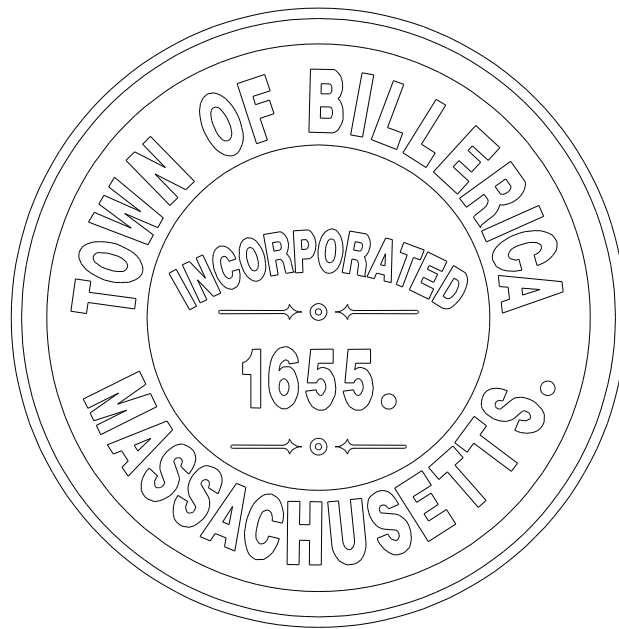


TOWN OF BILLERICA
FINAL WARRANT



ANNUAL FALL
TOWN MEETING

Annual Fall Town Meeting
Tuesday, October 6, 2015 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			Town Manager; authorized by BOS	Recommends
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	Recommends

Financial Articles

3	To Amend the Fiscal Year 2016 Town/School Budget	\$75,000	Raise & Appropriate	Town Manager; authorized by BOS	Reserves Recommendation
4	To Amend the Fiscal Year 2016 Water Enterprise Budget	\$60,000	Raise & Appropriate	Town Manager; authorized by BOS	Reserves Recommendation
5	To Amend the Fiscal Year 2016 Sewer Enterprise Budget	This Article has been Withdrawn			
6	To Fund Collective Bargaining Agreement - Teachers	\$580,000	Raise & Appropriate	School Committee	Recommends
7	To Fund Collective Bargaining Agreement – School Administrators		Raise & Appropriate	School Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – School Paraprofessionals		Raise & Appropriate	School Committee	Reserves Recommendation
9	To Fund Collective Bargaining Agreement – School Secretarial		Raise & Appropriate	School Committee	Reserves Recommendation
10	To Fund Collective Bargaining Agreement – School Custodians		Raise & Appropriate	School Committee	Reserves Recommendation
11	To Transfer and Appropriate the Remaining Balance of the Backflow Prevention Revolving Fund to the Water Enterprise Capital Budget	\$305,518	Revolving Funds	Town Manager; authorized by BOS	Recommends
12	Revolving Funds	This Article has been Withdrawn			
13	To Appropriate from Free Cash Monies to the Debt Stabilization Fund	\$1,800,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
14	To Fund Fiscal Year 2016 School Capital Budget	\$700,000	Free Cash	School Committee	Recommends
15	To Fund Water Enterprise Hydrant Replacement	This Article has been Withdrawn			

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
16	To Fund Storm Water Capital Infrastructure	\$500,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
17	To Fund Design and Survey Work for the Yankee Doodle Bike Path	\$190,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
18	Walkway and Step Improvements at the Billerica Public Library	This Article has been Withdrawn			
19	To Fund the Fiscal Year 2016 Town Capital Plan	\$701,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
20	To Vote Monies from Free Cash to the OPEB Trust	\$500,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
21	To Vote Monies from Free Cash to the Snow and Sand Deficit	\$600,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
22	Vietnam Veterans Park Master Plan	This Article has been Withdrawn			
23	To Fund Assessors Consultant Fees	\$89,000	Free Cash	Board of Assessors & Town Manager; authorized by BOS	Reserves Recommendation
24	Supplemental Funding for the Construction of a Compost Site	This Article has been Withdrawn			
25	Lighting Replacement / Improvement at the Wastewater Treatment Plant	This Article has been Withdrawn			
26	To Vote Free Cash to the Stabilization Fund	\$6,000,000	Free Cash	Finance Committee	Reserves Recommendation
27	To Vote Free Cash to the Debt Stabilization Fund	\$6,000,000	Free Cash	Finance Committee	Reserves Recommendation
28	To Vote Free Cash to the Land Bank Account	\$6,000,000	Free Cash	Finance Committee	Reserves Recommendation
29	To Vote to Transfer from Free Cash Monies for the Purpose of Reducing the Fiscal Year 2016 Tax Levy			Finance Committee	Reserves Recommendation
30	To Fund Water Enterprise Study and Twenty (20) Year Capital Improvement Plan	\$200,000		Town Manager; authorized by BOS	Reserves Recommendation
31	Sewer, Water, Sidewalk and Traffic Signal on Salem Road at Pond Street	\$4,000,000	Borrowing	Town Manager; authorized by BOS	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
32	To authorize the Board of Selectmen and the Board of Assessors to Negotiate and Execute a Payment in Lieu of Taxes (PILOT) Agreement			This Article has been Withdrawn	
33	To Approve a Certified Project Application			This Article has been Withdrawn	
34	To Establish a Compensation Review Committee for Elected Positions			Town Manager; authorized by BOS	Recommends

Land Article

35	Easement on Cook Street at Pines Road for Crosswalk/Ramp			Town Manager; authorized by BOS	Recommends
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By-Law Change Articles

36	General By-Law Amendment on Sewer Connections			Town Manager; authorized by BOS	Recommends
37	To Create a General By-Law Enabling the Police Department to Conduct State and Federal Fingerprints Based Criminal History Checks			Town Manager; authorized by BOS	Recommends
38	To Establish a Zoning By-Law Review Committee			Committee on Rules	Recommends
39	To Establish a General By-Law Review Committee			Committee on Rules	Recommends
40	Proposed Zoning By-Law Changes Regarding Definition of Light Manufacturing			Town Manager; authorized by BOS	Recommends

Local Acceptance of State Statues

41	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 & Town Manager; authorized by BOS	Recommends
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Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Miscellaneous

42	To Establish a Charter Review Committee			Committee on Rules	Recommends
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Petitioner Articles

43	Petitioner Article			Petitioner	Reserves Recommendation
44	Petitioner Article			Petitioner	Recommends
45	Petitioner Article			Petitioner	Does Not Recommend

**FINAL WARRANT
OCTOBER 6, 2015
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 6, 2015 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 Town Manager; authorized 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 \$4,578.19 and the principal balance is \$132,053.91. Town Meeting appoints members to the Bowers Fund. Committee member Marie O'Rourke's term is expiring and she is requesting that she 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 AMEND VARIOUS FISCAL YEAR 2016 TOWN AND SCHOOL OPERATING BUDGET LINE ITEMS

To see if the Town will vote to raise and appropriate the sum of \$75,000 to amend the Fiscal Year 2016 Town and School Operating Budget as listed below; or act in relation thereto.

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
19270-7058	Building Maintenance	\$25,000
91070-7042	Shared Cost – Medicare	\$50,000
TOTAL APPROPRIATION:		<u>\$75,000</u>

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

Finance Committee reserves recommendation.

Article 3 Explanation: This article raises funds for budget items that are currently underfunded for FY 2016. The Building Maintenance budget covers service contracts for town buildings. The HVAC and elevator maintenance contracts were up for renewal and the costs were not finalized until after the Spring Town Meeting. The Medicare increase addresses an anticipated shortfall. The budget approved by Town Meeting in the Spring of 2015 for FY 2016 was \$129,008,637. If this article is approved, the amended FY2016 budget will be \$129,083,637.

ARTICLE 4 - TO AMEND VARIOUS FISCAL YEAR 2016 WATER ENTERPRISE BUDGET LINE ITEMS

To see if the Town will vote to raise and appropriate the sum of \$60,000 to a new Backflow Prevention budget line to amend the Fiscal Year 2016 Water Enterprise Budget; or act in relation thereto.

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
64030-5200	Water Enterprise Contract Service	\$60,000

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

Finance Committee reserves recommendation.

Article 4 Explanation: This article will provide an appropriation for payment of backflow inspections. The Backflow Prevention Program is now part of the Water Enterprise Fund and will be funded through fees deposited into the Enterprise Fund.

ARTICLE 5 – THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT – TEACHERS

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO, which has a term of July 1, 2016 through June 30, 2018; or act in relation thereto.

Submitted by the School Committee

Finance Committee recommends approval.

Article 6 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO. This contract has a term of July 1, 2016 through June 30, 2018.

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators, which has a term of July 1, 2016 through June 30, 2018; or act in relation thereto.

Submitted by the School Committee

Finance Committee reserves recommendation.

Article 7 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators. This contract has a term of July 1, 2016 through June 30, 2018.

ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL PARAPROFESSIONALS

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO, Paraprofessionals, which has a term of July 1, 2016 through June 30, 2018; or act in relation thereto.

Submitted by the School Committee

Finance Committee reserves recommendation.

Article 8 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO, Paraprofessionals. This contract has a term of July 1, 2016 through June 30, 2018.

ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL SECRETARIAL

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Secretarial Employees, which has a term of July 1, 2016 through June 30, 2018; or act in relation thereto.

Submitted by the School Committee

Finance Committee reserves recommendation.

Article 9 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Secretarial Employees. This contract has a term of July 1, 2016 through June 30, 2018.

ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIANS

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees, which has a term of July 1, 2016 through June 30, 2018; or act in relation thereto.

Submitted by the School Committee

Finance Committee reserves recommendation.

Article 10 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees. This contract has a term of July 1, 2016 through June 30, 2018.

ARTICLE 11 - TO TRANSFER AND APPROPRIATE THE REMAINING BALANCE OF THE BACKFLOW PREVENTION REVOLVING FUND TO THE WATER ENTERPRISE CAPITAL BUDGET

To see if the Town will vote to transfer and appropriate the sum of \$305,518, which is the remaining balance of the Backflow Prevention Revolving Fund, to the Water Enterprise Capital Budget; or act in relation thereto.

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

Finance Committee recommends approval.

Article 11 Explanation: The Town established a Water Enterprise Fund as of July 1st of this fiscal year. Consequently, all fees and revenues are deposited into the Water Enterprise Fund moving forward. Previously, all fees charged for backflow prevention were deposited in the Backflow Prevention Revolving Fund. It will no longer be necessary to maintain this account. Therefore, the remaining surplus balance of \$305,518 will be transferred into the Water Enterprise Capital Budget.

ARTICLE 12 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 13 - TO APPROPRIATE FROM FREE CASH MONIES TO THE DEBT STABILIZATION FUND

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$1,800,000 to the Debt Stabilization Fund; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 13 Explanation: The Town, through its' Board of Selectmen, has established a Debt Stabilization Policy that maintains the same level of appropriation from the tax levy year to year - \$9.066 million. This is accomplished in the following two ways:

- Transferring a minimum amount of free cash annually in the amount of \$1.8 million to the Debt Stabilization Fund.
- To appropriate the difference of any year that is lower than \$9.066 million to Debt Stabilization.

The balance in the Debt Stabilization Account is used to minimize the tax levy impact that would otherwise be realized with addition of sewer debt and school capital debt.

ARTICLE 14 - TO FUND FISCAL YEAR 2016 SCHOOL CAPITAL BUDGET

To see if the Town will vote to transfer and appropriate from free cash the sum of \$700,000 to fund the Fiscal Year 2016 School Capital Budget; or act in relation thereto.

Submitted by the School Committee

Finance Committee recommends approval.

Article 14 Explanation: This article seeks to use \$700,000 from free cash to fund capital projects for the Billerica Public Schools. In particular, this article is designed to address the following projects:

Asbestos Removal (Plumbing)	\$50,000*
Asbestos Removal (Flooring)	\$250,000*
Water Pipe Replacement	\$75,000*
Fire Exit, Marshall Middle School	\$15,000
Ceilings	\$60,000*
Overhead Plumbing	\$75,000*
Walk-In Refrigerator/Freezer Replacement	\$120,000*
Paving, Kennedy Elementary School	\$55,000

Those items with an asterisk (*) are district-wide items. The funding from Article 14 will allow for approximately half of the work to be done in each of these areas.

ARTICLE 15 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 16 - TO FUND STORM WATER CAPITAL INFRASTRUCTURE

To see if the Town will vote to transfer and appropriate from free cash the sum of \$500,000 for the installation/replacement of a Drainage System, and all costs incidental and related thereto; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 16 Explanation: This article is to fund the replacement thirty-six inch (36”) corrugated drainage line on Frost Street. The drainage line is on the high priority replacement list due to frequent sink holes as a result of corrosion in the line.

ARTICLE 17 - TO FUND DESIGN AND SURVEY WORK FOR THE YANKEE DOODLE BIKE PATH

To see if the Town will vote to transfer and appropriate from Free Cash the amount of \$190,000 to fund design and survey work for the Yankee Doodle Bike Path, and all costs incidental and related thereto; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 17 Explanation: The Yankee Doodle Bike Path is a project that spans 4.25 miles between the Billerica Memorial High School and Springs Road. This appropriation will carry the Town through 25% design and preparation of the notice of intent. This includes survey and base map preparation, environmental permitting, preliminary design, ROW plans, a functional design report, public hearings and meetings. The consultant the Town is using for these services is VHB.

ARTICLE 18 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 19 - TO FUND THE FISCAL YEAR 2016 TOWN CAPITAL PLAN

To see if the Town will vote to transfer and appropriate from free cash the sum of \$701,000 to fund the Town Capital Plan; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 19 Explanation: These funds will be used to fund items off the Town Capital Plan as seen in the back of the Town Meeting book. The items on the list below are the most likely to be funded:

Town Capital Article 19

1st and 2nd Floor Carpet and Final	\$ 65,000.00
Library Stairs and Lights	150,000.00
Recreation Tennis Court, Marshall	
Hockey Rink, Electrical Supply Shed	75,000.00
Cemetery Brush Cutter C-42	120,000.00
Water Backhoe Loader W-40	120,000.00
Water Hydrants	90,000.00
Highway F250 - H2	40,500.00
Highway F250 - H3	40,500.00
Total Funding	<u>\$ 701,000.00</u>

ARTICLE 20 - TO VOTE MONIES FROM FREE CASH TO THE OPEB TRUST

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$500,000 to the OPEB Trust Fund; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 20 Explanation: As of January 1, 2012 the Actuarial Accrued Liability (AAL) was \$279 million for Other Post-Employment Benefits (OPEB). Since that time the Town has established an OPEB Trust which currently has a balance of \$1,028,189. The AAL as of January 1 2014 at a deposit rate of \$500,000 annually decreases to \$272.6 million. It is the position of the Board of Selectmen and the Administration that there is too much volatility and variability to invest beyond that at this point.

ARTICLE 21 - TO VOTE MONIES FROM FREE CASH TO THE SNOW AND SAND DEFICIT

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$600,000 to fund the Snow and Sand Deficit; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 21 Explanation: The Town has consistently allotted \$600,000 on the recap sheet in anticipation of excess snow and sand costs. This amount has been sufficient in the last few years. Last year due to the extraordinary winter the amount needed for excess costs is \$1.2 million. In order to maintain the same impact on the levy as previous years, the Town is recommending appropriating \$600,000 from free cash for this purpose.

ARTICLE 22 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 23 - TO FUND ASSESSORS CONSULTANT FEES

To see if the Town will vote to transfer and appropriate from free cash the sum of \$89,000 to fund appraisal and consulting costs to defend the Town in trials at the Massachusetts Appellate Tax Board; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 23 Explanation: This article would fund needed appraisal and consulting costs to defend the Town in appeals filed by Verizon New England (land line), Verizon Wireless, MCI Companies and National Grid (electric and gas) on their business personal property values and by various other entities who have filed on their real estate values.

ARTICLE 24 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 25 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 26 - TO VOTE FREE CASH TO THE STABILIZATION FUND

To see if the Town will vote to transfer and appropriate 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 reserves recommendation.

Article 26 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 \$4,261,910 for the Town and \$669,193 for the School Department.

ARTICLE 27 - TO VOTE FREE CASH TO THE DEBT STABILIZATION FUND

To see if the Town will vote to transfer and appropriate 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 reserves recommendation.

Article 27 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.

ARTICLE 28 - TO VOTE FREE CASH TO THE LAND BANK ACCOUNT

To see if the Town will vote to transfer and appropriate 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 recommends approval.

Article 28 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 \$494,731.

ARTICLE 29 - TO VOTE TO TRANSFER FROM FREE CASH MONIES FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2016 TAX LEVY

To see if the Town will vote to transfer and appropriate from Free Cash a sum of money to be applied or expended for the purpose of reducing the Fiscal Year 2016 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee reserves recommendation.

Article 29 Explanation: Free Cash has not been certified as of the printing of this Final Warrant.

ARTICLE 30 - TO FUND WATER ENTERPRISE STUDY AND TWENTY (20) YEAR CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to transfer and appropriate from the Water Enterprise Capital Budget the sum of \$200,000 for the Water Plant and Water Distribution System Evaluation and Twenty (20) Year Capital Improvement Plan, and all costs incidental and related thereto; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 30 Explanation: This will be the “Town’s Water Master Plan” to project the need at the Water Treatment Plant and distribution system in a prioritized way for the next 20 years. It will look at all aspects of the water distribution system as well as fire flow.

ARTICLE 31 - SEWER, WATER, SIDEWALK AND TRAFFIC SIGNAL ON SALEM ROAD AT POND STREET

To see in the Town will vote to appropriate the sum of \$4,000,000 for the purpose of design and installation of sewer upgrades, water upgrades, a new sidewalk and a traffic signal on Salem Road at Pond Street, and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum pursuant to the provisions of M.G.L. Chapter 44, Subsections 7 or 8 or any other enabling authority, and to issue bonds or notes of the Town therefor; or act in relation thereto.

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

Finance Committee reserves recommendation.

Article 31 Explanation: This is to fund part of need area 3, which is known as Contract 36. The work involves the installation of a new sewer main, water main, sidewalk on Salem Road between Pond Street and Floyd Street and a traffic signal at Salem and Pond Street. Funding for this work will be by re-appropriating remaining funds in Article 20 Special Town Meeting 2014.

ARTICLE 32 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 33 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 34 - TO ESTABLISH A COMPENSATION REVIEW COMMITTEE FOR ELECTED POSITIONS

To see if the Town will vote to establish a committee for the purpose of studying the compensation of any elected officials, boards or commissions and making recommendations to Town Meeting on any changes. This committee shall consist of five members as follows: one member appointed by the Finance Committee, one member appointed by the Rules Committee and three members appointed by the Town Moderator. This committee shall report its findings to Town Meeting in the Fall of 2016; or act in relation thereto.

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

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 34 Explanation: This committee is intended to explore and compare compensation for elected positions in the Town. Compensation includes any benefits an official may receive. This committee will compare Billerica's compensation with other similar communities and report its' findings and recommendations to Town Meeting.

ARTICLE 35 - EASEMENT ON COOK STREET AT PINES ROAD FOR CROSSWALK / RAMP

To see in the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement for crosswalk /ramp installation on Cook Street at Pines Road and to authorize the BOS to execute any documents or instruments necessary to effectuate the purpose of the article; or act in relation thereto.

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

Finance Committee recommends approval.

Article 35 Explanation: Under the recommendation of the Traffic Management Safety Committee, the Department of Public Works will be installing a crosswalk at Cook Street at Pines Road. The crosswalk will require the installation of ramps on both sides of the crosswalk. One of the ramps will require an easement due to not having enough right of way.

ARTICLE 36 - GENERAL BY-LAW AMENDMENT ON SEWER CONNECTIONS

To see if the Town will vote to amend the Town’s General By-Laws, Article VIII, Public Utilities, Section 2, Sewers, by inserting the following new subsection:

- 2.1(A) Failure to comply with the requirements of Section 2.1 herein shall be subject to an annual fine of \$200, with each year or portion thereof during which a violation persists constituting a separate offense.

This By-Law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to M.G.L. Chapter 40, Subsection 21D the Town’s By-Laws. The Director of the Department of Public Works or designee shall be the enforcing authority of this By-Law.

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

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 36 Explanation: Article VIII of the By-Law requires homeowners to connect to sewer within one year from the sewer becoming available to them. The By-Law falls short on stating the remedy for failing to connect. This article shall address this issue.

ARTICLE 37 - TO CREATE A GENERAL BY-LAW ENABLING THE POLICE DEPARTMENT TO CONDUCT STATE AND FEDERAL FINGERPRINT BASED CRIMINAL HISTORY CHECKS

To see if the Town will vote to amend the Town's General By-Laws, Article VI, Police Regulations, by including a new section, as authorized by Massachusetts Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Subsection 172B 1/2, enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History Checks for individuals applying for certain occupational licenses:

15.0 Civil Fingerprinting - Criminal History Check Authorization for Certain Licenses

15.1 Purpose and Legislative Authorization

- A. In order to protect the health, safety and welfare of the inhabitants of the Town of Billerica, and as authorized by M.G.L. c. 6, § 172B 1/2, this chapter authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town and requires:
1. Applicants for certain Town occupational licenses to submit to fingerprinting by the Billerica Police Department;
 2. The Police Department to conduct state and national criminal record background checks based on fingerprints; and
 3. The Licensing Authority to consider the results of such background checks in determining whether or not to grant a license.
 4. To carry out the criminal history checks authorized by this chapter, the Police Department shall be authorized to use state and Federal Bureau of Investigation (FBI) records, provided however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

15.2 Applicability - Notification of Applicant

- A. Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Billerica Police Department within 10 days of the date of the application for a license for the purposes of conducting a state and national criminal background check to determine the suitability of the applicant for the license:

1. Solicitors and Canvassers
 2. Hackney Drivers
 3. Ice Cream Truck Vendors
- B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent.

15.3 Processing - Communication of Results

- A. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this By-Law to the Identification Section of the Massachusetts State Police, the DCJIS and/or the FBI or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this By-Law.
- B. Pursuant to the terms of the civil fingerprinting implementing regulations, the Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete, or challenge the accuracy of the information contained in it, including in the FBI identification record.
- C. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town.

15.4 Use of Criminal Record by Licensing Authorities

- A. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this chapter. A Town licensing authority may deny an application for a license, including renewals and transfers thereof, on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority may not deny an applicant the license based on information in the record unless the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

- B. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance or sex-related offense.

15.5 Compliance with Law, Regulation and Town Policy

Implementation of this chapter and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations and Town policies. The Board of Selectman, in consultation with the Chief of Police, is authorized to promulgate regulations for the implementation of this chapter, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this By-Law.

15.6 Fees

The fee charged by the Police Department for the purpose of conducting fingerprinting-based criminal background checks shall be set at the same fee charged by the Commonwealth of Massachusetts. The fee, as specified in M.G.L. c. 6, § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund.

15.7 Regulations of Civil Fingerprinting

The Board of Selectmen may adopt appropriate policies and procedures to effectuate the purposes of this By-Law; or act in relation thereto.

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

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 37 Explanation: This article asks the Town to accept a new By-Law allowed by the passage of M.G.L. c. 6, § 172B 1/2. This By-Law would require the Police Department to use the National Background Check System currently in use for all school employees to be applied for license applicants as listed in the article. This By-Law is intended to protect the integrity of the licensing process and protect Town residents from convicted felons, sex offenders and other persons convicted of violent offenses.

ARTICLE 38 - TO ESTABLISH A ZONING BY-LAW REVIEW COMMITTEE

To see if the Town will vote to establish a Zoning By-Law Review Committee in accordance with the provisions of Section 7-9(b) of the Charter and Article II, Section 38 of the General By-Laws. Said Committee shall consist of eleven (11) members as follows: Town Planner, Building Commissioner, one member from the Zoning Board of Appeals, one member of the Planning Board and seven members of the Town to be appointed by the Moderator for a term of three years; or act in relation thereto.

Submitted by the Committee on Rules

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 38 Explanation: At least once in every five years in years ending in five or zero, a special committee shall be appointed to review the Zoning By-Laws and determine if any amendments or revisions may be necessary. Changes to the Town Zoning By-Laws shall be presented to the annual Spring and/or Fall Town Meetings as required during the review process. The presentation shall include the original text, the proposed wording changes and an explanation for the changes.

ARTICLE 39 - TO ESTABLISH A GENERAL BY-LAW REVIEW COMMITTEE

To see if the Town will vote to establish a General By-Law Review Committee in accordance with the provisions of Section 7-9(b) the Charter and Article II, Section 5 of the General By-Laws. Said Committee shall consist of nine (9) members. Eight shall be appointed by the Town Moderator. One shall be a member of the Committee on Rules, appointed by said Committee. Each member will be appointed for a term of three years; or act in relation thereto.

Submitted by the Committee on Rules

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 39 Explanation: At least once in every five years in years ending in five or zero, a special committee shall be appointed to review the General By-Laws and determine if any amendments or revisions may be necessary. Changes to the Town By-Laws shall be presented to the annual Spring and/or Fall Town Meetings as required during the review process. The presentation shall include the original text, the proposed wording changes and an explanation for the changes.

ARTICLE 40 - PROPOSED ZONING BY-LAW CHANGES REGARDING DEFINITION OF LIGHT MANUFACTURING

To see if the Town will vote to amend the Zoning By-Laws to change and/or add the following wording as noted below; or act in relation thereto.

SECTION 2 DEFINITIONS

CURRENT:

***LIGHT MANUFACTURING** – Includes uses such as printing or publishing plant; bottling works, fabrication and packaging, finishing, or processing.*

PROPOSED:

LIGHT MANUFACTURING: Fabrication, processing, packaging, or assembly operation employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, **refuse matter**, electromagnetic radiation, heat or vibration and undertaken entirely within the confines of a building or structure. Quiet shall mean undetectable from the property line. (Allowed by right within the Industrial General Zone.)

HEAVY MANUFACTURING: Manufacturing other than light manufacturing. (Allowed only in the Industrial Zone and requires a Site Plan Special Permit.)

ADD DEFINITION (NEW):

Refuse: All garbage, waste paper and paper boxes, tree brush and vine cuttings, floral decorations, tin cans, metal ware, bottles, cans, glassware, plastic ware, ashes, newspaper, paper cartons, wooden crates and discarded metal objects, or any combination of the above materials.

SECTION 5.C.8.f INDUSTRIAL USES

(2) By Special Permit

ADD:

(e) Heavy Manufacturing

Required Findings:

- The use is not detrimental to the area in which it is located.
- The use does not adversely impact traffic.

- There is adequate landscaping and buffer to screen the use from surrounding uses.
- The use is not detrimental to the existing business climate or to future business development in the area.
- The hours of operation are tailored to safeguard against early morning and late night disturbance of residents in nearby neighborhoods.
- The use will comply with the Sound By-Law.

SECTION 5.F TABLE OF USE REGULATIONS

ADD:

Heavy Manufacturing N N N N N N N SP N N N N N N N N N N N

The intent is to show a Site Plan Special Permit is required in the Industrial Zone.

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

Finance Committee recommends approval.

Article 40 Explanation: To further define manufacturing definitions in order to provide more oversight over these types of uses; which will allow the Town the opportunity to mitigate impacts on surrounding neighborhoods.

ARTICLE 41 - 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 M.G.L. Chapter 126 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 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 and the Town Manager; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 41 Explanation: The Town has historically adopted this local option law to allow the Board of Assessors to offer an additional 60% increase onto existing property tax exemption amounts for Disabled Veterans, the Blind and financially qualified Elderly and Widowed property owners.

ARTICLE 42 - TO ESTABLISH A CHARTER REVIEW COMMITTEE

To see if the Town will vote to establish a Charter Review Committee in accordance with the provisions of Section 7-9(a) of the Charter. Said Committee shall consist of eleven (11) members as follows: The Town Clerk and ten residents of the Town to be appointed by the Moderator; or act in relation thereto.

Submitted by the Committee on Rules

Finance Committee recommends approval.

Rules Committee recommends approval.

Article 42 Explanation: At least once in every ten years, in every year ending in a five, a special committee shall be appointed by the Town Moderator for the purpose of reviewing the provisions of the Charter and to make a report with recommendations to the Town Meeting.

ARTICLE 43 - 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 2016 real estate taxes; or act in relation thereto.

Submitted by Michael S. Rosa and Messrs. Rosa, Sarno, Pippin, Melanson, Ramos and Madames Rosa, Pagliuca, Green, Witkowski, Tremblay, Melanson, Tzannos and Anderson.

Finance Committee reserves recommendation.

ARTICLE 44 - PETITIONERS ARTICLE

To see if the Town of Billerica will vote to authorize the Board of Selectmen to petition the General Court to enact the following special legislation; to designate Billerica Massachusetts as the Yankee Doodle Town. Provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or act in relation thereto.

Submitted by Michael S. Rosa and Messrs. Rosa, Sarno, Pippin, Melanson and Madames Rosa, Pagliuca, Green, Witkowski, Tremblay, Melanson, Milano, Rodewald, Tzannos and Anderson.

Finance Committee recommends approval.

ARTICLE 45 - PETITIONERS ARTICLE

RESOLUTION CONCERNING COMMON CORE FEDERAL EDUCATION STANDARDS

WHEREAS, local control of education standards is key to the success of educational standards where parents and educators have a say in those standards, and

WHEREAS, taxpayers of the Commonwealth have spent millions of dollars developing highest in the nation education standards and the MCAS tests only now have to spend millions more on lower Common Core Federal Standards, and

WHEREAS, Massachusetts students have regularly ranked in the top three states on the National Assessment for Educational Progress, and

WHEREAS, the Common Core Federal Standards (CCFS) are a set of academic standards, promoted and supported by two private membership organizations, the National Governor’s Association (NGA) and the Council of Chief State School Officers (CCSSO) as a method for conforming American students to uniform (“one size fits all”) achievement goals to make them more competitive in a global marketplace, and

WHEREAS, the NGA and the CCSSO received tens of millions of dollars from private third parties to advocate for and develop the Common Core Federal Standards strategy through a process that was not subject to any freedom of information acts or other sunshine laws, and never piloted the Common Core Standards, and

WHEREAS, the NGA and the CCSSO in concert with their same corporations developing the Common Core Federal Standards ‘assessments’ have created new textbooks, digital media, and other teaching materials aligned to the standards which must be purchased and adopted by local school districts in order that students may effectively compete on Common Core Federal Standards ‘assessments’, and

WHEREAS, direct accountability to the voters and transparency are key to the success of educational standards neither of which characterize the NGA and the CCSSO; therefore be it

RESOLVED, that the Town of Billerica asserts that we support local control over educational standards and curriculum and reject federal attempts to impose federal standards and curriculum, such as Common Core, and be it

RESOLVED, that the Town of Billerica urges a reversal of the decision of the Board of Elementary and Secondary Education that adopted Common Core Federal Standards, and be it

RESOLVED, that the Town of Billerica urges the Governor to take any actions necessary to eliminate Common Core Federal Standards for the Commonwealth's education system, and be it

RESOLVED, that the Town of Billerica urges the members of the State Legislature to limit the development and adoption of the education standards by the Board of Elementary and Secondary Education to those developed within and under the complete control of the Commonwealth of Massachusetts and be it further,

RESOLVED, that the Town Manager, the Board of Selectman, the Superintendent of Schools and the School Committee of the Town of Billerica **SHALL** transmit this resolution to Governor Baker, The Speaker and Minority Leader in the Massachusetts House of Representatives and the President and Minority Leader of the Massachusetts State Senate.

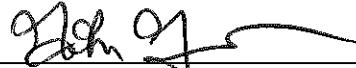
Submitted by Anthony M. Ventresca and Messrs. Rosa, MacMillan, Robertson, Robertson, Robertson, MacDonald, Simolaris, Lovegrove, Jones, Cangiamila and Madames Rosa, MacMillan, Robertson, MacDonald and Chandler.

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 29th day of September 2015.

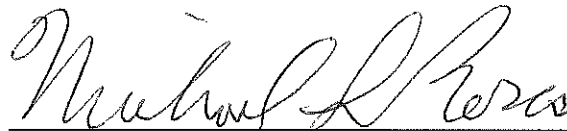
BOARD OF SELECTMEN




JOHN J. PISCATELLI, CHAIRMAN



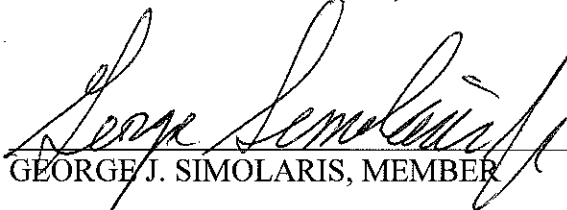
DANIEL L. BURNS, VICE CHAIRMAN



MICHAEL S. ROSA, SECRETARY



ANDREW N. DESLAURIER, MEMBER



GEORGE J. SIMOLARIS, MEMBER

A true copy attest



Constable, Town of Billerica