

TOWN OF BILLERICA

PRELIMINARY WARRANT



**ANNUAL SPRING
TOWN MEETING**

**Annual Spring Town Meeting
Tuesday, May 2, 2023 at 7:00 PM**

At

Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
1	To Set Compensation of Elected Officials (Town Clerk)	\$90,456		Finance Committee	Reserves Recommendation
2	To Set Compensation of Elected Officials (Select Board)	\$9,200		Finance Committee	Reserves Recommendation
3	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by Select Board	Reserves Recommendation

Financial Articles

4	To Transfer Funds Between 2023 Budget Line Items	\$2,000,000	Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
5	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (A) Patrolmen		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
6	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (B) Superior Officers		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
7	To Fund Collective Bargaining Agreement – IAFP Police EMT's and Paramedics		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – BMEA DPW Workers		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
9	To Fund Collective Bargaining Agreement – IUPE Clerical Unit		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
10	To Fund Collective Bargaining Agreement – Billerica Professional Administrators Association		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
11	To Fund Collective Bargaining Agreement – IAFF Civilian Fire Alarm Operators		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
12	To Fund Collective Bargaining Agreement – IAFF Firefighters		Raise and Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
13	To Fund Collective Bargaining Agreement – School Administrators		Raise and Appropriate or Transfer from Available Funds	School Committee	Reserves Recommendation
14	To Fund Collective Bargaining Agreement – School Custodial		Raise and Appropriate or Transfer from Available Funds	School Committee	Reserves Recommendation
15	To Fund Collective Bargaining Agreement – School Clerical		Raise and Appropriate or Transfer from Available Funds	School Committee	Reserves Recommendation
16	To Fund Collective Bargaining Agreement – School Cafeteria		Raise and Appropriate or Transfer from Available Funds	School Committee	Reserves Recommendation
17	Fiscal Year 2024 Town and School Budget		Raise & Appropriate from Available Funds	Select Board, Town Manager and Finance Committee	Reserves Recommendation
18	Fiscal Year 2024 Water Enterprise Budget		Raise & Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
19	Fiscal Year 2024 Sewer Enterprise Budget		Raise & Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
20	To Allow the Town Manager and Finance Committee to Transfer Funds			Finance Committee	Reserves Recommendation
21	To Authorize Departmental Revolving Funds			Town Manager; authorized by Select Board and School Committee	Reserves Recommendation
22	To Fund Statewide Opioid Settlement Funds	\$91,038	Transfer and Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
23	To Rescind Prior Borrowing Authorizations			Town Manager; authorized by Select Board	Reserves Recommendation
24	To Fund PEG Access Cable Television Services	\$220,789.43	Transfer and Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
25	Community Preservation Fund Budget and Project Recommendations	\$1,100,000 \$2,567,613	Raise and Appropriate from CPA	Community Preservation Committee	Reserves Recommendation
26	To Fund the Restoration of the Crosby Hill and Boston Road Water Storage Tanks	\$3,000,000	Raise and Appropriate, Transfer or Borrow	Town Manager; authorized by Select Board	Reserves Recommendation
27	To Fund the Development of a Unidirectional Water Flushing Program	\$100,000	Water Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
28	To Fund the Repairs of Existing Sanitary Sewer Pump Stations	\$100,000	Wastewater Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
29	To Fund the Upgrades to the Existing SCADA System at the Water Resource Recovery Facility	\$250,000	Wastewater Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
30	To Fund the Purchase of a New Vehicle for the Board of Assessor's Office	\$35,000	Transfer from Overlay Surplus	Board of Assessors	Reserves Recommendation
31	To Fund Appraisal and Consulting Costs to Defend the Town in Trials at the Massachusetts Appellate Tax Board	\$215,000	Transfer from Overlay Surplus	Board of Assessors	Reserves Recommendation
32	To Fund Recodification of the Zoning By-Law	\$65,000	Raise & Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation

Land Use and Easements Articles

33	To Authorize the Select Board to Accept Roads as Public Ways			Town Manager; authorized by Select Board	Reserves Recommendation
34	To Dispose of Town-Owned Land for the purpose of Affordable Housing on Wildcrest Ave			Town Manager; authorized by Select Board	Reserves Recommendation

General By-Law Article

35	To Amend Article 9 Section 3 of the General By-Law: Building Department of			Town Manager; authorized by Select Board	Reserves Recommendation
36	To Amend Article 9 Section 3 of the General By-Law School Budget			Town Manager; authorized by Select Board	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
37	To Remove and Replace a General By-Law – Discharges to the municipal Storm Sewer System			Town Manager; authorized by Select Board	Reserves Recommendation
38	To Remove and Replace a General By-Law – Stormwater Management By-Law			Town Manager; authorized by Select Board	Reserves Recommendation

Local Acceptance of State Statute

39	To Vote to Accept Chapter 41, Section 110A of the Massachusetts General Law			Town Clerk Shirley E. Schult	Reserves Recommendation
40	To Increase Income Limits on Clause 41C (Senior Exemption)			Board of Assessors	Reserves Recommendation

Petitioner and Elected Articles

41	Recording of Public Meeting Policy			Select Board Member John Burrows	Reserves Recommendation
42	Petitioner Article			Stephen J. Lentine	Reserves Recommendation

PRELIMINARY WARRANT
2023 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 2, 2023 at 7:00 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 OFFICIAL (TOWN CLERK)

To see if the Town will vote to fix the compensation of the following elected official of the Town effective July 1, 2023; or act in relation thereto.

Town Clerk - \$90,456 a Year

Submitted by the Finance Committee

Finance Committee has not made final recommendation.

Article 1 Explanation: In accordance with M.G.L. Chapter 41, Section 108, the salary and compensation of elected officials shall be fixed annually by a vote of Town Meeting.

ARTICLE 2 - TO SET COMPENSATION OF ELECTED OFFICIALS (SELECT BOARD)

To see if the Town will vote to fix the compensation of the following elected officials of the Town effective July 1, 2023; or act in relation thereto.

Select Board, Chairman	\$2,000 a Year
Select Board, Member	\$1,800 a Year

Submitted by the Finance Committee

Finance Committee has not made final recommendation.

Article 2 Explanation: In accordance with M.G.L. Chapter 41, Section 108, the salary and compensation of elected officials shall be fixed annually by a vote of Town Meeting.

ARTICLE 3 - 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 Select Board

Finance Committee has not made final recommendation.

Article 3 Explanation: In accordance with M.G.L. Chapter 40, Section 49, this article allows Town Meeting to hear and act upon reports submitted in the FY 2024 Annual Town Report.

ARTICLE 4 - TO TRANSFER FUNDS BETWEEN 2023 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of \$2,000,000 to amend various Fiscal Year 2023 budget line items; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 4 Explanation: This article is an annual article submitted to transfer money between line items to ensure that all line items are fully funded for the current fiscal year. This article is a placeholder.

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN

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

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 5 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor 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 Select Board

Finance Committee has not yet made final recommendation.

Article 6 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAEP POLICE EMT'S AND PARAMEDICS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and IAEP Police EMT's and Paramedics (International Association of EMT's and Paramedics); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 7 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – BMEA DPW WORKERS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and BMEA DPW Workers (Billerica Municipal Employees Association); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 8 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT – IUPE CLERICAL UNIT

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and IUPE Clerical Unit (Independent Union of Public Employees); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 9 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT –BILLERICA PROFESSIONAL ADMINISTRATORS ASSOCIATION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and Billerica Professional Administrators Unit; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 10 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 11 - TO FUND COLLECTIVE BARGAINING AGREEMENT – IAFF CIVILIAN FIRE ALARM OPERATORS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and IAFF Civilian Fire Alarm Operators (International Association of Firefighters); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 11 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 12 - 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 first-year cost items contained in the successor 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 Select Board

Finance Committee has not yet made final recommendation.

Article 12 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 13 - 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 successor Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

Article 13 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 14 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIAL

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 successor Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

Article 14 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 15 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CLERICAL

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 successor 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, Clerical Employees; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

Article 15 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 16 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CAFETERIA

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 successor 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, Cafeteria Employees; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

Article 16 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 17 - FISCAL YEAR 2024 TOWN AND SCHOOL BUDGET

To see if the Town will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the proposed following line-item budget for Fiscal Year beginning July 1, 2023 and ending June 30, 2024. It is anticipated that \$92,695 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 Select Board 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, Town Clerk's Office and the Town of Billerica's website. 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 Select Board, Town Manager and Finance Committee

Finance Committee has not yet made final recommendation.

Article 17 Explanation: The detailed budget presentation will be available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>. This article is a placeholder.

ARTICLE 18 - FISCAL YEAR 2024 WATER ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate a sum of money to operate the Water Enterprise Fund pursuant to M.G.L. Chapter 44 Section 53 F ½ for the fiscal year beginning July 1, 2023 and ending June 30, 2024; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 18 Explanation: This is a Water Enterprise Budget as voted pursuant to Article 29 of the October 2015 Annual Fall Town Meeting. This budget will be funded by general tax revenue and water user fees. The line-item budget is arranged to show the actual expenditures for the prior fiscal years 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 preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. 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. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>. This article is a placeholder.

ARTICLE 19 - FISCAL YEAR 2024 SEWER ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer Enterprise Fund pursuant to M.G.L. Chapter 44 Section 53 F ½ for the fiscal year beginning July 1, 2023 and ending June 30, 2024; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 19 Explanation: This is a Wastewater Enterprise Budget as voted pursuant to Article 30 of the October 2015 Annual Fall Town Meeting. This budget will be funded by general tax revenue and water user fees. The line-item budget is arranged to show the actual expenditures for the prior years 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 preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. 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. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>. This article is a placeholder.

ARTICLE 20 - TO ALLOW THE TOWN MANAGER AND FINANCE COMMITTEE TO TRANSFER FUNDS

To see if the Town will vote to allow the Town Manager, upon 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 Fiscal Year 2024, with the exclusion of travel accounts, within the same department. Transfers within department line items in-excess-of \$5,000 for Fiscal Year 2024 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

Finance Committee has not made final recommendation.

Article 20 Explanation: This article gives the Town Manager the authority to transfer funds between budget line items within a particular department, not-to-exceed \$5,000 per fiscal year. If the amount exceeds \$5,000, the article gives the authority to make such a transfer with the Finance Committee's approval.

ARTICLE 21 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Subsection 53E1/2, as most recently amended, to set Fiscal Year 2023 spending limits for revolving funds as follows:

<u>REVOLVING FUND</u>	<u>FY 2024 SPENDING LIMIT</u>
Animal Control	\$5,000
Inspectional Service Emergency Overtime	\$10,000
Wetlands By-Law	\$30,000
C.O.A. Programs	\$100,000
BEAM Program	\$2,000,000
Respite Care	\$120,000
Flu Shot Program	\$50,000

Or act in relation thereto.

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

Finance Committee has not yet made final recommendation.

Article 21 Explanation: Revolving Funds are allowed under M.G.L. Chapter 44, Section 53E ½ and must be established by By-Law. Under the statute, as most recently amended, Town Meeting must authorize the funding limit of Revolving Funds each year. Flu Shot Revolving Fund was increased from \$15,000 to \$50,000.

ARTICLE 22 - TO FUND STATEWIDE OPIOID SETTLEMENT FUNDS

To see if the Town will vote to transfer and appropriate the sum of \$ 91,038 from the Massachusetts Statewide Opioid Recovery and Remediation Fund’s fiscal year 2024 distribution for the support of prevention, harm reduction, treatment and recovery programs as directed by the National Opioid Settlements Agreements; or act in relation thereto

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 22 Explanation: The Massachusetts Department of Revenue Guidelines require these settlement monies to be appropriated in a segregated fund. These monies can be used for the support of prevention, harm reduction, treatment and recovery programs as directed by the National Opioid Settlements Agreements

ARTICLE 23 - TO RESCIND PRIOR BORROWING AUTHORIZATIONS

To see if the Town will vote to rescind the following borrowing authorizations previously approved at Town Meeting:

Art # 23	May 2017	\$ 882,407	Sewer Contract 36 (Area 3)
Art # 36	May 2019	\$ 1,000,000	LED Street Light Purchase
Art # 28	May 2019	\$ 709,160	Water Treatment Ozone
Art # 25	June 2020	\$ 1,225,000	Roadway Betterments – Middlesex Park
Art # 24	June 2020	\$2,650,000	Demolition of Buildings
Art # 25	May 2021	\$ 550,000	Boston Road Design

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 23 Explanation: This article will rescind previous borrowing authorizations.

ARTICLE 24 - TO FUND PEG ACCESS CABLE TELEVISION SERVICES

To see if the Town will vote to transfer and appropriate the sum of \$220,789.43 from the PEG Access and Cable Related Fund to be provided to BATV for support of PEG Access Cable Television Services; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 24 Explanation: A recent change to the Mass General Laws established the requirement that PEG Access funds need to be appropriated at Town Meeting. The Town created the PEG Access and Cable Related Fund as part of Article 35 at the May 2019 Town Meeting.

ARTICLE 25 - COMMUNITY PRESERVATION FUND BUDGET AND PROJECT RECOMMENDATIONS

To see if the Town will vote to appropriate or reserve the sum of \$1,100,000 from Community Preservation Fund annual revenues for committee administrative expenses, debt service and special purpose fund balances as follows:

Appropriations:	Administrative Budget	\$ 55,000
	Debt Service Budget	\$
Reserves:	Community Housing Special Fund Balance	\$ 110,000
	Historic Preservation Special Fund Balance	\$ 110,000
	Open Space and Recreation Special Fund Balance	\$ 110,000
	Unreserved Fund Balance	\$ 715,000

And further, to determine whether the Town will vote to transfer from the Community Preservation Fund or otherwise fund for community preservation purposes the sum of \$2,567,613 shown below for the referenced projects; and, in connection therewith, to authorize the Select Board to acquire any interests in land that may be necessary to effectuate the purposes of this vote, or to grant any interests in land as may be necessary to comply with M.G.L. Chapter 44B; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article; all in accordance with Massachusetts General Laws Chapter 44B or other applicable law; with sums appropriated hereunder to be expended under the direction of the Town Manager:

Or act in relation thereto.

Submitted by the Community Preservation Committee

Finance Committee has not yet made final recommendation.

Article 25 Explanation: The Community Preservation Committee has not finalized the list of projects to be recommended to Town Meeting as of the printing of this Preliminary Warrant.

ARTICLE 26 - TO FUND THE RESTORATION OF THE CROSBY HILL AND BOSTON ROAD WATER STORAGE TANKS

To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of \$3,000,000 for design, bidding and construction for the complete restoration of the Boston Road Water Storage Tank and partial restoration of the Crosby Hill Water Storage Tank, including any costs incidental or related thereto; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 26 Explanation: Under this article funds would allow complete restoration of the Boston Road Water Storage Tank and partial restoration of the Crosby Hill Water Storage Tank to improve water quality and in accordance with American Water Works Association best practices.

ARTICLE 27 - TO FUND THE DEVELOPMENT OF A UNIDIRECTIONAL WATER FLUSHING PROGRAM

To see if the Town will vote to appropriate from Water Retained Earnings the sum of \$100,000 for the development of a Townwide Unidirectional Water Flushing Program; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 27 Explanation: Under this article funds would allow for the development of a Unidirectional Flushing Program to improve the Town's drinking water quality.

ARTICLE 28 - TO FUND THE REPAIRS OF EXISTING SANITARY SEWER PUMP STATIONS

To see if the Town will vote to appropriate from Wastewater Retained Earnings the sum of \$100,000 for the repair and reconstruction of three existing sanitary sewer pump stations; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 28 Explanation: Under this article funds would allow for the replacement of existing motors at the Ricca Farm, Darby Road and Westwood pumping stations.

ARTICLE 29 - TO FUND THE UPGRADES TO THE EXISTING SCADA SYSTEM AT THE WATER RESOURCE RECOVERY FACILITY

To see if the Town will vote to appropriate from Wastewater Retained Earnings the sum of \$250,000 for upgrades to the existing SCADA system at the Water Resource Recovery Facility; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 29 Explanation: Under this article funds would allow for necessary SCADA upgrades including conversion from Device-net to Ethernet.

ARTICLE 30 - TO FUND THE PURCHASE OF A NEW VEHICLE FOR THE BOARD OF ASSESSOR'S OFFICE

To see if the Town will vote to transfer from Overlay Surplus the amount of \$35,000 to fund the purchase of a new vehicle for purposes of data collection and appraisal services for the Board of Assessors Office; or any act in relation thereto.

Submitted by the Board of Assessors

Finance Committee has not yet made final recommendation.

Article 30 Explanation: The current vehicle has reached the end of its' useful life and needs to be replaced. There are currently no old public safety vehicles available to replace this one. There is currently \$250,000 of Overlay Surplus available.

ARTICLE 31 - TO FUND APPRAISAL AND CONSULTING COSTS TO DEFEND THE TOWN IN TRIALS AT THE MASSACHUSETTS APPELLATE TAX BOARD

To see if the Town will vote to transfer from Overlay Surplus the amount of \$215,000 to fund appraisal and consulting costs to defend the Town in trials at the Massachusetts Appellate Tax Board; or any act in relation thereto.

Submitted by the Board of Assessors

Finance Committee has not yet made final recommendation.

Article 31 Explanation: The Board of Assessors has several large appeals that require the use of outside consultants and/or appraisers in order to defend the assessed values if tried. The cases are Digital 55 Middlesex LLC located at 55 Middlesex Turnpike, Equinix LLC located at 41 Alexander Road and ACP.Lantern Real Estate LLC located at 331 Treble Cove Road. Historically, the Town has funded this request through a transfer from Overlay Surplus in order to avoid raising the funds through the Town budget. There is currently \$250,000 of Overlay Surplus available.

ARTICLE 32 - TO FUND RECODIFICATION OF THE ZONING BY-LAW

To see if the Town will vote to raise and appropriate or transfer from other available funds the amount of \$65,000 to fund the recodification of the Zoning By-Law; or act in relation thereto.

Submitted by the Town Manager and authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 32 Explanation: The Zoning Recodification endeavors to:

- Reorganize the existing regulations.
- Remove conflicting information.
- Simplify where to find information so changes can be made to one section not multiple.
- Align our zoning with state and federal laws.
- Remove unnecessary and overly complicated language.
- Remove policy statements from the definitions.
- Reconcile the Use Table and the text.

The goal is to bring back work product for the Fall or Spring Town Meeting. This article only funds the process of recodifying zoning. It does not change any zoning.

ARTICLE 33 - TO AUTHORIZE THE SELECT BOARD TO ACCEPT ROADS AS PUBLIC WAYS

To see if the Town will vote to accept the following listed roads as public ways in accordance with the layouts adopted by the Select Board and on file with the Town Clerk; and to authorize the Select Board to acquire by gift, purchase, or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Billerica; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article; or act in relation thereto.

Astrig Way, from Springs Road to dead end, approximate length 730' and variable width right of way, as depicted on the plan entitled '*Plan & Profile, Astrig Way - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-198, Sheets 1-2 of 2)

Bellflower Road, from Salem Road to Lilac Road, approximate length 630' and 40' width right of way, as depicted on the plan entitled '*Existing Conditions, Bellflower Road - Billerica, MA*' dated July 17, 2002 by Allen & Major Associates, Inc. (Engineering Division Plan B-4-146, Sheet 1)

Birch Street, from Concord Road to dead end, approximate length 590' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Birch Street - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-199, Sheet 1)

Breen Road, from Riveredge Road to Outlook Road, approximate length 420' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Breen Road - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-200, Sheet 1)

Colby Street, from Thoreau Street to Pelham Street, approximate length 405' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Colby Street - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-201, Sheet 1)

Dean Street, from Concord Road to dead end, approximate length 395' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Dean Street - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-202, Sheet 1)

Edgehill Road, from Westcott Road to dead end, approximate length 310' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Edgehill Road - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-203, Sheet 1)

Field Street, from Concord Road to the Bedford Town Line, approximate length 310' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Field Street - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-204, Sheet 1)

Heron Lane, from Riveredge Road to dead end, approximate length 270' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Heron Lane - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-205, Sheet 1)

Moran Road, from Treble Cove Road to Gilman Road, approximate length 2,570' and variable width right of way, as depicted on the plan entitled '*Moran Road - Billerica, MA - Existing Conditions*' dated September 27, 2002 by Allen & Major Associates, Inc. (Engineering Division Plan B-4-193, Sheets 1-3 of 3)

Outlook Road, from Nashua Road to Riveredge Road, approximate length 2,165' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Outlook Road - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-206, Sheets 1- 4 of 4)

Pauline Road, from Riveredge Road to dead end, approximate length 250' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Pauline Road - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-207, Sheet 1)

Pelham Street, from Colby Street to dead end (North), approximate length 380' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Pelham Street - Billerica, MA*' dated August 11, 2021 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-208, Sheet 1)

Westcott Road, from Riveredge Road to Edgehill Road, approximate length 210' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Westcott Road - Billerica, MA*' dated August 5, 2020 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-209, Sheet 1)

Wheeler Road, from Clermore Road to the cul-de-sac, approximate length 660' and 40' width right of way, as depicted on the plan entitled '*Existing Conditions, Wheeler Road - Billerica, MA*' dated September 18, 2002 by Allen & Major Associates, Inc. (Engineering Division Plan B-4-209, Sheet 1)

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 33 Explanation: The list of roads was developed based on a combination of citizen petitions and roads that are in the interest of the Town to accept because of a Town project.

ARTICLE 34 - TO DISPOSE OF TOWN-OWNED LAND FOR THE PURPOSE OF AFFORDABLE HOUSING ON WILDCREST AVENUE

To see if the Town will vote to transfer the care, custody, management and control of the properties located on Wildcrest Avenue 106-314-0, 106-317-0, 106-318-1, 106-319-0, 106-320-0, 106-321-0, 106-324-3, 106-324-2, 106-325-0, 106-326-0 (map/parcel number) from the tax title custodian for tax title purposes to the Select Board for general municipal purposes and for the purpose of disposition of all or a portion of said properties by lease, sale, or otherwise; and further, to authorize the Select Board to dispose of such properties in accordance with the requirements of M.G.L. Chapter 30B, Section 16 or any other applicable statute or law, upon such terms and conditions as deemed to be in the best interest of the Town, with said disposition to be limited to the purpose of developing at a minimum fifty percent affordable housing out of all housing created on the applicable parcels to be included on the Town's subsidized Housing Inventory as maintained by the Department of Housing and Community Development; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 34 Explanation: This is a request to dispose of these two properties for the specific purpose of creating affordable housing on. This will be done through an RFP process.

ARTICLE 35 - TO AMEND ARTICLE 9 SECTION 3 OF THE GENERAL BY-LAW: BUILDING DEPARTMENT

To See if Town Meeting will Vote to amend the Billerica General By-Law as amended in May of 2022 to be further amended by deleting the existing Language under Article IX, Section 3:

3. The Board of Selectmen may amend the schedule of fees, subject to the approval of the next Town Meeting. The Board of Selectmen may, at the request of the Inspector of Buildings, waive payment of the permit fee in the following cases:

- (1) Any application involving municipal, religious or charitable organizations.
- (2) In such other cases deemed to be in the best interest of the Town.

and replacing it with the following:

3. The Select Board may amend the schedule of fees on a yearly basis as recommended by the Building Commissioner or Town Manager. The Select Board or their designee may, at the request of the Inspector of Buildings or applicant, waive payment of the permit fee in the following cases:

- (1) Any application involving municipal, religious or charitable organizations.
- (2) In such other cases deemed to be in the best interest of the Town.

Or act in relation thereto.

Submitted by the Town Manager and authorized by the Select Board.

Finance Committee has not yet made final recommendation.

Article 35 Explanation: This article is intended to give the authority to set fees to the Select Board which is typically recognized as an executive function rather than a legislative function.

ARTICLE 36 - TO AMEND ARTICLE 1, SECTION 6 OF THE GENERAL BY-LAW SCHOOL BUDGET

To see if the Town will Vote to amend the Billerica General By-Law as amended in May of 2022 to be further amended by

Article 1 Section 6

6. PROPOSED BUDGET: SUBMISSION TO FINANCE COMMITTEE

6.1 At least sixty (60) days before the Town Meeting is scheduled to meet in its Spring session, the Town Manager shall file with the Finance Committee and provide for publication of a proposed detailed and ratified by the Board of Selectmen operating budget **and capital budget** for the ensuing fiscal year, as provided for in Section 5-3 of the Charter. The proposed budget shall also be posted on the Town's website. Any defect in the posting of the proposed budget on the Town's website shall not invalidate the notice requirements of this By-Law.

The proposed budget shall include:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

6.2 At least sixty-five (65) days before Town Meeting is scheduled to meet in its Spring session, the School Superintendent shall file with the Town Manager and provide for publication of a proposed, detailed operating **and capital budget** for the ensuing fiscal year.

The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years, and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by school, agency, function and work programs.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by school, agency, and the proposed method of financing each such capital expenditure.
- (c) School population projections

Notwithstanding the said date for formal submission, the Town Manager may, insofar as it is practical to do so, submit preliminary information and data to the Finance Committee in advance of such date, in order to assist it in the performance of its duties. The proposed school budget shall

also be posted on the Town’s website. Any defect in the posting of the proposed school budget on the Town’s website shall not invalidate the notice requirements of this By-Law.

Or act in relation thereto.

Submitted by the Town Manager and authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 36 Explanation: This article is intended to compel a comprehensive and detailed budget submission from the School Department to the Town.

ARTICLE 37 - TO REMOVE AND REPLACE A GENERAL BY-LAW – DISCHARGES TO THE MUNICIPAL STORM SEWER SYSTEM

To see if the Town will vote to amend General By-Law Article XXI – By-Law Governing Discharges to the Municipal Storm Sewer System as follows, with struck-through language deleted and underlined language inserted therein; or act in relation thereto.

**ARTICLE XXI
DISCHARGES TO THE MUNICIPAL STORM SEWER SYSTEM**

DEFINITIONS

Authorized Enforcement Agency:	The Billerica Board of Health <u>Department of Public Works (DPW)</u> , its employees, or agents designated to enforce this By-Law.
Best Management Practice (BMP):	An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
Clean Water Act:	The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as may be amended from time to time.
Discharge of Pollutants:	The addition, from any source, of any pollutant, or combination of pollutants, into the municipal storm sewer system or into the waters of the United States or Commonwealth.
Groundwater:	Water beneath the surface of the ground.
Illicit Connection:	A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm sewer system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.
Illicit Discharge:	Direct or indirect discharge to the municipal storm sewer system that is not composed entirely of stormwater, except as exempted in Section 85 . The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 8-15.1 , of this By-Law.
Impervious Surface:	Any material or structure on or above the ground that prevents water from infiltrating into the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System or Municipal Storm Sewer System:	A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains); A. Owned or operated by a State, city, town, borough, county, parish, district, association or other public body (created by

or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or an Indian tribe or an authorized tribal organization or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

- B. Designated or used for collecting or conveying storm water;
- C. Which is not a combined sewer; and
- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:

A permit issued by the United States Environmental Protection Agency, or jointly with the Commonwealth, that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge:

Discharge to the municipal storm sewer ~~system~~ not composed entirely of stormwater.

Person:

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant:

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents,
- B. Oil and other automotive fluids,
- C. Non-hazardous liquid and solid wastes and yard wastes,
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations, and floatables,
- E. Pesticides, herbicides, and fertilizers,
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens,
- G. Dissolved and particulate metals,
- H. Animal wastes,
- I. Rock, sand, salt, and soils with the exception of winter salting and sanding,
- J. Construction wastes and residues, and
- K. Noxious or offensive matter of any kind.

Process Wastewater:

Water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge:	The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.
Stormwater:	Rainfall runoff, snow melt runoff, and surface water runoff and drainage. Runoff shall mean rainfall or snowmelt water flowing over the ground surface.
Surface Water Discharge Permit:	A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.
Toxic or Hazardous Material or Waste:	Any material, which because of its quantity, concentration, or chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
Watercourse:	A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
Waters of the Commonwealth:	All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater. <u>This includes Waters of the United States as defined under the Federal Clean Water Act (33 .S.C. § 1251, et seq.) as hereafter amended.</u>
Wastewater:	Any sanitary waste, sludge, or septic tank or cesspool overflow, and process wastewater.

1. APPLICABILITY

This By-Law shall apply to flows entering the municipal ~~separate~~-storm sewer system.

2. RESPONSIBILITY FOR ADMINISTRATION

The ~~Board of Health~~ DPW shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the ~~Board~~ DPW may be delegated in writing by the ~~Board~~-DPW to employees or agents of the ~~Board of Health~~ DPW.

3. REGULATIONS

The ~~Board of Health~~ DPW may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the ~~Board~~-DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

4. PROHIBITED ACTIVITIES

- 4.1 Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal ~~separate~~ storm sewer ~~system (MS4)~~, into a stormwater BMP on public or private property, into a watercourse, or into the waters of the Commonwealth.
- 4.2 Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- 4.3 Obstruction of Municipal Storm Sewer System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm sewer system without prior written approval from the ~~Board of Health DPW~~.

5. EXEMPTIONS

- 5.1 Discharge or flow resulting from fire fighting activities.
- 5.2 The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm sewer system:
 - A. Waterline flushing,
 - B. Flow from potable water sources,
 - C. Springs,
 - D. Natural flow from riparian habitats and wetlands,
 - E. Diverted stream flow,
 - F. Rising groundwater,
 - G. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater,
 - H. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation,
 - I. Discharge from landscape irrigation or lawn watering,
 - J. Water from individual residential car washing,
 - K. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance or erosion,
 - L. Discharge from street sweeping,
 - ~~M.~~ M. Residential building wash waters without detergents,
 - ~~MN.~~ Dye testing, provided verbal notification is given to the ~~Board of Health DPW~~ prior to the time of the test,
 - ~~NO.~~ Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
 - ~~OP.~~ Discharge for which advanced written approval is received from the ~~Board of Health DPW~~ as necessary to protect public health, safety, and welfare, or the environment.

6. EMERGENCY SUSPENSION OF STORM SEWER SYSTEM ACCESS

The Board of Health DPW may suspend municipal storm sewer system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to public health, safety, or welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Board of Health DPW may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

7. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in, or which may result in, discharge of pollutants to the municipal storm sewer system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and Board of Health and Department of Public Works, Engineering Division. In the event of a release of non-hazardous material, the reporting person shall notify the Board of Health DPW no later than the next business day. The reporting person shall provide to the Board of Health DPW written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator shall retain onsite a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the spill.

8. ENFORCEMENT

The Board of Health DPW, or its authorized agent, shall enforce this By-Law, resultant regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

8.1 Civil Relief. If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the Board of Health DPW may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

8.2 Orders.

A. The Board of Health DPW, or its authorized agent, may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include,

(a) elimination of illicit connections or discharges to the MS4 municipal storm sewer system,

(b) performance of monitoring, analyses, and reporting,

(c) that unlawful discharges, practices, or operations shall cease and desist, and

(d) remediation of contamination in connection therewith.

B. If the enforcing agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified

- deadline, the Town of Billerica may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- C. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Billerica, including administrative costs. The violator, or property owner, may file a written protest objecting to the amount, or basis of costs, with the ~~Board of Health DPW~~ within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the ~~Board of Health DPW~~ affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, §57 after the thirty-first day at which the costs first become due.
- 8.3 Criminal Penalty. Any person who violates any provision of this By-Law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300 per offense. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- 8.4 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Billerica may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the ~~Board of Health DPW~~, or other authorized agent, of the Town shall be the enforcing person. The penalty for the first violation shall be a written warning and/or a \$100 fine. The penalty for the second violation shall be a \$200 fine. The penalty for the third and subsequent violations shall be a \$300 fine. Each day, or part thereof, that such violation occurs, or continues, shall constitute a separate offense.
- 8.5 Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the ~~Board of Health DPW~~, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the ~~Board of Health DPW~~ deems reasonably necessary.
- 8.6 Appeals. The decisions or orders of the ~~Board of Health DPW~~ shall be final. Further relief shall be to a court of competent jurisdiction.
- 8.7 Remedies Not Exclusive. The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

~~9. TRANSITIONAL PROVISIONS~~

~~Residential property owners shall have 180 days from the effective date of this By-law to comply with its provisions.~~

Submitted by the Town Manager and authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 37 Explanation: This By-Law effectively prohibits pollution and certain non-stormwater discharges from entering the town's storm drain. This By-Law will allow the Town to take actions to keep Billerica's lakes, ponds, rivers, and streams clean. This By-Law was previously enforced by the Board of Health. The proposed amendments to the By-Law transfer enforcement authority from the Board of Health to the Department of Public Works. No other substantive changes are proposed. This amended version of the By-Law has been reviewed by Town staff, including the Town Manager, Building Inspector, and members of the Board of Health, Planning Board, Conservation Commission and Department of Public Works.

ARTICLE 38 - TO REMOVE AND REPLACE A GENERAL BY-LAW – STORMWATER MANAGEMENT BY-LAW

To see if the Town will vote to amend General By-Law Article XXV - Stormwater Management By-Law as follows, with struck-through language deleted and underlined language inserted therein; or act in relation thereto.

**ARTICLE XXV
STORMWATER MANAGEMENT BY-LAW**

DEFINITIONS:

Administrative Stormwater Management Approval:

Review and approval issued by the DPW, of a land disturbance activity that does not require a Stormwater Permit because of its size and/or scope.

Alter:

Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Such changes include: change from distributed runoff to confined or discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

Best Management Practice (BMP):

~~Structural and nonstructural techniques that are recognized to be effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote good stormwater quality and protection of the environment.~~ An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.—"Structural" BMPs are devices that are engineered and constructed to provide permanent or temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source. Nonstructural BMPs include managerial techniques that focus on the preservation and protection of natural features.

Common Plan:	Any announcement or piece of documentation (including a sign, public notice or hearing, advertisement, drawing, ANR plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future construction activities.
Land Disturbance:	Any action that causes a change in the position, location, or arrangement of soil, <u>ground cover</u> , sand, rock, gravel or similar earth material. <u>Includes clearing, grading, or excavating, including grubbing; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in alteration of drainage characteristics.</u> See also ALTER.
Massachusetts Stormwater Management <u>Policy Standards</u> :	The <u>Policy Standards</u> issued by the Department of Environmental Protection, and as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The <u>Policy Standards</u> addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.
Municipal Separate Storm Sewer System (MS4), or Municipal Storm Drain System, or Municipal Drainage System:	The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Billerica.
Stormwater Authority:	Board of Health <u>Board of Health</u> , <u>The Department of Public Works (DPW)</u> or <u>its</u> authorized agent(s), as defined in the Stormwater Management By-Law. The Board of Health-DPW , or its agent(s), is responsible for coordinating the review, approval and permit process as defined in these Regulations authorized by this Stormwater Management By-Law <u>and any regulations implemented hereunder</u> . Other Boards and/or departments may participate in the review process as defined in the Stormwater Management By-Law <u>and Regulations</u> .
Stormwater Management:	The use of structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of structural, and nonstructural stormwater management practices.

Stormwater Management Permit: A permit issued by the [Board of Health-DPW](#), after review of an application, plans, calculations, and other supporting documents, which show that the proposed project is designed to protect the environment of the Town from the deleterious ~~effects~~ impacts of uncontrolled and untreated stormwater runoff during the construction period and from the altered site in perpetuity.

Additional terms that apply to issuance of a Stormwater Management Permit and/or Administrative Stormwater Management Approval established by this By-Law shall be defined and included as part of the Regulations promulgated and, from time to time, amended under Section 2.2 of this By-Law, a copy of which shall be available at the [Board of Health-DPW](#) and the office of the Town Clerk. Terms not defined in said Regulations or pertinent statutes shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

1. SCOPE AND APPLICABILITY

- 1.1 ~~This By-Lawese regulations shall apply to all construction activity or land disturbance that individually or as part of a Common Plan of Development resulting in disturbance of land in excess of the thresholds below. Unless exempt pursuant to Section 1.2 of this By-Law, all activities under the jurisdiction of this By-Law shall be required to obtain a Stormwater Management Permit from the Board of Health prior to beginning any site work. This By-Law shall be applicable to all new development and redevelopment projects including:~~
- ~~A. Administrative Stormwater Management Approval is required for projects adding 500 square feet or more of impervious area.~~
 - ~~B. Administrative Stormwater Management Approval is required for projects disturbing between 20,000 square feet and one acre (43,560 square feet) of land.~~
 - ~~C. A Stormwater Management permit is required for any -construction activity or land disturbance where the proposed use is a land use of higher potential pollutant loads (LUHPPL) pursuant to the ~~Masachusetts~~ [Massachusetts](#) Stormwater Management Standards, as ~~it~~ [they](#) may be amended from time to time.~~
 - ~~D. A Stormwater Management permit is required for any activity that results in a land disturbance of one acre (43,560 square feet) or more within the Town of Billerica;~~
 - ~~A-E. A Stormwater Management permit is required for A~~any Subdivision as defined in the Massachusetts Subdivision Control Law (MGL, Chapter 41, Sections 81K – 81GG) requiring a Definitive Plan;~~;~~
 - ~~A. Any activity that results in a land disturbance greater than one acre within the Town of Billerica;~~
 - ~~B. Any activity that results in a land disturbance of less than one acre if the project is part of a larger common plan of development that eventually will disturb more than one acre within the Town of Billerica; and~~
 - ~~C. Any alteration, redevelopment, or land use conversion in an area with “higher potential pollutant loads” as described in Standard 5 of the Massachusetts Stormwater Management Policy, as it may be amended from time to time.~~

Land disturbance activities on lots shown on pPlans that do not require approval under the Subdivision Control Law, hereafter referred to as “ANR lots”, and meet one or more of the applicability criteria above are subject to the provisions of this By-law and are not exempt

from obtaining a Stormwater Management Permit unless the land disturbance activities meet one of the exemptions described below.

- 1.2 Exemptions: No person ~~who meets the applicability of this By-Law~~ shall alter land above the thresholds described above within the Town of Billerica without having obtained a Stormwater Management Permit (SMP) or Administrative Stormwater Approval with the following exceptions:
- A. Activities undertaken in the course of customary ~~c~~Cemetery management,
 - B. Maintenance of existing landscaping, gardens or lawn areas,
 - C. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and MGL Chapter 40A, Section 3,
 - D. Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Board of Health-DPW.
 - ~~E. Construction of fencing that will not substantially alter existing terrain or drainage patterns.~~
 - ~~F. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 or, directly or indirectly, to a Watercourse or Waters of the Commonwealth.~~
 - ~~G. Municipal roadway maintenance including crack sealing, milling, paving and sidewalk construction and repair.~~
 - ~~H. Maintenance of a stormwater treatment structure conducted in such a way that does not cause discharge of sediment or other pollutants to the MS4, or directly or indirectly to a Watercourse or Waters of the Commonwealth.~~
- 1.3 Coordination with Other Town Permits.
- A. No Town Earth Removal Permit, Order of Conditions from the Conservation Commission, Building Permit, subdivision approval, special permit, variance or finding shall constitute compliance with this By-law. For a project or activity ~~that meets the Scope and Applicability of this By-Law~~ that is subject to the DPW's jurisdiction under this By-Law, no work may commence until the ~~developer~~ applicant submits a complete Stormwater Management Permit and/or Administrative Stormwater Approval application, the ~~Board of Health-DPW~~ issues a Stormwater Management Permit or Administrative Stormwater Approval, and the ~~developer~~ applicant certifies that all land ~~clearing, construction, and development will be done~~ land disturbance activities will be performed in compliance with pursuant to the approved Plans and Permit/Approval.
 - B. This By-law is not intended to interfere with, abrogate, or annul any other By-law, rule or regulation, statute, or other provision of law. The requirements of this By-law shall be considered minimum requirements, and where any provision of this By-Law imposes restrictions different from those imposed by any other By-Law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

- C. Common Plan of Development. Whenever this By-Law applies to contiguous commonly owned parcels that meet the definition of a Common Plan that in the opinion of the Stormwater Authority will ultimately disturb one acre or greater, then the common owner of all such parcels shown on said plan must submit a single SMP application to provide for a comprehensive stormwater system for all such parcels. No individual parcel may be conveyed by said common owner until such time as a single SMP has been issued for all such parcels.
- ED. ~~For projects~~ Projects within any wetland resource area protected under law, including, but without limitation: the Billerica Wetlands Protection By-Law, Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, or the BMP design and selection criteria given in the most current Massachusetts Stormwater Management ~~Policy~~ Standards, as amended, shall be ~~considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Billerica Stormwater Management By-Law~~ subject to all such laws in addition to this By-Law.

2. ADMINISTRATION

- 2.1 **Stormwater Authority.** The Board of Health-DPW is hereby designated as the Stormwater Authority. The ~~B~~Board of Health-DPW, or its agent, shall administer, implement and enforce this By-Law. The Billerica Board of Health-DPW may appoint an Agent to issue Permits and sign Plans provided for in this By-law. The Board of Health-DPW may appoint another Town department, commission or board to act as its authorized Agent for site inspections and enforcement of this By-Law.
- 2.2 **Stormwater Regulations.** The Board of Health-DPW may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Management By-Law. ~~after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. After public notice and public hearing, the~~ Board of Health~~The DPW~~ may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure of the Board of Health-DPW to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this By-Law. ~~Stormwater Management regulations, rules or guidance shall identify requirements for any~~ SWP-Stormwater Management Permit required by this By-Law and consistent with or more stringent than the relevant requirements of the most recent MS4 Permit.
- 2.3 **Stormwater Management Manual.** The Board of Health-DPW will utilize the Massachusetts Stormwater Management ~~Policy~~ Standards and Handbooks, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this By-Law. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically ~~altered~~ stated otherwise in this Stormwater Management By-Law, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Handbooks' design and sizing criteria may be

presumed by the [Board of Health-DPW](#) to be protective of Massachusetts water quality standards.

- 2.4 **Appeals of Action by the [Board of Health-DPW](#).** A decision of the [Board of Health-DPW](#) shall be final. Further relief of a decision by the [Board of Health-DPW](#) made under this By-Law shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Chapter 249 § 4.

3. **STORMWATER PERMIT AND ADMINISTRATIVE APPROVAL PROCEDURES**

Permit and administrative approval procedures and requirements, including permit submittals, right-of-entry agreement, and fee schedule, ~~and public hearing process~~, shall be defined and included as part of the Regulations promulgated under Section 2.2 of this By-Law.

4. **PERFORMANCE STANDARDS**

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Regulations promulgated under Section 2.2 of this By-Law.

5. **WAIVERS**

5.1 The [Board of Health-DPW](#) may, at its discretion and after due consideration, decide to waive and exempt strict compliance with any requirement of this Town of Billerica Stormwater Management By-Law or the Regulations promulgated hereunder, where it makes a written finding that such action is:

- A. Allowed by federal, state and local statutes and/or regulations;
- B. In the public interest; and
- C. Consistent with the purpose and intent of the Town of Billerica Stormwater Management By-Law and its Regulations.

5.2 Criteria for granting a waiver shall be defined and included as part of the Regulations promulgated under Section [2.2 of this By-Law](#).

[tion 2.2 of this By law.](#)

~~5.3 — Any waiver requests shall be discussed and voted on at the public hearing for the project.~~

6. **ENFORCEMENT**

The [Board of Health-DPW](#), or its authorized agent, shall enforce this By-Law and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the [Board of Health-DPW](#). ~~As an alternative to criminal prosecution or civil action, the Board of Health may elect to utilize the non-criminal disposition procedure set forth in Chapter 1, Section 19 of the Board of Health Regulations, and General By-Laws Article XIV. — To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Health's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By Law and may make or cause to be made such examinations, surveys or sampling as the Board of Health deems reasonably necessary to determine compliance with a permit issued under this By Law. Enforcement shall be further defined and included as part of the Regulations promulgated under Section 2.2 of this By-Law.~~

6.1 Criminal and Civil Relief.

- A. Any person who violates the provisions of this ~~bylaw~~By-Law, or any associated regulations, permit, approval or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and/or a fine of ~~not more than~~ \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- B. The DPW may seek injunctive relief in a court of competent jurisdiction restraining ~~thea~~ person from activities which would create further violations or compelling ~~thea~~ person to perform abatement or remediation of the violation.

6.2 Orders.

- A. The DPW or its authorized agent may issue a written order to enforce the provisions of this ~~bylaw~~By-Law or any associated regulations ~~or, permit, and/or approval~~. Violations include, without limitation, failure to obtain a ~~SMP~~stormwater Management Permit or Administrative Stormwater Approval for an activity subject to this ~~bylaw~~By-Law, or failure to follow the requirements of the permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this ~~bylaw~~By-Law or regulations issued hereunder. The written order may require the violator to remediate the non-compliance and/or any adverse impact caused by it, including without limitation:
- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the ~~bylaw~~By-Law and provisions of the ~~SMP~~stormwater Management Permit or other authorization;
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting;
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
 - (5) Construction, reconstruction, repair or maintenance of stormwater BMPs or any other aspect of the post-construction stormwater management system;
 - (6) Remediation of adverse impacts resulting from improper construction or operation of the post-construction stormwater management system; and/or
 - (7) A requirement to eliminate discharges, directly or indirectly, into the MS4, a watercourse or into the Waters of the Commonwealth.
- B. If the DPW or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Billerica may, at its option, ~~pursue a court order allowing the Town to~~ undertake such work, and expenses thereof shall be charged to the violator.
- C. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Billerica, including administrative costs. The violator or

property owner may file a written protest objecting to the amount or basis of costs with the DPW within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the DPW affirming or reducing the costs, or from a final decision of a court of competent jurisdiction affirming or reducing the costs, the costs shall constitute a municipal charge for purposes of G.L. c.40, §58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59 § 57 on the 31st day after the costs first become due.

6.3 Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Billerica may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case designated agents of the DPW shall be the enforcing persons. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6.4 Entry to perform duties under this By-Law. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the DPW, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the DPW deems reasonably necessary.

6.5 Appeals. The decisions or orders of the DPW shall be final. Further relief shall be appealed to a court of competent jurisdiction.

6.6 Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

7. Severability

The provisions of this By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 38 Explanation: This By-Law effectively controls construction site runoff and post-construction stormwater runoff when one acre of land or greater is disturbed. This By-Law will allow the Town to take actions to protect Billerica's natural resources and public and private property from the effects of unmanaged stormwater runoff. This By-Law has been reviewed by Town staff, including the Town Manager, Building Inspector, and members of the Board of Health, Planning Board, Conservation Commission, and Department of Public Works. The main difference between this version of the By-Law and the prior version is that the Stormwater Authority will be changed from the Board of Health to the

Department of Public Works and certain smaller scale land disturbance activities will be subject to an Administrative Stormwater Approval rather than a Stormwater Management Permit.

ARTICLE 39 - TO VOTE TO ACCEPT CHAPTER 41, SECTION 110A OF THE MASSACHUSETTS GENERAL LAW

To see if the Town will vote to accept Chapter 41, Section 110A of the Massachusetts General Law; or act in relation thereto.

Submitted by Town Clerk Shirley E. Schult

Finance Committee has not yet made final recommendation.

Article 39 Explanation: Section 110A. Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city of the city council, subject to the provisions of the city charter, or in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

ARTICLE 40 - TO INCREASE INCOME LIMITS ON CLAUSE 41 C (SENIOR EXEMPTION)

To see if the Town will vote to increase Clause 41 C gross receipts and whole estate limits automatically each year by the COLA as determined by the DOR; or act in relation thereto.

Submitted by the Board of Assessors

Finance Committee has not yet made final recommendation.

Article 40 Explanation: The Board of Assessors seeks to increase the minimum asset and income amounts for Clause 41 C by the COLA (Cost of Living Adjustment) as determined by the Department of Revenue. The current asset limit is single \$40,000; \$55,000 for married and all co-owners; must have an income of less than \$26,937 if single, \$40,404 if married. These income and asset limits have not been

adjusted in years and are not in line with current inflation rates and cost of living increases (M.G.L. Chapter 59 5, Clause 41 D).

ARTICLE 41 - RECORDING OF PUBLIC MEETING POLICY

To see if the Town will vote to amend the Town's General By-Laws, Article XV, procedures, by inserting therein the new subsection 6, "Recording of Public Meetings", as follows; or act in relation thereto.

6. RECORDING OF PUBLIC MEETINGS

(a) Public meetings, public hearings and Working sessions shall be held in a hybrid fashion allowing remote access as well as in person. Public Comment will also be recorded with Residents given a minimum of 5 minutes to speak. All sections of meetings except when Boards or Committees enter Executive Session will be recorded.

The recording does not replace Open Meeting Law requirements such as the written minutes and a transcript of the recording will not be prepared.

The recording may be used by staff to assist with the preparation of the minutes or by Boards or Committees to clarify a dispute or query relating to the minutes that is raised during a subsequent meeting under the section, Confirmation of Minutes. Recordings will not be edited.

(b) This By-Law shall apply to the following Boards, Committees and Commissions:

- 1) **Board of Health**
- 2) **Capital Facilities Needs Committee**
- 3) **Community Preservation Committee**
- 4) **Conservation Commission**
- 5) **Diversity, Equity, and Inclusion (DEI) Committee**

- 6) **Finance Committee**
- 7) **General By-Law Review Committee**
- 8) **Historical Districts Commission.**
- 9) **Open Space & Recreation Plan Committee**
- 10) **Planning Board**
- 11) **Select Board**
- 12) **Billerica Substance Awareness and Prevention Committee**
- 13) **Zoning Board of Appeals**
- 14) **Zoning By-Law Review Committee By-Law**
- 15) **Board of Assessor's**

The unedited recording of all meetings will be archived on file with the Town.
An unedited recording of the last two meetings will be made available on the Town's website.

Requests for copies of Board or Committee meetings recordings shall be subject to the requirements of the Massachusetts Public Records Law.

Submitted by the John J. Burrows, Select Board Member

Finance Committee has not yet made final recommendation.

ARTICLE 42 - PETITIONER ARTICLE

To see if the Town will vote to amend the Zoning By-Laws and the Zoning Map by re-zoning from Neighborhood Residence Zone to Neighborhood Business Zone, the land owned Brian D. Goguen and Laureen Goguen, identified as Billerica Assessor's Map 69, Parcel 77-1, having a present street address of 164 Concord Road, Billerica and as shown on the attached perimeter plan entitled, "Rezoning Plan, 164 Concord Road, Billerica, MA, dated March 10, 2023," bounded and described as follows:

See Exhibit A attached hereto and incorporated herein for legal description.

EXHIBIT "A"
164 Concord Road
Billerica, MA 01821

Beginning at the northeasterly corner of Lot 1; thence S 16°44'57" E a distance of 129.07'; thence S 64°17'30" W a distance of 25.66'; thence S 64°16'52" W a distance of 162.64'; thence N 26°21'30" W a distance of 30.02'; thence N 24°04'00" W a distance of 74.85'; thence with a curve turning to the right with an arc length of 80.83', with a radius of 46.13'; thence with a curve turning to the left with an arc length of 152.46', with a radius of 1072.93'; which is the point of beginning, having an area of 27,291 square feet.

Said land is also shown as Lot 1 on a plan entitled, "Plan of Land in Billerica, MA, owned by Doris L. Casey" dated June 17, 1995, by Raymond Engineering Service, 574 Boston Road, Billerica, and recorded with Middlesex North District Deeds in Plan Book 188, Plan 132.

Submitted by Stephen J. Lentine and Messrs. Lentine, McKenna, Blinn, Delorge, Goguen, Flynn and Madames Lentine, McKenna, Blinn, Delorge, Goguen and Flynn.

Finance Committee has not yet made final recommendation.

And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at Augusta Market, 599 Boston Road, one copy at Belly Buster Restaurant, 306 Boston Road, one copy at the Billerica Center Police Station, 6 Good Street, one copy at the Billerica Center Post Office, 460 Boston Road, one copy at the Billerica Public Library, 15 Concord Road, one copy at the Billerica Town Hall, 365 Boston Road, one copy at the East Billerica Fire Station, 295 Salem Road, one copy at Market Basket, Towne Plaza, 700 Boston Road, one copy at the Ninety-Nine Restaurant, 160 Lexington Road, one copy at the North Billerica Fire Station, 21 Lowell Street, one copy at the North Billerica Post Office, 95 Boston Road, one copy at the Nutting Lake Post Office, 612 Middlesex Turnpike, one copy at the Pinehurst Fire Station, 832 Boston Road, one copy at the Pinehurst Post Office, 880 Boston Road, one copy at Sal's Pizza, 328 Boston Road, one copy at Stelio's Family Restaurant, 293 Boston Road and one copy at the West Billerica Fire Station, 359 Treble Cove Road.

Given under our hands this 23rd day of March 2023.

SELECT BOARD OF BILLERICA


ANDREW N. DESLAURIER, CHAIRMAN

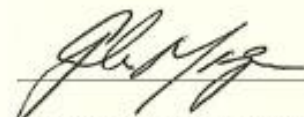

MICHAEL A. RILEY, VICE CHAIRMAN


KIMBERLY J. CONWAY, SECRETARY


MICHAEL S. ROSA, MEMBER


JOHN J. BURROWS, MEMBER

A true copy attest


Constable, Town of Billerica