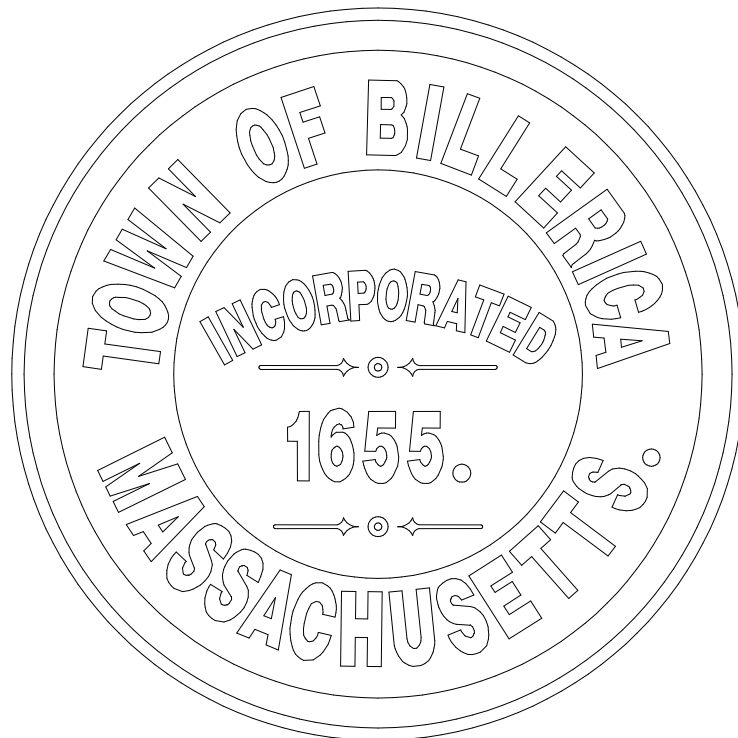


TOWN OF BILLERICA

FINAL WARRANT



**SPECIAL
FALL TOWN MEETING**

Tuesday, October 8, 2013 at 7:30 PM

At

Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
1	Payment in Lieu of Tax Agreement – Shaffer Landfill Site on Pond Street			Town Manager; authorized by BOS	Reserves Recommendation
2	Pay the Balance of Parker School Project Expenses	\$1,000,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation
3	Petitioner Article	\$5,000,000	Free Cash	Petitioner	Reserves Recommendation
4	Petitioner Article			Petitioner	Reserves Recommendation
5	Petitioner Article	\$500,000	Free Cash	Petitioner	Reserves Recommendation
6	Petitioner Article	\$250,000	Free Cash	Petitioner	Reserves Recommendation

FINAL WARRANT
2013 SPECIAL FALL TOWN MEETING

Middlesex, ss.

To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Maurice A. Buck Memorial Auditorium, Town Hall, 365 Boston Road, Billerica, MA on Tuesday, October 8, 2013 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following article:

ARTICLE 1 - PAYMENT IN LIEU OF TAX AGREEMENT - SHAFFER LANDFILL SITE ON POND STREET

To see if the Town will vote to authorize the Board of Selectmen and Board of Assessors to execute a PILOT agreement pursuant to G.L. C. 59, §38H, and Department of Revenue guidelines promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes for a term of up to 25 years relative to the parcel of land located at 209 Pond Street, Billerica, commonly referred to as the "Shaffer Landfill"; said PILOT agreement to be based upon the proposed construction and operation of a Solar Photovoltaic Electricity Generating Facility with an expected capacity of approximately 5.8 megawatts on said parcel; or act in relation thereto.

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

Finance Committee has not yet made final recommendation.

Article 1 Explanation: The developers of the proposed Solar Photovoltaic Energy Generating Facility at the Shaffer Landfill property have completed all permitting and financing arrangements for this project. Pursuant to the provisions of G.L. c. 59, §38H, cities and towns in which such energy generating facilities are located can negotiate payment in lieu of tax agreements (PILOTs) with the operators of such facilities, rather than resort to the ad valorem taxation of such facilities in each fiscal year in which they operate. Pursuant to guidelines adopted by the Department of Revenue, once the Assessors and Selectmen of a municipality negotiate the terms of such a PILOT Agreement, the Agreement must be ratified by the legislative body of the city or town. The subject PILOT Agreement provides the Town with certainty and predictability with respect to the revenue stream to be generated from the subject property over its 25 year term. It also insulates the Town from future changes in legislation which could undermine the ability of local assessors to assess these energy generating properties at full and fair cash value.

ARTICLE 2 – PAY THE BALANCE OF PARKER SCHOOL PROJECT EXPENSES

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$1,000,000 to pay the balance of expenses remaining for the Parker School Building Project; or act in relation thereto.

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

Finance Committee has not yet made final recommendation.

Article 2 Explanation: Rather than go out to borrow the balance of the project as authorized through a debt exclusion by Town Meeting, the Board of Selectmen is proposing to pay this remaining balance with available funds. This will reduce the amount that is debt excluded by that amount.

ARTICLE 3 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$5,000,000 (five million dollars) from Free Cash to offset the Fiscal 2014 real estate taxes; or act in relation thereto.

Submitted by Michael Rosa and Messrs. Rosa, Farmer, Johnson, Cangiamila, Johnson, Smilgis, Greene, Piscatelli and Madames Rosa, Moore, Johnson, Anton and Chandler.

Finance Committee has not yet made final recommendation.

ARTICLE 4 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to amend section 5 to add subsection 5.4 of the General By-Laws to read as follows:

All owners of private fire hydrants will submit a letter of compliance to the Billerica Fire Prevention Bureau on a yearly basis due on or before January 1st certifying that they have complied with section 5 subsections 5.1, 5.2 and 5.3 of the General By-Laws. If the owner or owners do not comply, the following will take place:

1. Written request for compliance letter from the Billerica Fire Department.
2. If owners do not respond to the written request within thirty (30) days, a \$200 (two hundred dollar) fine will be issued, sixty (60) days, a \$500 (five hundred dollar) fine will be issued, sixty-one (61) days on, there will be a \$50 (fifty dollar) per day fine added to the \$500 fine until the compliance letter is received.

The Fire Department reserves the right to spot check private hydrants. In the event that there is a current compliance letter on file and it is evident that the By-Law was not followed, jeopardizing the safety of Firefighters, the fine will be \$5,000 (five thousand dollars); or act in relation thereto.

Submitted by Michael Rosa and Messrs. Rosa, Battcock, Farmer, Johnson, Cangiamila, Johnson, Smilgis, Greene and Madames Rosa, Moore, Johnson, Anton and Chandler.

Finance Committee has not yet made final recommendation.

ARTICLE 5 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$500,000 (five hundred thousand dollars) from Free Cash to fund the engineering and design of the Yankee Doodle Bike Path; or act in relation thereto.

Submitted by John Piscatelli and Messrs. Ramos, Smilgis, Logue, Ventresca, Casey, Fiumara, Deslaurier, Rosa and Simolaris and Madames Piscatelli, Henderson and Rawlings on behalf of the Yankee Doodle Bike Path Committee.

Finance Committee has not yet made final recommendation.

ARTICLE 6 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$250,000 (two hundred and fifty thousand dollars) from Free Cash to fund the purchase of land owned by PanAm required to construct the Yankee Doodle Bike Path; or act in relation thereto.

Submitted by John Piscatelli and Messrs. Ramos, Smilgis, Logue, Ventresca, Casey, Fiumara, Deslaurier, Rosa and Simolaris and Madames Piscatelli, Henderson and Rawlings on behalf of the Yankee Doodle Bike Path Committee.

Finance Committee has not yet made final recommendation.