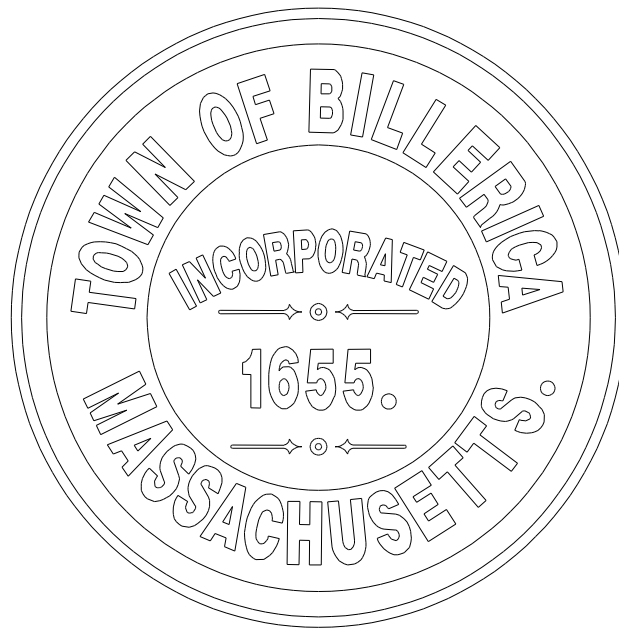


TOWN OF BILLERICA
PRELIMINARY WARRANT



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
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Committee Articles

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

Financial Articles

3	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (A) Patrolmen		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
4	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (B) Superior Officers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
5	To Fund Collective Bargaining Agreement – IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
6	To Amend Various Fiscal Year 2015 Town and School Operating Budget Line Items	\$6,000,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
7	To Fund Fiscal Year 2015 Town Capital Budget	\$6,000,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
8	To Fund the Purchase of a New Ambulance and Related Equipment	\$200,000	Available Funds	Town Manager; authorized by BOS	
9	To Purchase a New Fire Pump Engine	\$600,000	Available Funds	Town Manager; authorized by BOS	
10	To Fund Fiscal Year 2015 School Capital Budget	\$6,000,000	Raise & Appropriate / Available Funds	Billerica School Committee	
11	To Fund the Implementation of Full-Day Kindergarten	\$600,000	Raise & Appropriate / Available Funds	Billerica School Committee	
12	To Fund Substance Abuse Committee	\$25,000	Available Funds	Substance Abuse Committee	
13	To Fund the Town Hall Windows Project	\$1,000,000	Available Funds / Borrow	Town Manager; authorized by BOS	
14	To Fund the Rehabilitation of the Water Mains Program	\$2,000,000	Available Funds	Town Manager; authorized by BOS	
15	To Fund the Installation of Commercial Meters and the Utilities System	\$1,000,000	Available Funds / Borrow	Town Manager; authorized by BOS	
16	To Fund Master Plan	\$35,000	Raise & Appropriate / Available Funds	Recreation Commission	
17	To Fund the Debt Stabilization Fund	\$6,000,000	Raise & Appropriate	Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
18	To Appropriate Overlay Surplus to the Debt Stabilization Fund	\$3,000,000	Available Funds	Town Manager; authorized by BOS	
19	To Fund the Debt Stabilization Fund	\$6,000,000	Available Funds	Billerica School Committee	
20	To Vote Free Cash to the Debt Stabilization Fund	\$6,000,000	Available Funds	Finance Committee	
21	To Vote Free Cash to the Stabilization Fund	\$6,000,000	Available Funds	Finance Committee	
22	To Vote Free Cash to the Land Bank Account	\$6,000,000	Available Funds	Finance Committee	
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	
24	To Vote Free Cash to be Applied to the Fiscal Year 2015 Tax Rate	\$6,000,000	Available Funds	Finance Committee	
25	To Transfer Funds from Overlay Surplus to Fund the Fiscal Year 2015 State-Mandated Triennial Revaluation and Certification	\$1,000,000	Available Funds	Board of Assessors	
26	To Apply for a Grant from the Commonwealth of Massachusetts for Renovations and Improvements to the Peggy Hannon-Rizza Recreation Complex	\$800,000	Available Funds / Borrow	Recreation Commission	

Local Acceptance of State Statues

27	Payment in Lieu of Tax Agreement – General Latex Site in Iron Horse Park			Town Manager; authorized by BOS	
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	
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	
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	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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By-Law Change Articles

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

Petitioner Articles

36	Petitioner Article			Petitioner	
37	Petitioner Article			Petitioner	
38	Petitioner Article	\$1,000,000		Petitioner	
39	Petitioner Article			Petitioner	
40	Petitioner Article			Petitioner	
41	Petitioner Article			Petitioner	
42	Petitioner Article			Petitioner	
43	Petitioner Article	\$30,000		Petitioner	

**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

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

ARTICLE 3 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen; or act in relation thereto.

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

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

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers; or act in relation thereto.

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

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters); or act in relation thereto.

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

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, transfer from available funds or reduce various line items by the sum of \$6,000,000 to amend the Fiscal Year 2015 Town and School Operating Budget; or act in relation thereto.

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

ARTICLE 7 - TO FUND FISCAL YEAR 2015 TOWN CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,000,000 for the Town Capital Plan; or act in relation thereto

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

ARTICLE 8 - TO FUND THE PURCHASE OF A NEW AMBULANCE AND RELATED EQUIPMENT

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$200,000 to purchase a new ambulance and related equipment; or act in relation thereto.

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

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

ARTICLE 10 - TO FUND FISCAL YEAR 2015 SCHOOL CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,000,000 to fund the Fiscal Year 2015 School Capital Budget; or act in relation thereto.

Submitted by the Billerica School Committee

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

To see if the Town will vote to raise and appropriate or transfer from available funds 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

ARTICLE 12 - TO FUND 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 Substance Abuse Committee

ARTICLE 13 - TO FUND THE TOWN HALL WINDOWS PROJECT

To see if the Town will vote to raise and appropriate, borrow or transfer the sum of \$1,000,000 to fund Capital improvements and equipment for Town Hall repairs and renovations; or act in relation thereto.

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

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

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund \$2,000,000 for the installation/replacement of water mains; or act in relation thereto.

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

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

To see if the Town will vote to raise and appropriate, borrow or transfer the sum of \$1,000,000 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

ARTICLE 16 - TO FUND MASTER PLAN

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

Submitted by the Recreation Commission

ARTICLE 17 - TO FUND THE DEBT STABILIZATION FUND

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

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

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

To see if the Town will vote to transfer from Overlay Surplus an amount of \$3,000,000 to the Debt Stabilization Fund; or act in relation thereto.

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

ARTICLE 19 - TO FUND THE DEBT STABILIZATION FUND

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

Submitted by the Billerica School Committee

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

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

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

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

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

ARTICLE 25 - TO TRANSFER FUNDS FROM OVERLAY SURPLUS TO FUND THE FISCAL YEAR 2015 STATE-MANDATED TRIENNIAL REVALUATION AND CERTIFICATION

To see if the Town will vote to transfer the amount of \$1,000,000 from Overlay Surplus to fund the Fiscal Year 2015 State-Mandated Triennial Revaluation and Certification of all real estate and personal property located within the Town of Billerica; or act in relation thereto.

Submitted by the Board of Assessors

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 raise and appropriate, borrow or transfer from available funds the sum of \$800,000 to design and develop the next phase of the Peggy Hannon-Rizza Recreation Complex master plan. Billerica Recreation is seeking authorization to apply for the PARC Grant from the Commonwealth of Massachusetts. The PARC Grant is reimbursable for up to \$400,000. The Peggy Hannon-Rizza Recreation Complex is dedicated to active parks and recreation purposes under MGL Chapter 45, Section 14; or act in relation thereto.

Submitted by the Recreation Commission, John Bartlett, Chairman

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 execute a PILOT agreement pursuant to M.G.L. C. 59, §38H and Department of Revenue guidelines promulgated thereunder, 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”; said PILOT agreement to be based upon the proposed construction and operation of a Solar Photovoltaic Electricity Generating Facility with an expected capacity of approximately 4.7 megawatts on said parcel; or act in relation thereto.

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

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 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.

Submitted by the Board of Assessors

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

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

ARTICLE 31 - TO AMEND THE ZONING MAP TO ESTABLISH MEDICAL MARIJUANA OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning By-Law and Zoning Map to establish the following areas on Republic Road, Esquire Road and Sterling Road as Medical Marijuana Overlay Districts:

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

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

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;

Map 58 Parcel 17.

Or act in relation thereto.

Submitted by the Planning Board

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 “school”.

Or act in relation thereto.

Submitted by the Planning Board

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, 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 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

ARTICLE 34 - TO AMEND ZONING BY-LAWS REGARDING SIGNAGE

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

Billerica Zoning By-Law

Section 9 - SIGNS AND LIGHTING

Section 9.C - DEFINITIONS

Add:

16.2 Political, religious or personal message sign – a noncommercial sign.

- 21.1 Temporary or Special Event Sign – A temporary sign to announce nonprofit civic events such as a fundraiser, bazaar, fair, circus, festival, concert, farmers market, other civic event or youth sports announcements.

Section 9.D - SIGNS NOT REQUIRING A PERMIT

Existing:

1. One, maximum 1 square foot non-commercial sign per residential lot.

Proposed:

1. Temporary signs, of a maximum 6 square feet and 3 feet in height. A double sided sign shall not constitute an increase in square footage. Such signs shall not obstruct the view of motorists or bicyclists nor endanger the safety of pedestrians. No such signage shall be placed on public property without prior written consent from the Board of Selectmen.

Add:

14. Political, religious or personal message signs, provided such sign or signs shall not exceed an aggregate of 32 square feet on a property. A double sided sign shall not constitute an increase in square footage. Such signs shall not obstruct the view of motorists or bicyclists nor endanger the safety of pedestrians. No such signage shall be placed on public property.

Section 9.E - PROHIBITED SIGNS

Add:

Signs, banners, and advertisements affixed to a vehicle, trailer or chassis and placed/parked in such a manner as to draw attention to a business, sale or event. This Regulation shall not apply to vehicles that are permanently lettered or Political Signs.

The Sign By-Law Committee voted to submit this warrant article for the 2014 Fall Town Meeting on August 5, 2014 by a vote of 3 to 0.

Submitted by the Sign By-Law Committee

ARTICLE 35 - TO AMEND THE BY-LAW TO CHANGE PER CAPITA CONSUMPTION OF WATER

To see if the Town will vote to delete the current Article VII, 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.

The Town of Billerica will implement Seasonal Limits on Nonessential Outdoor Water Use as required by the Water Management Act Withdrawal Permit # 9P-3-14-031.01 and/or any other restrictions mandated by the Massachusetts Department of Environmental Protection.

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

- 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 uses are listed in section **6.8** Exemptions in this By-Law.

The following uses may be allowed when mandatory restrictions are in place:

- **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 Advisory Task Force.

This By-Law will incorporate required Seasonal Nonessential Outdoor Water Use Restrictions as mandated in the Water Management Act Permit # 9P-3-14-031.01 or as directed 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

65 RGPCD Standard met for the preceding year

May 1st through September 30th

No nonessential outdoor water use from 9 AM to 5 PM

65 RGPCD exceeded for the preceding year

May 1st through September 30th

- 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 is declared by the Massachusetts Drought Management Task Force or if there 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 15th 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.

	<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.

6.6 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. 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.
- 6.6.4** 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.

Includes any drought advisory or higher advisory issued by the Massachusetts Drought Advisory Task Force for the area in which the Town is located.
(Re-written Art.33, AFTM 10/2/2012)

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

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.

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.

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.

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.

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.

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.

ARTICLE 42 - PETITIONERS ARTICLE

To see if the Town will vote to adopt the Massachusetts Community Preservation Act (CPA) for the purposes permitted by said Act, including the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act, or act in relation thereto.

The CPA is also known as MGL Chapter 44B, Sections 3 to 7, based on which the town creates a local CPA Fund. Funds are raised with a surcharge on the real estate tax amount. The surcharge shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2016, provided that the Town hereby also accepts the following *exemptions* from such surcharge, permitted under Section 3(e) of said Act:

- Exempt: Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act.
- Exempt: The first \$100,000 of the value of each taxable parcel of residential real property.

Once CPA is adopted by Town Meeting, then:

- A Community Preservation Committee (CPC) must be formed, which must include one member each from the local conservation commission, recreation department, historical commission, planning board, and housing authority.
- The town becomes eligible for state CPA matching funds.

Submitted by Margaretha Henderson and Messrs. Burns, Burns, Cawthron, Casey, Simolaris Jr., Simolaris, Kinsella, Kinsella, Bowen, Henderson and Madames Burns, Burns and Kinsella.

ARTICLE 43 - PETITIONERS ARTICLE

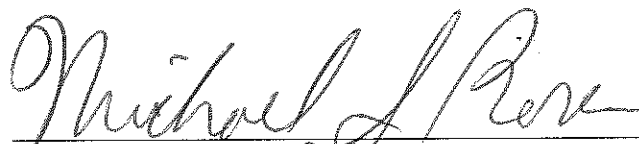
To see if the Town will vote to implement an Automatic Vehicle Locator (AVL) system as an integral part of our emergency services dispatch system and to allocate \$30,000 from Free Cash to pay for the implementation.

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

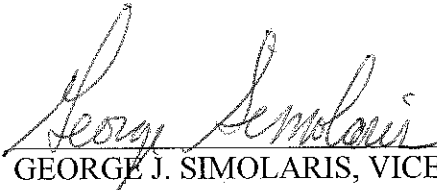
And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at the Town Hall, one copy at the Billerica Public Library, one copy at the Billerica Police Station, one copy at the Belly Buster Diner, one copy at Pinehurst Post Office, one copy at 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 28th day of August 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