2015 School Capital Budget	\$750,000	Free Cash	Billerica School Committee	Reserves Recommendation
11	To Fund the Implementation of Full-Day Kindergarten	\$600,000	Free Cash	Billerica School Committee	Reserves Recommendation
12	To Fund Substance Abuse Committee	\$25,000	Free Cash	Substance Abuse Committee	Reserves Recommendation
13	To Fund the Town Hall Windows Project	\$1,000,000	Free Cash	Town Manager; authorized by BOS	Recommends
14	To Fund the Rehabilitation of the Water Mains Program	\$1,000,000	Free Cash	Town Manager; authorized by BOS	Recommends
15	To Fund the Installation of Commercial Meters and the Utilities System	\$850,000	Free Cash	Town Manager; authorized by BOS	Recommends
16	To Fund Open Space and Recreation Master Plan	\$35,000	Free Cash	Recreation Commission	Recommends
17	To Fund the Debt Stabilization Fund	\$1,641,673	Raise & Appropriate	Town Manager; authorized by BOS	Recommends

<b>Article Number</b>	<b>Purpose</b>	<b>Value</b>	<b>Funding Source</b>	<b>Submitted by:</b>	<b>Finance Committee Recommendation</b>
18	To Appropriate Overlay Surplus to the Debt Stabilization Fund	\$2,720,172	Overlay Surplus	Town Manager; authorized by BOS	Recommends
19	To Fund the Debt Stabilization Fund		This Article has been Withdrawn		
20	To Vote Free Cash to the Debt Stabilization Fund	\$6,000,000	Available Funds	Finance Committee	Reserves Recommendation
21	To Vote Free Cash to the Stabilization Fund	\$6,000,000	Available Funds	Finance Committee	Reserves Recommendation
22	To Vote Free Cash to the Land Bank Account	\$6,000,000	Available Funds	Finance Committee	Reserves Recommendation
23	To Vote from Free Cash the Sum of \$695,000 to be Applied or Expended for the Purpose of Covering the FY 2014 Snow and Ice Deficit	\$695,000	Available Funds	Finance Committee	Reserves Recommendation
24	To Vote Free Cash to be Applied to the Fiscal Year 2015 Tax Rate	\$6,000,000	Available Funds	Finance Committee	Reserves Recommendation
25	To Transfer Funds from Overlay Surplus to Fund the Fiscal Year 2015 State-Mandated Triennial Revaluation and Certification		This Article has been Withdrawn		
26	To Apply for a Grant from the Commonwealth of Massachusetts for Renovations and Improvements to the Peggy Hannon-Rizza Recreation Complex	\$800,000	Borrowing	Recreation Commission	Recommends

**Local Acceptance of State Statues**

27	Payment in Lieu of Tax Agreement – General Latex Site in Iron Horse Park			Town Manager; authorized by BOS	Recommends
28	To Accept the Provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors	Recommends
29	To Adopt Provisions of Chapter 44, Subsection 53 F ½ M.G.L. Establishing the Water Department as an Enterprise Fund			Water/Sewer Oversight Board	Recommends
30	To Adopt Provisions of Chapter 44, Subsection 53 F ½ M.G.L. Establishing the Sewer Department as an Enterprise Fund			Water/Sewer Oversight Board	Recommends

<b>Article Number</b>	<b>Purpose</b>	<b>Value</b>	<b>Funding Source</b>	<b>Submitted by:</b>	<b>Finance Committee Recommendation</b>
-----------------------	----------------	--------------	-----------------------	----------------------	---

***By-Law Change Articles***

31	To Amend the Zoning Map to Establish Medical Marijuana Overlay Districts			Planning Board	Recommends
32	To Amend the Zoning By-Laws with Respect to Wireless Communications Facilities			Planning Board	Reserves Recommendation
33	To Amend the Zoning By-Laws with Respect to Recycling Centers			Planning Board	Recommends
34	To Amend Zoning By-Laws Regarding Signage			Sign By-Law Committee	Recommends
35	To Amend the By-Law to Change Per Capita Consumption of Water			Town Manager; authorized by BOS	Recommends

***Petitioner Articles***

36	Petitioner Article			Petitioner	Recommends
37	Petitioner Article			Petitioner	Recommends
38	Petitioner Article	\$1,000,000		Petitioner	Reserves Recommendation
39	Petitioner Article			Petitioner	Recommends
40	Petitioner Article			Petitioner	Reserves Recommendation
41	Petitioner Article			Petitioner	Does Not Recommend
42	Petitioner Article		This Article has been Withdrawn		
43	Petitioner Article	\$30,000		Petitioner	Does Not Recommend

**PRELIMINARY WARRANT  
OCTOBER 7, 2014  
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 7, 2014 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 BOWERS FUND**

To see if the Town will vote to appoint one (1) member to the Bowers 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 Bowers 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 \$18,893.93 and the principal balance is \$129,418.61. Town Meeting appoints members to the Bowers Fund. Committee member Michael J. Rea'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 - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN**

To see if the Town of Billerica will vote to transfer and appropriate from Free Cash the sum of \$30,000 to fund the retroactive first year cost items contained in the successor Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen, which has a term of July 1, 2013 through June 30, 2016; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 3 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica and NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen. The highlights of this contract are: a cost of living increase of 0%, 2% and 2% over the life of the three year contract; an adjustment to steps within the salary schedule to bring consistency to the step schedule; the elimination of a 15% bonus provision in the last year of employment; a provision for accreditation of the Department. The full MOU will be available at Town Meeting. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS**

To see if the Town of Billerica will vote to transfer and appropriate from Free Cash the sum of \$60,000 to fund the retroactive first year cost items contained in the successor Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers, which has a term of July 1, 2013 through June 30, 2016; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 4 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers. The highlights of this contract are: a cost of living increase of 0%, 2% and 2% over the life of the three year contract; an adjustment to steps within the salary schedule to bring consistency to the step schedule; the elimination of a 15% bonus provision in the last year of employment; a provision for accreditation of the Department. The full MOU will be available at Town Meeting. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS**

To see if the Town of Billerica will vote to transfer and appropriate a sum of money to fund the retroactive first year cost items contained in the successor Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters), which has a term of July 1, 2013 through June 30, 2016; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 5 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica and IAFF Firefighters (International Association of Firefighters). The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 6 - TO AMEND VARIOUS FISCAL YEAR 2015 TOWN AND SCHOOL OPERATING BUDGET LINE ITEMS**

To see if the Town will vote to raise and appropriate the sum of \$302,167 and transfer and appropriate from Free Cash the sum of \$145,000, to amend the Fiscal Year 2015 Town and School Operating Budget as listed below; or act in relation thereto.

**Fall Budget Amendments FY 2015**

<u>Raise and Appropriate:</u>	123-5200	TM Contract Services	(45,000)
	123-5110	TM Personnel	67,176
	91070-7042	Medicare	150,000
	210-5110	Police Personnel	130,000
	220-5110	Fire Personnel	-
			<hr/>
			302,176
			<hr/>
<u>Free Cash Appropriation</u>	123-xxxx	Organizational Benchmark Study	45,000
	510-xxxx	Compost Capital Expenditure	100,000
			<hr/>
			145,000
			<hr/>
Budget Increase			<b>\$ 447,176</b>
Original FY2015 Budget			<b>\$ 136,796,569</b>
Amended FY2015 Budget			<b>\$ 137,243,745</b>

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

***Finance Committee recommends approval.***

Article 6 Explanation: This article establishes a full-time Economic Development Director where there was previously a part-time consultant. It corrects for an anticipated shortfall in the Medicare Account. It establishes an appropriation to study the organizational efficiencies of Town Departments and the potential to improve it. It establishes a Capital appropriation to fund a Pilot Compost Program at the old Wastewater Treatment Site previously operated by the Middlesex Sheriff’s Office. It also funds the second year of the two police contracts. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.



**ARTICLE 7 - TO FUND FISCAL YEAR 2015 TOWN CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$750,000 and transfer from the Infiltration/Inflow Funds the sum of \$400,000 to fund elements of the Town Capital Plan as specified below; or act in relation thereto.

**Town Capital - Article 7**

		<u>Source</u>	
		<u>Free Cash</u>	<u>I/I Funds</u>
Police	Animal Control Vehicle	\$ 36,000	
DPW	F250 Pick up truck with plow, replacement for C-1	58,000	
DPW	F750 Box Truck C-9	150,000	
DPW	F250 Pick up truck with plow, replacement for H-1	58,000	
DPW	1.5 Ton dump truck and plow, replacement for H-12	68,000	
DPW	5 Ton dump truck/with sander & plow, replacement for H-28	155,000	
DPW	Sweeper	225,000	
DPW	Infiltration/Inflow Removal		400,000
<b>Total:</b>		<b>\$ 750,000</b>	<b>\$ 400,000</b>

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

*Finance Committee recommends approval.*

Article 7 Explanation: This article will fund the purchase of a new Animal Control vehicle as well as several vehicles for the Department of Public Works. The most significant vehicle purchase is to replace one of the two street sweepers that are no longer in service. The infiltration/inflow (I/I) removal is mandated as a condition of the NPDES permit for the Town of Billerica as agreed to with the DEP. The NPDES permit allows the Town to withdraw water from the Concord River. Infiltration/inflow (I/I) is the water that gets into the Wastewater Collection System that should not be there. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 8 - TO FUND THE PURCHASE OF REPAIRS TO AN EXISTING AMBULANCE AND RELATED EQUIPMENT**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$38,000 to purchase ambulance equipment and complete a diesel engine overhaul to an existing Town ambulance; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 8 Explanation: This article will fund the purchase of two Physio Control Lucas critical care devices for both front line ambulances, in addition to funding the purchase of a diesel engine overhaul for an existing ambulance. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 9 - TO PURCHASE A NEW FIRE PUMP ENGINE**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$600,000 to purchase a new Fire Pump Engine; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 9 Explanation: The Town will be purchasing a new Fire Pump Engine, retiring a 1985 engine and moving a 1995 engine to a reserve engine. A 30 year old engine will be removed from the fleet, currently used as a reserve engine, moving a 20 year engine into the reserve spot and adding a new engine to the current fleet. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 10 - TO FUND FISCAL YEAR 2015 SCHOOL CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$750,000 to fund the Fiscal Year 2015 School Capital Budget; or act in relation thereto.

Submitted by the Billerica School Committee

*Finance Committee has not yet made final recommendation.*

Article 10 Explanation: This article seeks to use \$750,000 of Free Cash to fund Capital Projects for the Billerica Public Schools.

The School Department annual operating budget for contractual services and supplies for the Buildings and Grounds Department, exclusive of utility costs, is approximately \$1.5 million, of which \$250,000 is allocated for extraordinary maintenance.

However, due to cost increases associated with the Summer 2014 column replacement project at the Hajjar School that could not be anticipated until the project was underway, nearly \$900,000 in extraordinary maintenance costs have already been expended within the FY15 operating budget. This has put a number of necessary maintenance and capital projects on hold that would normally be addressed through the School Department's operating budget.

Article 10, if approved, will allow these projects to occur with funding from Free Cash. A presentation of both the Hajjar project and the projects that Article 10 seeks to fund will be made at the October Town Meeting. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 11 - TO FUND THE IMPLEMENTATION OF FULL-DAY KINDERGARTEN**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$600,000 to fund the implementation of full-day kindergarten in the Billerica Public Schools; or act in relation thereto.

Submitted by the Billerica School Committee

*Finance Committee has not yet made final recommendation.*

Article 11 Explanation: This article seeks to use \$600,000 of Free Cash to fund the implementation of full-day kindergarten in the Billerica Public Schools, consistent with the four-year financial plan for kindergarten implementation presented in Spring 2014. The incremental annual operating cost of full-day kindergarten is approximately \$800,000, and operating budget funding for full-day kindergarten is being phased in from FY15-19 through the use of school department circuit breaker reserves and free cash, if approved, from Article 11 as follows:

	FY15	FY16	FY17	FY18	FY19
Operating	\$0	\$200,000	\$400,000	\$600,000	\$800,000
Circuit Breaker	\$800,000	\$300,000	\$200,000	\$100,000	\$0
Free Cash	\$0	\$300,000	\$200,000	\$100,000	\$0
<b>Total</b>	<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>

The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 12 - TO FUND SUBSTANCE ABUSE COMMITTEE**

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

Submitted by the Substance Abuse Committee

*Finance Committee has not yet made final recommendation.*

Article 12 Explanation: These funds would be used for the following purposes:

- \$5000-** Bi-annual administration and analysis of the Community That Cares Youth Survey
- \$5000-** Targeted after-school intervention program for middle school students at risk for drug use at both the Locke and the Marshall Middle Schools.
- \$1000-** Printing services for water bill inserts, posters, etc.
- \$2000-** Community outreach materials available to residents, including printing services for the Billerica Community Resource Book
- \$5000-** Annual Town Forum on Substance Abuse Prevention
- \$5000-** Series of presentations for community members, parents and students
- \$2000-** Operation expenses to support the attainment of the substance abuse prevention efforts of the Billerica Substance Abuse Prevention Committee and the Community Outreach Coordinator

The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 13 - TO FUND THE TOWN HALL WINDOWS PROJECT**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$1,000,000 to fund Capital improvements and equipment for Town Hall repairs and renovations, including engineering, security and parking lot lighting and any incidental costs thereof; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 13 Explanation: This article is intended to supplement Article 21 of the Fall Town Meeting of 2012 in the amount of \$1,000,000. This project has had some unanticipated cost escalation for removal of hazardous material in the brick facade of the Town Hall. Additionally, there are some changes to enhance security and parking lot lighting at the Town Hall. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 14 - TO FUND THE REHABILITATION OF THE WATER MAINS PROGRAM**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$1,000,000 to fund the installation/replacement of water mains, including engineering and any incidental costs thereof; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 14 Explanation: In the past two years areas with frequent water breaks have been targeted for rehabilitation. In this requested appropriation, Christina Avenue, Lupine Lane and Pine Tree Road will be scheduled to be completed. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 15 - TO FUND THE INSTALLATION OF COMMERCIAL METERS AND THE UTILITIES SYSTEM**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$850,000 to be spent under the direction of the Town Manager for the Commercial and Industrial Water Meter Wireless Radio Read Program; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 15 Explanation: This purpose of this article is to implement the Water Meter Wireless Radio Read Program for Commercial and Industrial Buildings. The project cost is \$850,000. This project would provide for the installation of approximately 900 meters for commercial properties that can be read on a daily basis. This will eliminate inequities in the system and capture unrecorded low flows. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 16 - TO FUND OPEN SPACE AND RECREATION MASTER PLAN**

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$35,000 for the Town to undertake an update to the Open Space and Recreation Master Plan; or act in relation thereto.

Submitted by the Recreation Commission

*Finance Committee recommends approval.*

Article 16 Explanation: Billerica is required to have a current Open Space and Recreation Plan in order to apply for State Conservation, Recreation, and Open Space grants. These grants over the years have brought in several million dollars to Billerica. The current plan expired in September 2014. The Plan inventories open space and recreation resources, assesses community needs, establishes goals and objectives, and outlines a five year action plan.

The funds are used by the Open Space and Recreation Committee to fund a consultant to work with the committee and to prepare the final report. Unused funds are returned to the Town.

---

**ARTICLE 17 - TO FUND THE DEBT STABILIZATION FUND**

To see if the Town will vote to raise and appropriate the sum of \$1,641,673 to 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 17 Explanation: This appropriation will increase the Debt Stabilization balance to \$6,885,485.00. These funds will be used to stabilize the tax rate by maintaining annual level debt service appropriations of \$9,066,289. If this article is supported, the Town will have maintained this commitment to debt service for four years.

**ARTICLE 18 - TO APPROPRIATE OVERLAY SURPLUS TO THE DEBT STABILIZATION FUND**

To see if the Town will vote to transfer and appropriate from Overlay Surplus an amount of \$2,720,172 to 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 18 Explanation: This appropriation will increase the Debt Stabilization balance to \$9,605,657. These funds will be used to stabilize the tax rate by maintaining annual level debt service appropriations as explained in Article 17.

---

**ARTICLE 19 – THIS ARTICLE HAS BEEN WITHDRAWN**

---

**ARTICLE 20 - TO VOTE FREE CASH TO THE DEBT STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of \$6,000,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 20 Explanation: This article seeks to use Free Cash to transfer into Debt Stabilization, earmarked to help mitigate the impact of future debt for school construction. If approved, this transfer will be added to the \$1,000,000 allocated for school debt stabilization during the Fall 2012 Town Meeting and the \$753,836 from Free Cash and \$908,817.37 through raise and appropriate allocated during the Fall 2013 Town Meeting.



**ARTICLE 21 - TO VOTE FREE CASH TO THE STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of \$6,000,000 to the Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 21 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The current balance of the Town Stabilization Fund is \$4,196,546 for the Town and \$657,927 for the School Department. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 22 - TO VOTE FREE CASH TO THE LAND BANK ACCOUNT**

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of \$6,000,000 to the Land Bank Account; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 22 Explanation: The Land Bank account was established by special legislation. The text of that legislation can be found in Appendix C. The current balance of the Town Land Fund is \$485,877. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

**ARTICLE 23 - TO VOTE FROM FREE CASH THE SUM OF \$695,000 TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF COVERING THE FY 2014 SNOW AND ICE DEFICIT**

To see if the Town will vote to transfer from Free Cash the sum of \$695,000 to be applied or expended for the purpose of covering the Fiscal Year 2014 Snow and Ice deficit; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 23 Explanation: To be presented at Town Meeting. The Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 24 - TO VOTE FREE CASH TO BE APPLIED TO THE FISCAL YEAR 2015 TAX RATE**

To see if the Town will vote to transfer from Free Cash the sum of \$6,000,000 for the purpose of reducing the Fiscal Year 2015 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 24 Explanation: To be presented at Town Meeting. Department of Revenue certified Free Cash as of July 1, 2013 at \$6,985,100.

---

**ARTICLE 25 - THIS ARTICLE HAS BEEN WITHDRAWN**

**ARTICLE 26 - TO APPLY FOR A GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS FOR RENOVATIONS AND IMPROVEMENTS TO THE PEGGY HANNON-RIZZA RECREATION COMPLEX**

To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow under M.G.L Chapter 44, Section 7, Subsection 25, or any other relevant statute, the sum of \$800,000 to be spent under the direction of the Town Manager, for design and development of the next phase of the Peggy Hannon-Rizza Recreation Complex Master Plan, or act in relation thereto.

Submitted by the Recreation Commission

***Finance Committee recommends approval.***

Article 26 Explanation: The Peggy Hannon-Rizza Recreation Complex is one of the largest Town recreation areas and gets used by a variety of residents, youth sports organizations and visitors. This facility includes a youth league football field, a playground, tennis courts, basketball courts, a skate park, softball fields and more. Hundreds of people use this facility because of its central location and proximity to the major thoroughfares and industry. The goal is to update and follow the Master Plan to allow for its increased usage and creation of a much more user friendly facility for all the residents of Billerica.

We submitted a PARC Grant proposal on June 18, 2014. Because we are a town with over 35,000 residents, we are eligible for up to \$400,000 reimbursable grant on this \$800,000 project. The work to be completed is as follows:

- Lights on the tennis courts and at other areas as needed for public safety around the complex.
- Fixing the dirt parking lot area and exit gate out to French Street by weeding, grading, paving and adding stone dust or gravel as needed.
- Creating an updated design for the complex.
- Implementing the design to complete the improvements which will include fencing, building trails/paths, seeding areas, removal of telephone poles and debris, planting and other landscaping as recommended in the plan.

The \$800,000 for the Peggy Hannon-Rizza Recreation Complex will greatly enhance the quality of our recreational resources for Billerica.

**ARTICLE 27 - PAYMENT IN LIEU OF TAX AGREEMENT – GENERAL LATEX SITE IN IRON HORSE PARK**

To see if the Town will vote to authorize the Board of Selectmen and Board of Assessors to negotiate and execute a payment in lieu of taxes (PILOT) agreement pursuant to M.G.L. C. 59, §38H(b) and Department of Revenue guidelines promulgated thereunder, or any other enabling authority, with respect to annual payments in lieu of real and personal property taxes for a term of up to 25 years relative to the parcel of land located at 200 Rear High Street, N Billerica (Iron Horse Park), commonly referred to as the “General Latex Building” as shown on Assessor’s Map 16, Parcel 132-0, with respect to a Solar Photovoltaic Electricity Generating Facility with an expected capacity of approximately 4.7 megawatts to be installed, owned and operated by a third party upon said parcel on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to undertake the purpose of this article; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 27 Explanation: The developers of the proposed Solar Photovoltaic Energy Generating Facility at the Shaffer Landfill property are in the final stages of permitting and financing arrangements for this project. Pursuant to the provisions of G.L. c. 59, §38H, cities and towns in which such energy generating facilities are located can negotiate payment in lieu of tax agreements (PILOTs) with the operators of such facilities, rather than resort to the ad valorem taxation of such facilities in each fiscal year in which they operate. Pursuant to guidelines adopted by the Department of Revenue, once the Assessors and Selectmen of a municipality negotiate the terms of such a PILOT Agreement, the Agreement must be ratified by the legislative body of the city or town. The subject PILOT Agreement provides the Town with certainty and predictability with respect to the revenue stream to be generated from the subject property over its 20 year term. It also insulates the Town from future changes in legislation which could undermine the ability of local assessors to assess these energy generating properties at full and fair cash value.

**ARTICLE 28 - TO ACCEPT THE PROVISIONS OF M.G.L. 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 Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 permitting the Town to grant 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 in all exemptions for all persons so qualified; or act in relation thereto.

Submitted by the Board of Assessors

*Finance Committee recommends approval.*

Article 28 Explanation: The Town has historically adopted this local option law to allow the Board of Assessors to offer an additional 60% increase on to existing property tax exemption amounts for Disabled Veterans, the Blind and financially qualified Elderly and Widowed property owners.

---

**ARTICLE 29 - TO ADOPT PROVISIONS OF CHAPTER 44, SUBSECTION 53 F ½ M.G.L. ESTABLISHING THE WATER DEPARTMENT AS AN ENTERPRISE FUND**

To see if the Town of Billerica will adopt the provisions of Chapter 44, §53 F ½ of the Massachusetts General Laws establishing the Water Department as an Enterprise Fund effective Fiscal Year 2016; or act in relation thereto.

Submitted by the Water/Sewer Oversight Board

*Finance Committee recommends approval.*

Article 29 Explanation: A yes vote shall enable the Town of Billerica to establish an Enterprise Fund for operating the Water Department. Enterprise Funds are an accounting method used by many municipalities across the State. It is proposed to operate the fund “as is” and “as budgeted”. At the present time the water rates will cover the operational costs of the water system. Implementation shall require no adjustments of rates and reporting shall be in the required format as dictated by the regulations. Advantages of this system of accounting include retention of water resources, better transparency, more flexibility in financing water projects and the ability to stabilize rates from year to year.

**ARTICLE 30 - TO ADOPT PROVISIONS OF CHAPTER 44, SUBSECTION 53 F ½ M.G.L.  
ESTABLISHING THE SEWER DEPARTMENT AS AN ENTERPRISE FUND**

To see if the Town of Billerica will adopt the provisions of Chapter 44, §53 F ½ of the Massachusetts General Laws establishing the Sewer Department as an Enterprise Fund effective Fiscal Year 2016; or act in relation thereto.

Submitted by the Water/Sewer Oversight Board

*Finance Committee recommends approval.*

Article 30 Explanation: A yes vote shall enable the Town of Billerica to establish an Enterprise Fund for operating the Sewer Department. Enterprise Funds are an accounting method used by many municipalities across the State. It is proposed to operate the fund “as is” and “as budgeted”. At the present time the sewer rates will cover the operational costs of the sewer system. Implementation shall require no adjustments of rates and reporting shall be in the required format as dictated by the regulations. Advantages of this system of accounting include retention of sewer resources, better transparency, more flexibility in financing sewer projects and the ability to stabilize rates from year to year.

**ARTICLE 31 - TO AMEND THE ZONING MAP TO ESTABLISH A MEDICAL MARIJUANA OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map to create a Medical Marijuana Overlay District comprised of the following parcels on Republic Road, Esquire Road and Sterling Road:

Assessors' Map 38 Parcels 5-2, 5-6, 11-1, 15-1, 25, 28, 30-1, 30-2, 30-3-1, 30-5 and 33;

Assessors' Map 39 Parcels 18-1, 18-2, 18-3, 18-4, 33-1 and 93-1;

Assessors' Map 48 Parcels 5-2, 5-3, 7, 11-1, 16-1, 23-1, 24, 25, 26, 27-1, 29, 30, 32, 34, 36-1, 37-1, 38, 39, 41-3, 43, 44, 45-1, 46-1, 48, 49, and 53;

Assessors' Map 58 Parcel 17

Or act in relation thereto.

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 31 Explanation: This article proposes to establish a Medical Marijuana Overlay District in the industrial corridor of Republic Road, Esquire Road and Sterling Road. This industrial corridor lies parallel to Route 3 between Treble Cove Road and Rangeway Road, but not including properties that front on these roads. Since only five (5) dispensaries can initially be permitted per county, it is expected that any such dispensary will be a regional destination. This overlay district is recommended due to its ease of access from Route 3 and comparative isolation from residential neighborhoods compared with other potential locations in Billerica.

**ARTICLE 32 - TO AMEND THE ZONING BY-LAWS WITH RESPECT TO WIRELESS COMMUNICATIONS FACILITIES**

To see if the Town will vote to amend the Zoning By-Law as follows:

To amend Section 5.G “Wireless Communications Facilities”, subsection IV “Setbacks”, paragraph 2, to delete the word “public” before the word “schools”.

Or act in relation thereto.

Submitted by the Planning Board

*Finance Committee has not yet made final recommendation.*

Article 32 Explanation: The current Zoning By-Law applies a setback to “public schools”. The Planning Board proposes that any setback requirements for schools should apply equally to all types of schools regardless of the adjective used, public, parochial, charter, private, etc.

The deletion would appear as follows:

**IV. SETBACKS**

1. For new construction regardless of the yard setbacks required under this By-Law, in the applicable zoning district, monopoles and accessory structures shall be set back from all property lines at least the vertical height of the monopole structure, including other antennas and appurtenances, as measured from the base of said structure, plus 10 feet. There shall be no exception to this provision.
2. To preserve the character of residential neighborhoods and to minimize the associated negative visual images and auditory impacts on adjacent property and its value, and to minimize accessibility of the equipment storage facilities to children, WCFs regardless of sited zoning district shall not be placed within 250 feet of adjacent residential dwellings, and 800 feet of adjacent public schools and 250 feet of all municipal buildings which house employees for their scheduled working hours. This measurement is taken from the base of the structure and the equipment storage facility to the nearest point of such residential dwellings.



**ARTICLE 33 - TO AMEND THE ZONING BY-LAWS WITH RESPECT TO RECYCLING CENTERS**

To see if the Town will vote to amend the Zoning By-Law as follows:

To amend Section 2.C by adding the following definition of Recyclable Materials Transfer Center:

“Recyclable Materials Transfer Center: A facility wherein used materials, namely paper, glass, plastic, aluminum and tin cans, cardboard, and electronics, which are commonly and purposely separated from trash, garbage and refuse for the purpose of recycling, are received, sorted and transported off-site, but not including processing such materials into new products for reuse or use by consumers.”

**And** further to Amend Section 5.F “Table of Use Regulations” by inserting in the category “Industrial Uses” a new row for Recyclable Materials Transfer Center and indicating “SA” in the I and RT Districts, “N” in the VR, NR, RR, MF, NB, GB, C, DG, AD, CP, and AE Districts, and “\*” in the FP, H, RC, TH, EH, SS, and MC Districts.

Or act in relation thereto.

Submitted by the Planning Board

*Finance Committee recommends approval.*

Article 33 Explanation: This Zoning By-Law Amendment is submitted in response to various concerns expressed about the four existing recycling centers in Billerica. Recycling centers were historically interpreted to be a “light manufacturing” use under the Zoning Bylaw and allowed by right in Industrial Districts. This amendment proposes create a specific definition for such facilities under the term “Recyclable Materials Transfer Center”, and still allows for such facilities to be located in Industrial Districts, and also in Refuse Transfer Station Specialty Districts, subject to a special permit from the Planning Board.

The revised pertinent sections of the Zoning Bylaw would appear as follows (new text in **BOLD** print:

**SECTION 2 - DEFINITIONS**

C. Definitions

**Recyclable Materials Transfer Center:** a facility wherein used materials, namely paper, glass, plastic, aluminum and tin cans, cardboard, and electronics, which are commonly and purposely separated from trash, garbage and refuse, are received, sorted and transported off-site, but not including processing such materials into new products for reuse or use by consumers. Such facility shall be located at least 500 feet from any residential district boundary and within 1500 feet of a limited access highway.

**SECTION 5 – REGULATION OF USES, BUILDINGS AND STRUCTURES**

F. TABLE OF USE REGULATIONS

INDUSTRIAL USES	VR	NR	RR	MF	NB	GB	C	I	RT	DG	AD	CP	AE	FP	H	RC	TH	EH	SS	MC
Accessory service and repair	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Automotive sales	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Automotive services	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Composting facilities	N	N	N	N	N	N	N	N	N	N	N	Y	N	*	*	*	*	*	*	*
Light manufacturing	N	N	N	N	N	SZ	SZ	Y	N	N	N	N	SZ	*	*	*	*	*	*	*
Private sewage treatment	N	N	N	N	N	N	N	N	SP	N	N	N	N	*	*	*	*	*	*	*
<b>Recyclable Materials Transfer Center</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>SA</b>	<b>SA</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	*	*	*	*	*	*	*
Refuse composting plant	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Refuse incinerator	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Refuse transfer station	N	N	N	N	N	N	N	N	SA	N	N	N	N	*	*	*	*	*	*	*
Residual waste storage	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Temp. Construction Trailer	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	*
Truck terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	*	*	*	*	*	*	*
Waste treatment plant	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Wholesale	N	N	N	N	N	SZ	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*

**ARTICLE 34 - THIS ARTICLE HAS BEEN WITHDRAWN**

**ARTICLE 35 - TO AMEND THE PUBLIC UTILITIES BY-LAW REGARDING WATER CONSERVATION**

To see if the Town will vote to delete the current Article VIII, Section 6 in the General By-Laws and replace it with the following language:

**6. WATER CONSERVATION**

Definitions

**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 in Billerica.

**RGPCD:** Residential Gallons per Capita Day. The Water Management Act sets 65 RGPCD or less as the performance standard for residential water use per person per day.

**Drought Triggered Restrictions:** Are incorporated into seasonal limits on outdoor water use when a drought has been declared by the Massachusetts Drought Management Task Force. Drought-based water restrictions may be implemented before a Drought Advisory because drought conditions can begin to impact local water supply prior to a regional advisory being declared.

**Nonessential outdoor water uses that are subject to mandatory restrictions:**

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems.
- Washing of vehicles, except in a commercial car wash or as necessary for operator safety.
- Washing of exterior building surfaces, parking lots, driveway or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.
- Exceptions to non-essential outdoor water uses are listed in section **6.8 Exemptions** in this By-Law.

**Outdoor water uses that may be allowed when mandatory restrictions are in place:**

- Use for health or safety reasons
- By regulation
- For the production of food and fiber
- For the maintenance of livestock; or
- 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 Management Task Force.

This By-Law implements Seasonal Restrictions on Nonessential Outdoor Water Use as required by the Water Management Act Permit # 9P-3-14-031.01 and/or any other restrictions mandated by the Massachusetts Department of Environmental Protection.

**6.2 Restricted Water Uses**

**6.2.1** 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 Director of Public Works or his designee.

Municipal use of water for recreation fields will be allowed every other day before 9:00 AM and after 5:00 PM.

**6.2.2** 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.

**6.3 Seasonal Limits on Nonessential Outdoor Water Use**

**6.3.1 65 RGPCD Standard met for the preceding year**

May 1<sup>st</sup> through September 30<sup>th</sup>

No nonessential outdoor water use from 9 AM to 5 PM

**6.3.2 65 RGPCD exceeded for the preceding year**

May 1<sup>st</sup> through September 30<sup>th</sup>

- a) Nonessential outdoor water use is allowed **TWO DAYS per week** before 9 AM and after 5 PM.
  
- b) Nonessential outdoor water use is allowed **ONE DAY per week** before 9 AM and after 5 PM whenever a Drought Advisory or higher advisory is declared by the Massachusetts Drought Management Task Force or if it is determined (by the DPW Director) to be impacts to the drinking water supply.

**6.4 Public Notification of Water Use Restrictions**

The Town shall notify its customers of the restrictions and the consequences of failing to adhere to the restrictions by April 15<sup>th</sup> of each year.

Such notice shall include:

- A detailed description of the restrictions and penalties for violating the restrictions;
  
- The need to limit water use, especially nonessential outdoor water use, to ensure a sustainable drinking water supply and to protect natural resources and streamflow for aquatic life; and
  
- Ways individual homeowners can limit water use, especially nonessential outdoor water use.

**6.5 Penalties of Water Supply Restrictions**

6.5.1 Seasonal Limits on Nonessential Outdoor Water Use limits the uses of water as necessary to protect the water supply and public safety. The applicable water conservation restrictions, conditions and enforcement shall be included on the public notice required under Section 6.4.

	<u>Residential</u>	<u>Commercial</u>
<b>First Violation</b>	Written Citation	Written Citation
<b>Second Violation</b>	\$50.00	\$100.00
<b>Subsequent Violations</b>	\$100.00	\$200.00

**Subsequent Violations** – May result in termination of service plus cost of termination and restoration.

**6.6 Penalties during Restrictions on Nonessential Outdoor Water Use**

- 6.6.1 First violation notice shall state the consequences for each subsequent violation cited during the restriction period.
- 6.6.2 Cost of termination and restoration of water service and all fines shall be paid in full before service is restored.
- 6.6.3 Termination and restoration charge shall be a minimum \$100.00 or actual cost if higher. Service termination shall be done during normal working hours, *i.e.* Monday through Friday, 7:00 AM to 3:30 PM. Water restoration, at the water user’s option, may take place during normal working hours or overtime hours. 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.
- 6.6.4 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.

**6.6.5** 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.

**6.6.6** The Water Division shall be the primary enforcing agent for the By-Law.

**6.7 Special Restrictions**

**6.7.1 Automatic Sprinkler Irrigation Systems**

**6.7.1.1** 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.

**6.7.2 Swimming Pools**

**6.7.2.1** 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.

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

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

**6.8 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.

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

*Finance Committee recommends approval.*

*Rules Committee recommends approval.*

Article 35 Explanation: As water use restriction becomes mandatory per the Town's Water Withdrawal Permit, the changes in the By-Law are made to reflect the compliance with the permit and remove the reference to any voluntary restriction.



**ARTICLE 36 - PETITIONERS ARTICLE**

To see if the Town will vote to amend the Zoning By-Laws, as amended on Town Meeting floor, to change the following wording as noted below; or act in relation thereto:

Billerica Zoning By-Law

Section 10.E – ABANDONMENT, DISCONTINUANCE AND NON-USE

Section 10.E.1 – DEFINITIONS

Existing:

1. Any pre-existing, non-conforming building, structure or use that is abandoned, discontinued or not used for a period of two or more years shall comply with all provisions of this Zoning By-Law. This provision shall not apply to single or two family dwellings on lots with areas of 5,000 square feet or greater and having at least fifty feet of frontage. Any abandoned, discontinued or not used single or two family dwelling shall comply with the provisions of Section C, as set forth above.

Proposed:

1. Any pre-existing, non-conforming building, structure or use that is abandoned, discontinued or not used for a period of two or more years shall comply with all provisions of this Zoning By-Law.

Submitted by Christine Vieira-Trant and Messrs. Roberts, Campbell, Kelley, Trout, Gutierrez, Bradley, Fitzmaurice, Mooney and Madames Vaughan, Meurer, Campbell and Boudreau.

***Finance Committee recommends approval.***

**ARTICLE 37 - PETITIONERS ARTICLE**

To see if the Town will vote to amend the General By-Laws, Article XII Section 21.2 of the Personnel By-Law to read as follows:

- 21.2 Eligibility for such participation shall be at the established requirement of the employee to work a minimum of twenty (20) hours per week and earn a minimum of \$5,000 per year. Any employee currently earning less than \$5,000 per year presently covered by a Town Group Health Insurance shall be provided coverage by a Town Group Health Insurance plan through December 31, 2014 with said insurance coverage ending on that date.
  - A. Effective January 1, 2015, a new retiree shall be eligible for the Town's Group Health Insurance benefit if the retiree receives municipal retirement benefits and earned at least \$5,000 per year as an employee of the Town of Billerica for the three years prior to his/her retirement.

None of these provisions shall apply to those already retired prior to January 1, 2015 nor shall these provisions contradict any valid negotiated Municipal Labor Contract. The terms of any valid Municipal Labor Contract shall supersede the above; or act in relation thereto.

Submitted by Robert M. Correnti and Messrs. Conway, Noel, Kleschinsky, Kelly, O'Donnell, O'Donnell, Gagliardi, Mahoney, Gagliardi and Madames Correnti, Noel, O'Donnell, Gagliardi and Mahoney.

***Finance Committee recommends approval.***

***Rules Committee does not recommend.***

Article 37 Explanation: Approval of this Warrant Article would make eligibility for the Town's Group Medical Insurance benefit consistent with eligibility for Municipal Retirement benefits (i.e. an employee must earn a minimum of \$5,000 per year).

**ARTICLE 38 - PETITIONERS ARTICLE**

To see if the Billerica Town Meeting will vote to transfer \$1,000,000 (one million dollars) from Free Cash to offset the Fiscal Year 2015 real estate taxes; or act in relation thereto.

Submitted by Michael S. Rosa and Messrs. Moore, Burns, Simolaris, Rosa, Carroll, Anderson, Smilgis, Farmer and Madames Moore and Usseglio.

*Finance Committee has not yet made final recommendation.*

**ARTICLE 39 - PETITIONERS ARTICLE**

To see if the Town will vote to amend the Zoning By-Law rezoning from a General Business District to a Multi-Family District a parcel of land located on Webb Brook in said town, bounded and described as follows:

Lot 1A, Plan Book 187, Plan 148

That certain parcel of land together with any building and improvements thereon, situated in Billerica, Middlesex County, Massachusetts and shown as Lot 1A on a plan of land entitled: "Plan of Land Webb Brook/Allen Road, Billerica, Massachusetts, prepared for BAHA Realty Trust, January 20, 1995", which plan is recorded in Middlesex North District Registry of Deeds in Plan 187, Plan No. 148, being more particularly bounded and described as follows:

- SOUTHWESTERLY            by land now or formerly of Webb Brook Commons, one hundred ninety-four and 01/100 (194.01) feet;
- NORTHWESTERLY        by land now or formerly of Webb Brook Common, one hundred ten and 53/100 (110.53) feet;
- NORTHEASTERLY        by land now or formerly of Webb Brook Common, one hundred ninety six and 37/100 (196.37) feet; and
- SOUTHEASTERLY        by Allen Road and Webb Brook Road, by two lines measuring, respectively, one hundred forty seven and 84/100 (147.84) and seventy and 25/100 (70.25) feet.

Containing 33,022 square feet according to said plan.

Submitted by Francis McCarthy and Messrs. McCarthy, Bent, Weston, Bent, Hoar, Higgins, Venezia, Allen, Powderly, McLeod and Madames McCarthy, McCaffrey and McLeod.

*Finance Committee recommends approval.*

**ARTICLE 40 - PETITIONERS ARTICLE**

To see if the Town will vote to apply all benefits from net metering agreement with U.G.T. (solar complex) to offset utility costs of water and sewer departments. This will help to make our Water and Sewer Departments more self-sufficient.

Submitted by George Simolaris, Jr. and Messrs. DiFrancesco, Reader, Libby, Shaw, Simolaris, Capobianco, Demerjian, Gray and Madames Merrill, Demerjian, Scott and Walsh.

*Finance Committee has not yet made final recommendation.*

---

**ARTICLE 41 - PETITIONERS ARTICLE**

To see if the Town will vote to form a committee to seek a feasibility study on transitioning from a Town Meeting form of government to a Town/City Council with a Mayor. This committee will make recommendations to Town Meeting on benefits versus disadvantages of changing Billerica's form of government to better serve our residents. This committee will also discuss timelines and procedures for changing our form of government.

Submitted by George Simolaris Jr. and Messrs. DiFrancesco, Reader, Libby, Shaw, Simolaris, Capobianco, Demerjian, Gray and Madames Merrill, Demerjian, Scott and Walsh.

*Finance Committee does not recommend.*

*Rules Committee recommends approval.*

---

**ARTICLE 42 – THIS ARTICLE HAS BEEN WITHDRAWN**

**ARTICLE 43 - PETITIONERS ARTICLE**

To see if the Town will vote to implement an Automatic Vehicle Locator (AVL) system as an integral part of our emergency services dispatch system and to allocate \$30,000 from Free Cash to pay for the implementation.

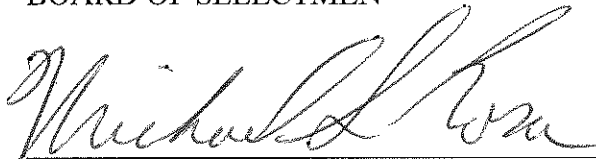
Submitted by David Johnson and Messers. Hunt, Capobianco, Angiuoni, Seymour and Madames Johnson, Barrett, Moreno, Marshall, Angiuoni, Seymour and Lee.

*Finance Committee does not recommend.*

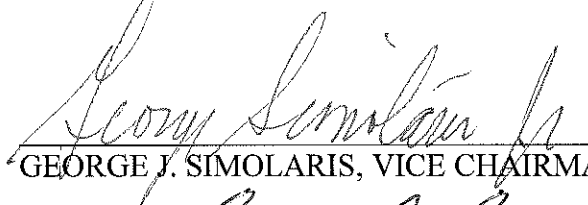
And you are hereby directed to serve this Final Warrant by posting true and attested copies thereof, one copy at the Town Hall, one copy at the Billerica Public Library, one copy at the Billerica Police Station, one copy at the Belly Buster Diner, one copy at Pinehurst Post Office, one copy at the Center Post Office, Boston Road, one copy at Market Basket, Town Plaza, Boston Road, one copy at the West Billerica Fire Station, one copy at the Nutting Lake Post Office, one copy at Jim's Barber Shop, 8 Andover Road, one copy at the Ninety-Nine Restaurant, Lexington Road, one copy at the Pinehurst Fire Station, one copy at the East Billerica Fire Station, one copy at the North Billerica Post Office and one copy at the North Billerica Fire Station.

Given under our hands this 30<sup>th</sup> day of September 2014.

BOARD OF SELECTMEN



MICHAEL S. ROSA, CHAIRMAN



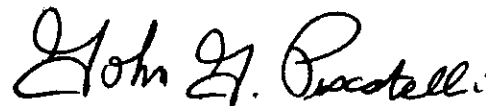
GEORGE J. SIMOLARIS, VICE CHAIRMAN



ANDREW N. DESLAURIER, SECRETARY

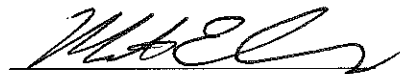


DANIEL L. BURNS, MEMBER



JOHN J. PISCATELLI, MEMBER

A true copy attest



Constable, Town of Billerica