

**TOWN OF BILLERICA**

**PRELIMINARY WARRANT**



**ANNUAL SPRING  
TOWN MEETING**

**Annual Spring Town Meeting  
Tuesday, May 5, 2015 at 7:30 PM**

**At**

**Billerica Town Hall Auditorium**

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
1	To Set Compensation of Elected Officials			Finance Committee	
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	

**Financial Articles**

3	To Transfer Funds Between 2015 Budget Line Items	\$3,000,000		Town Manager; authorized by BOS	
4	To Fund Collective Bargaining Agreement for IAFF Firefighters			Town Manager; authorized by BOS	
5	Fiscal Year 2016 Town and School Budget			BOS, Town Manager and Finance Committee	
6	Fiscal Year 2016 Water Enterprise Budget			Town Manager; authorized by BOS	
7	Fiscal Year 2016 Sewer Enterprise Budget			Town Manager; authorized by BOS	
8	To Allow Town Manager and Finance Committee to Transfer Funds			Finance Committee	
9	To Authorize Departmental Revolving Funds	\$1,060,000		Town Manager; authorized by BOS and School Committee	
10	To Fund Water Conservation Rebate Program	\$75,000		Town Manager; authorized by BOS	
11	To Transfer Funds from Overlay Surplus to Fund Assessment-Related Requirements	\$500,000		Board of Assessors	

**Zoning By-Law Changes**

12	To Supplement Funding for the MassWorks Project	\$200,000		Town Manager; authorized by BOS	
13	To Authorize the BOS to Acquire Easements Associated with the Reconfiguration of the Colson Street/Wilson Street/Talbot Avenue/Treble Cove Road Intersection			Town Manager; authorized by BOS	
14	To Authorize the BOS to Acquire Easements on Boston Road			Town Manager; authorized by BOS	
15	To Accept M.G.L. Chapter 64L, Section 2(a)			Town Manager; authorized by BOS	
16	To Amend the Zoning By-Laws with Respect to the Keeping of Hens			BOS	
17	To Make Proposed Changes to the Zoning By-Laws			Selectman John Piscatelli	

**PRELIMINARY**  
**WARRANT**  
**2015 ANNUAL SPRING 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, May 5, 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 SET COMPENSATION OF ELECTED OFFICIALS**

To see if the Town will vote to fix the compensation of the following six elected officers of the Town and determine any salary increase that shall become effective July 1, 2015; or act in relation thereto.

Selectmen, Chairman - \$2,000  
Selectmen, Members - \$1,800  
Town Clerk - \$101,953.39; or act in relation thereto.

Submitted by the Finance Committee

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**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 - TRANSFER FUNDS BETWEEN 2015 BUDGET LINE ITEMS**

To see if the Town will vote to transfer from available funds the sum of \$3,000,000 to amend various Fiscal Year 2015 budget line items; or act in relation thereto.

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

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**ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS**

To see if the Town 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

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**ARTICLE 5 - FISCAL YEAR 2016 TOWN AND SCHOOL BUDGET**

To see if the Town will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the following proposed line item budget for fiscal year beginning July 1, 2015 and ending June 30, 2016. It is anticipated that \$83,594 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget.

This budget was produced under the direction of the Board of Selectmen and represents a complete financial plan of all Town funds and activities that are subject to appropriation, including the budget as requested by the School Committee (Department Account #300-5100 - #300-5800) and provisions for a Reserve Fund (Account #13170-7063) administered by the Finance Committee.

The line item budget is arranged to show the actual expenditures for the current year and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office.

The following budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee; or act in relation thereto.

Submitted by the Board of Selectmen, Town Manager and Finance Committee

**ARTICLE 6 - FISCAL YEAR 2016 WATER ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise Budget, pursuant to M.G.L. Chapter 44 Section 53 F ½ adopted through Warrant Article 29 Annual Fall Town Meeting October 2015 establishing the Water Department as an Enterprise Fund, for fiscal year beginning July 1, 2015 and ending June 30, 2016; or act in relation thereto.

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

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**ARTICLE 7 - FISCAL YEAR 2016 SEWER ENTERPRISE BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise Budget, pursuant to M.G.L. Chapter 44 Section 53 F ½ adopted through Warrant Article 29 Annual Fall Town Meeting October 2015 establishing the Sewer Department as an Enterprise Fund, for fiscal year beginning July 1, 2015 and ending June 30, 2016; or act in relation thereto.

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

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**ARTICLE 8 - TO ALLOW TOWN MANAGER AND FINANCE COMMITTEE TO TRANSFER FUNDS**

To see if the Town will vote to allow the Town Manager, upon the request of a Department Head, Board or Commission, to make a transfer of funds between budget line items not-to-exceed a difference of \$5,000 from the amount voted at Town Meeting per line item for the Fiscal Year 2016, with the exclusion of the travel accounts within the same department. Transfers within department line items in excess of \$5,000 for Fiscal Year 2016 must be approved by the Finance Committee. A written report from the Town Manager on all transfers of \$5,000 and under must be provided to the Finance Committee on the first Tuesday of each month; or act in relation thereto.

Submitted by the Finance Committee

**ARTICLE 9 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote to authorize revolving funds for certain Town departments under M.G.L. Chapter 44, Section 53E<sup>1/2</sup> for the Fiscal Year beginning July 1, 2015 as follows; or act in relation thereto.

<u>REVOLVING FUND</u>	<u>AUTHORIZED TO SPEND FUND</u>	<u>REVENUE SOURCE</u>	<u>USE OF FUND</u>	<u>FISCAL YEAR 16 SPENDING LIMIT</u>
Wetlands By-Law	Town Manager	Fees from Wetland By-Law	Enforcement of Wetland By-Law	\$30,000
C.O.A. Programs	Council on Aging Director	Fees from Senior Center Programs	Support of the Senior Center Programs	\$60,000
BEAM Program	School Superintendent	Revenues from Medicaid and Health Insurance	Support of BEAM Program	\$850,000
Respite Care Program	C.O.A. Director	Fees from Respite Care Program	Support of Respite Care Program	\$120,000
TOTAL:				\$1,060,000

Submitted by the Town Manager; authorized by the Board of Selectmen and Billerica School Committee

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**WARRANT ARTICLE 10 - TO FUND WATER CONSERVATION REBATE PROGRAM**

To see if the Town will vote to appropriate from the Water Conservation Fund the sum of \$75,000 for the Water Conservation Rebate Program; or act in relation thereto.

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

**ARTICLE 11 - TO TRANSFER FUNDS FROM OVERLAY SURPLUS TO FUND ASSESSMENT-RELATED REQUIREMENTS**

To see if the Town will vote to transfer the amount of \$500,000 from Overlay Surplus to fund assessment-related requirements such as the Fiscal Year 2018 State-Mandated Triennial Revaluation and Certification of all real estate and personal property located within the Town of Billerica and to fund appraisal and consulting costs to defend the Town in trials at the Massachusetts Appellate Tax Board and to fund consulting costs for personal property audits of under reporting businesses; or act in relation thereto.

Submitted by the Board of Assessors

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**ARTICLE 12 - TO SUPPLEMENT FUNDING FOR THE MASSWORKS PROJECT**

To see if the Town will vote to raise, appropriate or transfer from available funds the sum of \$200,000 to supplement the MassWorks Project; or act in relation thereto.

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

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**ARTICLE 13 – To Authorize the Board of Selectmen to Acquire Easements Associated with the Reconfiguration of the Colson Street/Wilson Street/Talbot Avenue/Treble Cove Road Intersection**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking easements for roadway, drainage and/or sidewalk purposes associated with the reconfiguration of the Colson Street/Wilson Street/Talbot Avenue/Treble Cove Road intersection; to authorize the Selectmen to execute any documents or instruments necessary to effect said easements; and to raise and appropriate, transfer from available funds, or authorize the borrowing of a sum of money for the payment of property damages and other costs/expenses related to said easement acquisition; or act in relation thereto.

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

**ARTICLE 14 - To Authorize the Board of Selectmen to Acquire Easements located on Boston Road**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking easements for roadway, drainage, utility, and/or sidewalk purposes associated with the reconstruction of Boston Road; to authorize the Selectmen to execute any documents or instruments necessary to effect said easements; and to raise and appropriate, transfer from available funds, or authorize the borrowing of a sum of money for the payment of property damages and other costs/expenses related to said easement acquisition; or act in relation thereto.

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

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**ARTICLE 15 - TO ACCEPT M.G.L. CHAPTER 64L, SECTION 2(A)**

To see if the Town will vote to accept M.G.L. Chapter 64L, Section 2(a) to impose a local meals excise; or act in relation thereto.

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

Article 15 Explanation: The intent of this article is to appropriate \$450,000 from local meals excise to the Other Post-Employment Benefits (OPEB) Trust Fund on an annual basis. This will serve to defray legacy costs associated with OPEB.



**ARTICLE 16 - TO AMEND THE ZONING BY-LAWS WITH RESPECT TO THE KEEPING OF HENS**

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

To amend Section 5.C.1. a (1)(h), subsections 1, 6 and 8 as follows:

Existing:

1. A residence within a zoning district where the keeping of hens is permitted by right may keep a maximum of six (6) hens and must maintain a minimum coop area of thirty-six (36) square feet.
6. No coop shall be located closer than twenty (20) feet to any residential structure occupied by someone other than the hen owner, custodian or keeper. If the owner of the neighboring dwelling consents, a waiver may be granted for this condition.
8. This use shall meet all current applicable regulations of the Board of Health.

Proposed:

1. A residence within a zoning district where the keeping of hens is permitted by right may keep a maximum of twelve (12) hens and must maintain a minimum coop area of *two (2) square feet per hen. (Definition of a coop is an enclosed weather and predator proof shelter where the hens sleep and lay.)*
6. Delete in its entirety (defer to current Zoning By-Law setbacks).
8. Residential hen keepers shall employ to the maximum extent practicable, the methods of caring for poultry as described in documents developed by the Massachusetts Department of Agricultural Resources (MDAR).

Submitted by the Board of Selectmen

**ARTICLE 17 - TO MAKE PROPOSED CHANGES TO THE ZONING BY-LAWS****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 exterior of the building. (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.B****ADD:**

7. Any use which utilizes trucks/ commercial vehicles as a necessary part of their operation and produces (X number) of trips per day or provides overnight parking for (X number) of vehicles shall require a Site Plan Special permit prior to establishing said use.

**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:

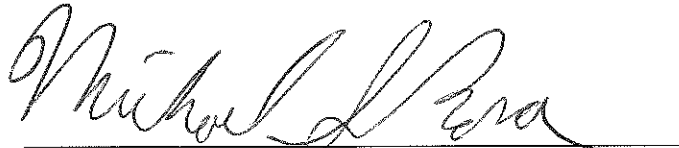
Heavy Manufacturing N N N N N N N SP N N N N N N N N N N N N  
*The intent is to show a Site Plan Special Permit is required in the Industrial Zone.*

Submitted by Selectman John Piscatelli

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.

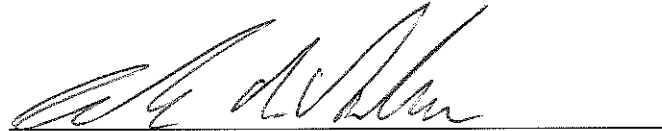
Given under our hands this 26<sup>th</sup> day of March 2015.

BOARD OF SELECTMEN



MICHAEL S. ROSA, CHAIRMAN

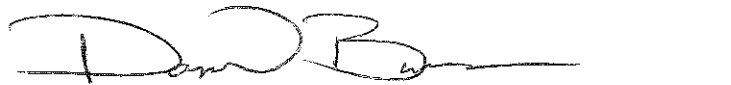
GEORGE J. SIMOLARIS, VICE CHAIRMAN



ANDREW N. DESLAURIER, SECRETARY

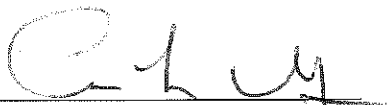


JOHN J. PISCATELLI, MEMBER



DANIEL L. BURNS, MEMBER

A true copy attest



Constable, Town of Billerica