

**TOWN OF BILLERICA**

**PRELIMINARY WARRANT**



**ANNUAL SPRING  
TOWN MEETING**

**Annual Spring Town Meeting  
Tuesday, May 7, 2019 at 7:30 PM**

**At**

**Billerica Town Hall Auditorium**

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

*Financial Articles*

3	To Transfer Funds Between 2019 Budget Line Items	\$3,000,000	Transfer from Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
4	To Fund Collective Bargaining Agreement – IAFF Firefighters for FY 2017-2019		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
5	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (A) Patrolmen for FY 2017-2019		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
6	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (B) Superior Officers for FY 2017-2019		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
7	To Fund Collective Bargaining Agreement - Teachers		Raise & Appropriate or Transfer/Available Funds	School Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – School Paraprofessionals		Raise & Appropriate or Transfer/Available Funds	School Committee	Reserves Recommendation
9	To Fund Collective Bargaining Agreement – School Secretarial		Raise & Appropriate or Transfer/Available Funds	School Committee	Reserves Recommendation
10	To Fund Collective Bargaining Agreement – School Custodians		Raise & Appropriate or Transfer/Available Funds	School Committee	Reserves Recommendation
11	To Fund Collective Bargaining Agreement – BMEA DPW Workers		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
12	To Fund Collective Bargaining Agreement – NEPBA Police Civilian Dispatchers		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
13	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (A) Patrolmen		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
14	To Fund Collective Bargaining Agreement – NEPBA Police Officers – Group (B) Superior Officers		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
15	To Fund Collective Bargaining Agreement – IAFF Firefighters		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
16	To Fund Collective Bargaining Agreement – IAFF Civilian Fire Alarm Operators		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
17	To Fund Collective Bargaining Agreement – SEIU Local 888 Administrative Unit		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
18	To Fund Collective Bargaining Agreement – IAEP Police EMT's and Paramedics		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
19	To Fund Collective Bargaining Agreement – IUPE Clerical Unit		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
20	To Fund Salary Adjustments for Town Non-Union Personnel		Raise & Appropriate or Transfer/Available Funds	Town Manager; authorized by BOS	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
21	Fiscal Year 2020 Town and School Budget		Raise & Appropriate / Available Funds	BOS, Town Manager and Finance Committee	Reserves Recommendation
22	Fiscal Year 2020 Water Enterprise Budget		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
23	Fiscal Year 2020 Sewer Enterprise Budget		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
24	Fiscal Year 2020 Community Preservation Committee Recommendations	\$673,057	Appropriate or Reserve from Community Preservation Fund	Community Preservation Committee	Reserves Recommendation
25	To Allow the Town Manager and Finance Committee to Transfer Funds			Finance Committee	Reserves Recommendation
26	To Authorize Departmental Revolving Funds			Town Manager; authorized by BOS and School Committee	Reserves Recommendation
27	To Fund Wastewater Plant Improvements	\$9,005,000	Borrowing	Town Manager; authorized by BOS	Reserves Recommendation
28	To Fund Water Plant Improvements	\$10,025,400	Borrowing	Town Manager; authorized by BOS	Reserves Recommendation
29	To Fund the Purchase of Equipment for the Department of Public Works	\$945,000	Transfer & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
30	To Fund Sewer Inflow Infiltration	\$237,000	Transfer & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
31	To Authorize Lease/Purchase Agreements			Town Manager; authorized by BOS	Reserves Recommendation
32	To Fund Town Capital Budgets from Previous Town Meeting Articles	\$325,000	Transfer & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
33	To Fund Appraisal and Consulting Costs to Defend the Town in Trials at the Massachusetts Appellate Tax Board	\$189,429.29	Transfer from Overlay Surplus	Town Manager; authorized by BOS	Reserves Recommendation
34	To Rescind Borrowing Authorizations			Town Manager; authorized by BOS	Reserves Recommendation
35	To Establish a Revenue Account (PEG Access and Cable Related Fund)			Town Manager; authorized by BOS	Reserves Recommendation
36	To Install LED Streetlights	\$1,000,000	Borrowing	Town Manager; authorized by BOS	Reserves Recommendation
37	To Approve a Certified Project Application Submitted by EMD Serono			Town Manager; authorized by BOS	Reserves Recommendation

*Zoning By-Laws*

38	To Amend Zoning By-Laws to Add PUD District			Town Manager; authorized by BOS	Reserves Recommendation
39	Proposed Zoning Map Changes to Add PUD Overlay District			Town Manager; authorized by BOS	Reserves Recommendation
40	Proposed Zoning Map Changes to Add PUD Overlay District			Town Manager; authorized by BOS	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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*Local Acceptance of State Statutes*

41	To Accept M.G.L. Chapter 138, Section 12B Operation of Premises Licensed to Sell Alcoholic Beverages; Nudity			Town Manager; authorized by BOS	Reserves Recommendation
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*Easements*

42	To Acquire a Permanent Easement for Public Sidewalk Purposes at 464 Middlesex Turnpike			Town Manager; authorized by BOS	Reserves Recommendation
43	To Accept and/or Amend Existing Easements Related to the Middlesex Turnpike Project			Town Manager; authorized by BOS	Reserves Recommendation

*Resolution*

44	To Establish a Policy Framework for Reporting Opioid-Related Substance Overdose Statistics and Issuance of Emergency Public Advisory Warnings			Substance Abuse Prevention Committee	Reserves Recommendation
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*Petitioners Articles*

45	Petitioners Article – Overdose Action Alert			Petitioner Article	Reserves Recommendation
46	Petitioners Article – Plastic Bag Reduction Regulation			Petitioner Article	Reserves Recommendation
47	Petitioners Article – All Alcohol Package Store License for Nilkanth Store			Petitioner Article	Reserves Recommendation

**PRELIMINARY WARRANT**  
**2019 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 7, 2019 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

**ARTICLE 1 - TO SET COMPENSATION OF ELECTED OFFICIALS**

To see if the Town will vote to fix the compensation of the following six elected officers of the Town and determine any salary increase that shall become effective July 1, 2019; or act in relation thereto.

Selectmen, Chairman - \$2,000  
Selectmen, Members - \$1,800  
Town Clerk - \$108,507.10; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

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

**ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS**

To see if the Town will vote to hear and act upon the reports of Town Departments, Committees and Officers; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 2 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 2018 Annual Town Report.

**ARTICLE 3 - TO TRANSFER FUNDS BETWEEN 2019 BUDGET LINE ITEMS**

To see if the Town will vote to transfer from available funds the sum of \$3,000,000 to amend various Fiscal Year 2019 budget line items; 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 3 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.

**ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS FOR FISCAL YEARS 2017-2019**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first, second and third year cost items contained in the successor Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters) which has a term of July 1, 2017 through June 30, 2019; 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 4 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters) which has a term of July 1, 2017 through June 30, 2019.

**ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN FOR FISCAL YEARS 2017-2019**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first, second and third 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 which has a term of July 1, 1017 through June 30, 2019; 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 5 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen which has a term of July 1, 1017 through June 30, 2019.

**ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS FOR FISCAL YEARS 2017-2019**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first, second and third 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 which has a term of July 1, 1017 through June 30, 2019; 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 6 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers which has a term of July 1, 1017 through June 30, 2019.

**ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - TEACHERS**

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the successor Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO; or act in relation thereto.

Submitted by the School Committee

*Finance Committee has not yet made final recommendation.*

Article 7 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO.

**ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL PARAPROFESSIONALS**

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the successor Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO, Paraprofessionals; or act in relation thereto.

Submitted by the School Committee

*Finance Committee has not yet made final recommendation.*

Article 8 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO, Paraprofessionals.



**ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL SECRETARIAL**

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the 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, Secretarial Employees; or act in relation thereto.

Submitted by the School Committee

*Finance Committee has not yet made final recommendation.*

Article 9 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Secretarial Employees.

**ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIANS**

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year cost items contained in the 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 10 Explanation: This article seeks to fund a Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees.

**ARTICLE 11 - 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 Board of Selectmen

*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 - NEPBA POLICE CIVILIAN DISPATCHERS**

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 Police Civilian Dispatchers (New England Police Benevolent Association, Inc.); 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 12 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 13 - 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 Board of Selectmen

*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 - 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 Board of Selectmen

*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 - 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 Board of Selectmen

*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 – 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 Board of Selectmen

*Finance Committee has not yet made final recommendation.*

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

**ARTICLE 17 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SEIU LOCAL 888 ADMINISTRATIVE 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 SEIU Local 888 Administrative Unit (Service Employees International Union); 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 17 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 18 - 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 Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 18 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 19 - 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 Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 19 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 20 - TO FUND SALARY ADJUSTMENTS FOR TOWN NON-UNION PERSONNEL**

To see if the Town will vote to raise and appropriate a sum of money for Fiscal Year 2020 costs associated with salary adjustments for Town Non-Union Personnel; 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 20 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 21 - FISCAL YEAR 2020 TOWN AND SCHOOL BUDGET**

To see if the Town will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the following proposed line item budget for fiscal year beginning July 1, 2019 and ending June 30, 2020. It is anticipated that \$77,422 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget.

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

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

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

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

*Finance Committee has not yet made final recommendation.*

Article 21 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>.

**ARTICLE 22 - FISCAL YEAR 2020 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, 2019 and ending June 30, 2020; 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 22 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 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 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>.

**ARTICLE 23 - FISCAL YEAR 2020 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, 2019 and ending June 30, 2020; 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 23 Explanation: This is a Waste Water 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 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 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>.

**ARTICLE 24 - COMMUNITY PRESERVATION COMMITTEE APPROPRIATION AND BUDGET RECOMMENDATIONS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$673,057**, or any other sum, from the Billerica Community Preservation Fund, of which up to \$346,753 shall be appropriated from the undesignated fund balance as of June 30, 2019; up to \$90,000 shall be appropriated to Community Housing; up to \$90,000 shall be appropriated to the Open Space/Recreation Reserve Fund; up to \$90,000 shall be appropriated for Historic Preservation Projects; and up to \$855,000 shall be appropriated from projected FY20 Fund Revenues, in accordance with Massachusetts General Laws c. 44B, to be expended under the direction of the Town Manager as follows; or act in relation thereto.

This article seeks to authorize the Board of Selectmen 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 G.L. c.44B; and further, to authorize the Board of Selectmen to execute any documents or instruments necessary to effectuate the purpose of this Article; all in accordance with Massachusetts General Laws c. 44B or other applicable law; with sums appropriated hereunder to be expended under the direction of the Town Manager; or act in relation thereto.

Item	Project/Description	Category					Total Amount Recommended
		Housing	Open Space and Recreation	Historic Preservation	FY20 Appropriation	CPA Fund Balance	
<b>A</b>	<b>Billerica Affordable Housing Trust – Affordable unit purchasing</b>				<b>\$90,000</b>		<b>\$90,000</b>
<p><i>Under the direction of Billerica's Affordable Housing Trust, the Billerica Housing Authority (BHA) will pursue the purchase of affordable housing units. As a provider of safe, decent and affordable housing opportunities for residents, the BHA and Affordable Housing Trust will use CPA funding to help build a reserve to be used as "seed" funds/deposit for new family and elderly housing opportunities for Billerica residents in need. The project supports the CPC's plan for ensuring long range affordability for residents, can help achieve the goal to develop rental and ownership options for senior citizens, disabled residents and veterans laid out in Billerica's Housing Production Plan.</i></p>							
<b>B1</b>	<b>Billerica Public Library – Great Deed Preservation</b>				<b>\$7,180</b>		<b>\$7,180</b>
<p><i>The first grants in the Shawshin wilderness were issued to Governor Winthrop and Lt. Governor Dudley in 1638. Several other large grants to important proprietors of Cambridge followed making the Shawshin wilderness (Billerica) part of Cambridge. As more and more families settled on these grants, the need to self-govern became apparent. After a series of petitions to the court and other negotiations the Town of Billerica was established in 1655. The resulting document, "Billerica: Deed of Their Town from Cambridge Proprietors" was created. It is commonly referred to as "The Great Deed." This project would preserve a 364 year old document.</i></p>							
<b>B2</b>	<b>Billerica Fire Department – 1926 Maxim Ladder Truck Restoration</b>				<b>\$29,000</b>		<b>\$29,000</b>



Item	Project/Description	Housing	Open Space and Recreation	Historic Preservation	FY20 Appropriation	CPA Fund Balance	Total Amount Recommended
<p><i>The Town of Billerica owns an original historical piece of firefighting equipment. The 1926 Maxim Ladder Fire Truck was in service to the Town of Billerica for close to thirty years, until 1955. This piece was housed at the Central Fire Station on Boston Road. From 1955 to 1972, it was loaned to the B &amp; M Railroad and was used as a working piece of fire equipment for their mini –fire department. By the mid 1980’s the truck was in need of mechanical and body restoration and while efforts were made to restore it, the project was not completed and the truck deteriorated further. This project would complete that restoration process.</i></p>							
<b>B3</b>	<b>Billerica Masonic Association</b>				<b>\$12,247</b>	<b>\$346,753</b>	<b>\$359,000</b>
<p><i>This building, originally constructed in the 1850’s and part of the historic district, is located at 11 Concord Rd. between the Billerica Public Library and the First Parish Church. It is one of the oldest structures located on the town common. The property is the home of several not for profit fraternal organizations since the mid 1940’s. Various structural rehabilitation and cosmetic preservation projects need to be undertaken to restore and maintain the building so that it can continue to be an integral part of the community.</i></p>							
<b>B4</b>	<b>First Parish Church – Steeple Rehabilitation and Restoration</b>				<b>\$52,877</b>		<b>\$52,877</b>
<p><i>First Parish Church, initially known as the First Meeting House for the Town of Billerica, has been an important historical center piece for over three centuries. First Parish Church has played a significant role in the town for over 350 years. There is no greater historic representation of the importance of the Church to the Town of Billerica, than to note the steeple of the church is featured on the Billerica town flag. First Parish Church is seeking CPA funding for historic preservation, rehabilitation and restoration of the church steeple. The steeple of the First Parish Church is in need of rehabilitation and the railings and moldings of the belfry and lantern sections of the steeple need to be replaced. The weathervane and the clocks also need restoration.</i></p>							
<b>C1</b>	<b>Open Space &amp; Recreations</b>				<b>\$90,000</b>		<b>\$90,000</b>
<p><i>Reserved funds for open space and recreation.</i></p>							
<b>D1</b>	<b>Staff and Technical Support</b>				<b>\$45,000</b>		<b>\$45,000</b>
					\$326,304	\$346,753	\$673,057

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$90,000 for Community Housing, \$448,057 for Historic Preservation, and will reserve \$90,000 for Open Space/Recreation, and will expend \$45,000 for Administration. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

Submitted by the Community Preservation Committee

***Finance Committee has not yet made final recommendation.***

Article 24 Explanation: The Community Preservation Committee received applications for projects to use funds within the Community Preservation Fund, and the five projects described above will be recommended to Town Meeting for approval.

**ARTICLE 25 - 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 2020, with the exclusion of travel accounts, within the same department. Transfers within department line items in excess of \$5,000 for Fiscal Year 2020 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 yet made final recommendation.*

Article 25 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 26 - 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 2020 spending limits for revolving funds as follows:

<b><u>REVOLVING FUND</u></b>	<b><u>FY 2020 SPENDING LIMIT</u></b>
Animal Control	\$5,000
Inspectional Service Emergency Overtime	\$5,000
Wetlands By-Law	\$30,000
C.O.A. Programs	\$100,000
BEAM Program	\$2,000,000
Respite Care	\$120,000
Flu Shot Program	\$15,000

Or act in relation thereto.

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

***Finance Committee has not yet made final recommendation.***

Article 26 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.

**ARTICLE 27 - TO FUND WASTEWATER TREATMENT PLANT IMPROVEMENTS**

To see if the Town will vote to appropriate a sum of money from the Massachusetts Clean Water Trust for construction and improvements at the Wastewater Treatment Plant; or act in relation thereto.

## Vote

Voted: that \$ 9,005,000 is appropriated for the purpose of financing the construction of the Wastewater Treatment Plant Phase III and Pump Station Improvements Plan including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$9,005,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

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

***Finance Committee has not yet made final recommendation.***

Article 27 Explanation: The Waste Water Treatment Plant Design upgrades were approved by Town Meeting in Spring 2018, Article 27. The upgrade included the following:

- Sodium hypochlorite and sodium bisulfite tank replacements
- Plant-wide emergency generator (includes upgrades to service entrance and main switchboard)
- New Operations Building
- Permanent Town water connection to the plant water pumps
- Administration Building renovations (lab counters, cabinets, hood upgrades, upgrades to floors, bathrooms, etc.)
- Adding overhead doors and man doors to secure the Compost Building
- HVAC improvements to Tertiary MCC room to alleviate VFD failures
- Drain system for the post-aeration tank

Additional Wastewater Items outside the Plant include:

- Salem Road PS Upgrades (structural, electrical, instrumentation, mechanical, generator upgrades)

- Waterview PS Upgrades (replace parts for the existing ejector stations)
- Darby PS (structural and mechanical upgrades)

The projected construction cost is \$9,005,000.

**ARTICLE 28 - TO FUND WATER PLANT IMPROVEMENTS**

To see if the Town will vote to appropriate a sum of money from the Massachusetts Clean Water Trust for construction and improvements at the Water Treatment Plant; or act in relation thereto.

Vote

Voted: that \$ 10,025,400 is appropriated for the purpose of financing the construction of the Relocation and Replacement of the Ozone System and other Phase I Improvements at the Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$10,025,400 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

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

***Finance Committee has not yet made final recommendation.***

Article 28 Explanation: The Water Treatment Plant Design upgrades were approved by Town Meeting in Spring 2018, Article 28. The upgrade included the following:

- Relocation and replacement of existing ozone equipment. This includes a new Ozone Building.
- Replacement of chemical bulk storage and day tanks
- Lightening upgrades to the Plant
- Replacement of two finished water VFDs
- Upgrades to the HMI Software
- Structural improvements to tanks and buildings, including structural improvements at the Raw Water Pump Station
- HVAC improvements to the Administration Building
- Tempered water to all eye wash stations in the process building
- Relocation of the existing chiller
- Replacement of raw water main valves and seal

The projected construction cost is \$10,025,400.

**ARTICLE 29 - TO FUND THE PURCHASE OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS**

To see if the Town will vote to transfer and appropriate the sum of \$945,000 to fund the purchase of equipment / trucks for various DPW divisions as follow:

70' Tree Bucket Truck to replace 2001	\$180,000	Overlay Surplus
F350 with plow to replace 2008 P-7	\$ 60,000	Overlay Surplus
F550 1 ton dump w/plow to replace H-7	\$ 65,000	Overlay Surplus
Street Sweeper to replace 2009 Elgin	\$205,000	Overlay Surplus
5 ton dump w/plow to replace International dump H-39	\$130,000	Overlay Surplus
Two 60" lawnmowers for Cemetery	\$ 30,000	Sale of Lots
F150 with a plow (C-8)	\$ 40,000	Sale of Lots
Replace 2001 backhoe	\$125,000	Sale of Lots
F250 with utility body and a plow W-1	\$ 55,000	Water Conservation
F250 with utility body and a plow W-16	\$ 55,000	Water Conservation

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 29 Explanation:** This article will fund the replacement of old equipment that requires frequent repairs resulting in higher repair cost and maintenance and the loss of productivity while the equipment is unavailable to use.

**ARTICLE 30 - TO FUND SEWER INFLOW INFILTRATION**

To see if the Town will vote to transfer and appropriate a sum of \$237,000 from Inflow Infiltration Funds to fund Phase III of the Inflow Infiltration Plan; 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 30 Explanation: We have completed Phase I and Phase II. The work for Phase III will focus on the Shawsheen sewer sub-basin and will include cleaning and TV of sewer lines, root cutting, repairs and joint sealing where required.

**ARTICLE 31 - TO AUTHORIZE LEASE/PURCHASE AGREEMENTS**

To see if the Town will vote to authorize lease/purchase agreements as follows:

1. Toro Groundmaster 5910 mower with attachments and accessories for a term of three (3) years.
2. Servers for a term of five (5) years.

Or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 31 Explanation: This article is necessary because pursuant to the provisions of M.G.L. Chapter 44, Section 21C, a lease/purchase agreement must be approved by a two-thirds vote of Town Meeting. The first year appropriation in the amount of \$40,000 is included in the FY'18 Cemetery, Parks and Trees Division.



**ARTICLE 32 - TO FUND TOWN CAPITAL BUDGETS FROM PREVIOUS TOWN MEETING ARTICLES**

To see if the Town will vote to transfer and appropriate from the unexpended balance of a previously approved Town Meeting article to fund various Town Capital Budgets as follows:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Article 18 Fall TM Oct 2016 Town Fuel Facility	Article 25 Fall TM Oct 2016 Town Roof Replacement Program	\$325,000

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 32 Explanation: This article will appropriate funding from previously approved Capital articles with surplus balances to other Capital articles to fully fund those articles.

**ARTICLE 33 - 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 \$189,429.29 to fund appraisal and consulting costs to defend the Town in trials at the Massachusetts Appellate Tax Board; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 33 Explanation: The Assessors have several large appeals that require the use of outside consultants and/or appraisers in order to defend the assessed values if tried. Historically, the Town has funded this request through a transfer from Overlay Surplus in order to avoid raising the funds through the Town budget. The Board of Assessors declared \$1,189,429.39 as Overlay Surplus on March 15, 2019.

**ARTICLE 34 - TO RESCIND BORROWING AUTHORIZATIONS**

To see if the Town will vote to rescind borrowing authorizations previously approved at Town Meeting; 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 34 Explanation: This article will rescind previous borrowing authorizations.

**ARTICLE 35 - TO ESTABLISH A REVENUE ACCOUNT (PEG ACCESS AND CABLE RELATED FUND)**

To see if the Town will vote To see if the Town will vote to accept General Laws Chapter 44, Section 53F3/4 for the purpose of establishing a separate revenue account to be known as the PEG [Public, Educational and Government] Access and Cable Related Fund, into which may be deposited funds received in connection with cable franchise agreements between a cable operator and the town, for appropriation for cable-related purposes consistent with cable franchise (license) agreements, and in accordance with applicable law, including, but not limited to: (i) support of PEG Access cable television services; (ii) monitoring compliance of a cable operator with a cable television license; and/or preparing for the renewal of a cable license, with such action to take effect as of the first day of the fiscal year beginning July 1, 2019, and further vote regarding financial funding provisions and/or appropriations as may be needed to effectuate this vote and task, including the transfer of any balance of cable-related funds or receipts held by the town in any existing revolving fund or other town account into this new fund; 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 35 Explanation: Recent Department of Revenue guidance has determined PEG Access and Cable Related Fees are to be treated as General Fund Revenues, absent a special act treating them otherwise. In response to this decision, the Legislature has created a number of local option statutes allowing a municipality to segregate these funds into a Special Revenue Fund. This article will accept the statute allowing the Town to establish a Receipts Reserved for Appropriation Account.

**ARTICLE 36 - TO INSTALL LED STREETLIGHTS**

To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow under M.G.L. Chapter 44 Sections 7 & 8, or any other relevant statute, the sum of \$1,000,000 to be spent under the direction of the Director of Public Works for the purchase and installation of LED streetlights throughout the Town, including any incidental and related costs and expenses. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; 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 36 Explanation: This article will provide the spending authority to begin the process of purchasing all the Town's streetlights and replacing them with LED streetlights. The Town has been approved for a MAPC Grant (\$179,304) and a Green Communities Grant (\$225,098) for this project. The Town must have an appropriation to cover the total cost of the project. The estimated payback from savings on this project is 1.5 years.

**ARTICLE 37 - TO APPROVE A CERTIFIED PROJECT APPLICATION SUBMITTED BY EMD SERONO RESEARCH AND DEVELOPMENT INSTITUTE, INC.**

To see if the Town will vote to approve a Certified Project Application submitted by EMD Serono Research & Development Institute, Inc. and EMD Serono, Inc. (collectively, EMD Serono), U.S. affiliates of Merck KGaA, Darmstadt, Germany, 45 Middlesex Turnpike for facilities more specifically described on Assessor's Map 109, Parcel 6-9. Said approval will provide local tax relief to promote economic development in accordance with G.L c.23A, ss 3A-3H; or act in relation thereto. In addition, the Project Certification confirms:

- A. The project, as proposed, is consistent with and can reasonably be expected to benefit significantly from inclusion as a Certified Project.
- B. The project, as described in the Project Certification Application, will increase employment opportunities for the residents of Billerica by allowing for continued growth and expansion of facilities in Billerica.
- C. The Town requests that this project be designated as a certified project for a term of not less than five (5) years or more than twenty (20) years duration.

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

***Finance Committee has not yet made final recommendation.***

Article 37 Explanation: This article requests Town Meeting to approve a certified project application for EMD Serono, a biotechnology company involved in the research and development of drugs for cures to diseases such as cancer. The company will be constructing an expansion to their campus located at 45 Middlesex Turnpike building, and a local TIF Agreement is in negotiation.

**ARTICLE 38 - TO AMEND ZONING BY-LAWS TO ADD PUD DISTRICT**

To see if the Town will vote to amend the Zoning By-Laws, Section 5.E.10. Planned Unit Development, to add a new subsection 24.1 establishing a new Planned Unit Development (PUD) district, to be designated as PUD-IP, for the purpose of promoting higher and better uses of properties within specified Industrial Parks within the Town, as follows:

**24.1 Additional Use and Dimensional Requirements as to PUD-IP**

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD-IP projects shall adhere within each PUD-IP overlay district and shall be used by the Planning Board to evaluate any proposed project.

**a. Parcel Size and Eligibility**

The minimum size of a PUD-IP development parcel shall be 5 acres. A development parcel may consist of land in more than one ownership, provided that all land comprising the parcel lies entirely within the PUD-IP overlay district and is contiguous. Lots separated by a street or right-of-way or private way may be considered contiguous for this purpose. Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot.

**b. Permitted Uses in PUD-IP**

A PUD-IP may contain any or all of the uses allowed in a PUD, subject to the following:

- (1) Adult Entertainment Establishments are expressly prohibited in a PUD-IP District.
- (2) To encourage and promote the establishment of business amenity uses (such as restaurants, retail, banks, and other secondary uses to the primary use) within portions of a PUD-IP district that are within 300 feet of a Town boundary, no multifamily dwellings shall be allowed pursuant to a PUD-IP Special Permit on land that is within 300 feet of a Town boundary.
- (3) In recognition of increased density and economic benefits to the applicant pursuant to a PUD-IP Plan, the Planning Board may consider and condition the number and interior layout of bedrooms in buildings containing multiple residential units that are being proposed by the developer in evaluating the criteria pursuant to this Section.

**c. Intensity of Use in PUD-IP**

The basic permitted intensity of the residential use in a PUD-IP development shall not be greater than 0.90 FAR for a PUD-IP development that is more than 300 feet from a municipal boundary.

For mixed use development that devotes at least 5% of the total square footage to amenity uses such as restaurants and retail, the developer can increase the residential intensity to 1.0 FAR. In order to assist in making this calculation, plans submitted for a PUD-IP Special Permit that contain residential use shall show what portion and area of the development parcel will be put to such use. Land under dwellings, residential court yards, residential driveways, non-structured parking areas that serve only residential uses and roadways that serve only residential uses shall not be counted as part of the development parcel in calculating the FAR.

Areas which have been counted to satisfy the intensity limit for residential use may not be counted to satisfy the intensity limit for commercial use, and areas which have been counted to satisfy the intensity limit for commercial use may not be counted to satisfy the intensity limit for residential use. There will be a cap of 250 residential units within each independent PUD-IP district.

If rental, a minimum of ten percent (10%) of the total number of dwelling units shall be restricted as affordable "in perpetuity." If for sale, a minimum of ten percent (10%) of the total number of dwelling units shall be restricted as affordable "in perpetuity." As an alternative to the above for sale requirement, and as allowed by law, an applicant may set aside at least 30% of the total units for rental and must restrict 1/3 (33%) of the rental units as affordable "in perpetuity." Affordable dwelling units shall be eligible for inclusion on the Chapter 40B Subsidized Housing Inventory maintained by the Massachusetts Department of Housing and Community Development (DHCD).

#### **d. Dimensional Requirements**

Each PUD-IP development shall be governed by the dimensional requirements of this Section. These requirements apply only to the subject parcel as a whole, not to individual lots created within the PUD-IP.

##### **Height**

The maximum building height within a PUD-IP shall be as follows:

- (1) The maximum building height as to a residential building shall be 50 feet except that a residential building that is less than 50 feet from the PUD-IP parcel boundary abutting a residential property shall not exceed 40 feet in height, and shall not be closer than 50 feet from such residential property. A residential building that is at least 100 feet from dwellings that are outside of a PUD-IP and in existence at the time of Preliminary PUD-IP Plan submission may have a maximum height of 55 feet, except that a dwelling within 300 feet of the Town boundary may have a maximum height of 60 feet.

- (2) The maximum height of a mixed use building shall be 50 feet. Height shall be measured in the manner defined in Section 2 of the Zoning By-laws. If requested, the Planning Board may modify this requirement by waiver by no more than 20 feet in circumstances where additional sidewalks, open space, recreation or other amenities benefitting the neighborhood are provided.

### **Setbacks and Buffers in a PUD-IP**

The extent of buffering and setbacks shall in every case be based upon the following criteria as reviewed by the Planning Board:

- Existing topography
- Existing vegetation
- Existing and Proposed Structures within and outside the PUD-IP district

### **Non-residential Setbacks**

All non-residential buildings shall be located at least 20 feet from the boundary of the PUD-IP parcel, excepting a boundary which is also the Town boundary. The Planning Board will have the discretion to grant relief on front and side setbacks to coincide with the pedestrian environment. Nonresidential buildings (except structured parking) shall not be located less than 100 feet from dwellings outside of a PUD-IP District and in existence at the time of Preliminary PUD-IP Plan submission without the written consent of the owner of such dwellings and shall not be less than 50 feet from dwellings in the PUD parcel. There shall be a landscaped and/or naturally vegetated buffer at least 50 feet wide where a nonresidential area of a PUD-IP parcel abuts residential properties outside the PUD-IP district.

### **Residential Setbacks**

All residential buildings within a PUD-IP District shall be at least 20 feet from the PUD-IP parcel boundary, which 20 foot strip shall be landscaped and/or naturally vegetated except that a residential building that abuts a residential zone not in the PUD-IP District shall be no closer than 50 feet (excluding a parcel boundary that is also a Town boundary) and a dwelling that is over 35 feet in height must be at least 40 feet from the PUD-IP parcel boundary (excluding a parcel boundary that is also a Town boundary). Natural vegetation shall be preserved in the minimum setback area along the PUD-IP parcel boundaries that abut property used for residential purposes. Buildings within the PUD-IP District which contain residential units shall be no closer than 60 feet to each other. The Planning Board may allow the required 20 foot residential setback strip for dwellings in a PUD-IP parcel to be measured from the outer boundary of an abutting parcel.

### **Open Space**

A PUD-IP development shall set aside at least 25% of its total parcel area as required open space. Required Open Space may include wetlands and water bodies; vegetated/landscaped area, including buffers; pedestrian paths, side-walks, and covered walkways; public plazas and hard surfaced recreation areas; and playgrounds and public seating areas. Open space areas shall have a shape, dimension, character, and location suitable for passive recreation, or conservation and shall be open to occupants within the PUD-IP; access by the general public is required.

### **Recreation Connection**

Any development within a PUD-IP District should make every attempt to connect to existing recreation uses nearby, such as bike and walking trails. The inclusion of bike racks will be included as part of the site design. Additionally, to promote pedestrian safety and healthy living, a sidewalk connection to recreational locations is desired.

### **Parking**

Parking within the PUD-IP development will be calculated at a minimum of 1.25 spaces per unit for residential developments, and the commercial parking calculations will follow the PUD guidelines. The Planning Board may also waive some factor of parking if reduced parking is shown to not cause a detriment to the neighborhood.

### **Shared Parking**

Shared parking may be approved by the Planning Board as part of the PUD-IP decision subject to the following criteria:

- (1) Shared parking areas must be shown on a plan, be definable, be separated by topography from other shared parking areas, and be in close proximity to the uses they serve.
- (2) Parking needs between the uses sharing parking areas shall be shown by the applicant to be different in terms of the times of the peak needs with little overlap of such peak needs.
- (3) The number of parking spaces for a shared parking area shall be at least the required number for the larger of the needs.
- (4) An executed lease or other form of agreement between or referencing the parties sharing parking, in form acceptable to the Planning Board, must be filed with the Planning Board and the Town Clerk prior to issuance of a building permit for the uses sharing the parking.



- (5) If uses, or parties in interest noted in subsection d. above, change for the areas delineated on the PUD-IP plan, then a modification subject to the requirements of this Section shall be filed and decided upon by the Planning Board prior to the issuance of building permits for the proposed areas.

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 38 Explanation: A Planned Unit Development (PUD) is an overlay district that allows for a mix of uses on a collection of parcels identified by a municipality. Billerica has PUD language within its zoning, and this new language for a PUD-IP district is targeted to overlay on industrial parks where the promotion of a “live, work, play” lifestyle may attract the workforce and business Billerica wants. The lack of nearby amenities forces some businesses to consider leaving Billerica. The addition of this district language can increase commercial activity, give greater site design standards for construction, focus mixed-use development, promote pedestrian safety, provide significant tax revenue and lower infrastructure costs and lessen the effects of suburban sprawl.

**ARTICLE 39 - PROPOSED ZONING MAP CHANGES TO ADD PUD OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map to depict thereon a Planned Unit Development-IP (“PUD-IP”) overlay district, consisting of those properties listed in the table below entitled: “Technology Park PUD-IP District Parcel Inventory”; or act in relation thereto.

<b>Technology Park PUD-IP Parcel Inventory</b>	
<b>Parcel Number</b>	<b>Address</b>
77-165-0	262 CONCORD RD
86-108-2	270 CONCORD RD
86-108-3	290 CONCORD RD
86-108-5	300 CONCORD RD
95-129-10-6	600 TECHNOLOGY PARK DR
95-129-10-7	800 TECHNOLOGY PARK DR
95-129-4-1	900 TECHNOLOGY PARK DR
95-129-4-2	700 TECHNOLOGY PARK DR
95-129-5-1	880 TECHNOLOGY PARK DR
95-129-6-2	1000 TECHNOLOGY PARK DR
95-129-8-1	1400 TECHNOLOGY PARK DR
95-129-9	1100 TECHNOLOGY PARK DR

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

*Finance Committee has not yet made final recommendation.*

Article 39 Explanation: The placement of a PUD-IP district should be placed in areas identified for increased amenity development. Technology Park located just off Route 3 has significant opportunities for redevelopment and new construction, and although the area is already zoned industrial or business, a PUD-IP could deter marginal and unsustainable uses.

**ARTICLE 40 - PROPOSED ZONING MAP CHANGES TO ADD PUD OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map by including the land identified as Billerica Assessor's Map 15, Parcel 132-0, having a present street address of 172 Boston Road, within the Planned Unit Development (PUD) Overlay District; 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 40 Explanation: This property is located adjacent to the PUD District, and its addition will allow for more development flexibility in the District.

**ARTICLE 41 - TO ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 138, SECTION 12 B OPERATION OF PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES; NUDITY**

To see if the Town will vote to accept M.G.L. Chapter 138, Section 12B, Operation of Premises Licensed to Sell Alcohol Beverages; Nudity. The acceptance of this local option statute would prohibit any establishment licensed under Section 12, an alcohol pouring license, from allowing the display of nudity on the licensed premises; 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 41 Explanation: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 138, Section 12B in its entirety.

**ARTICLE 42 - TO ACQUIRE A PERMANENT EASEMENT FOR PUBLIC SIDEWALK PURPOSES AT 464 MIDDLESEX TURNPIKE**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase or gift, a permanent easement for public sidewalk purposes at 464 Middlesex Turnpike in the location more or less depicted on a plan entitled: "Assessors Parcel 78-13-3, #464 Middlesex Turnpike, Certified Plot Plan of Land in Billerica (MA), Middlesex County," dated Feb. 14, 2019, prepared by John A. Hammer, III, as on file in the office of the Town Clerk; and to authorize the Selectmen to execute any documents or instruments necessary to effect said acceptance; or act in relation thereto.

Submitted by the Town Manager; authorized the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 42 Explanation: This article is intending to modify the right of way to include the sidewalk and other structures by granting the Town an easement.

**ARTICLE 43 - TO ACCEPT AND/OR AMEND EXISTING EASEMENTS RELATED TO THE MIDDLESEX TURNPIKE PROJECT**

To see if the Town will vote to authorize the Board of Selectmen to acquire, amend, accept as a gift or take by eminent domain easements for the construction and future maintenance of the Middlesex Turnpike Phase III Project for the purpose of sidewalk, drainage, highway and/or any other purpose necessary for the reconstruction and maintenance of the Middlesex Turnpike; or act in relation thereto.

Submitted by the Town Manager; authorized the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 43 Explanation: This will allow the Town to alter any easement of taking for the Middlesex Turnpike Project that was already taken and recorded for highway purposes.

**ARTICLE 44 - TO ESTABLISH A POLICY FRAMEWORK FOR REPORTING OPIOID-RELATED SUBSTANCE OVERDOSE STATISTICS AND ISSUANCE OF EMERGENCY PUBLIC ADVISORY WARNINGS**

To see if the Town will vote to resolve to establish a policy framework for reporting opioid-related substance use overdose statistics and issuing emergency public advisory warnings to the residents when there is a change in overdose circumstances or a related spike in Town to better serve the community and save lives; or act in relation thereto.

Submitted by the Substance Abuse Prevention Committee

*Finance Committee has not yet made final recommendation.*

**ARTICLE 45 - PETITIONERS ARTICLE**

To see if the Town will vote to approve a Billerica Overdose Action Alert (BOAA):

When there is a spike in overdoses within a 48-72 hour period, Billerica Police Department, in connection with Billerica Substance Use Prevention, shall issue an emergency warning to the public. Additionally, the total number of overdoses, fatal and non-fatal, together with the number narcan deployments, shall be published publicly, on a monthly basis; or act in relation thereto.

Submitted by Dina Favreau and Messrs. Giroux, Gagliardi, Curran, Panzeri, Domina, Reef, Brown and Madames Conway, Giroux, Gagliardi, Lenz-Abrams, Panzeri and Domina.

*Finance Committee has not yet made final recommendation.*

**ARTICLE 46 - PETITIONERS ARTICLE****To see if the Town of Billerica will amend the General By-Laws to include a Single Use Plastic Bag Reduction Regulation****Section 1**

The reduction in the use of single-use plastic bags is a public purpose to protect land and marine environment, waterways and minimize litter. The single use plastic bag contributes to the death of animals through ingestion and entanglement; pollution of the environment; creating a burden to the solid waste collection and recycling facility as well as the drainage system.

This By-Law is to reduce the number of single use bags that are created, used and discarded and to promote the use of Reusable and Recyclable paper bags by Retail Establishments in the Town of Billerica.

This regulation would go into effect no later than July 1, 2020.

**Section 2. Definitions**

2.1 ***Grocery Store:*** A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.2 ***Retail Store:*** An establishment that offers the sale and display of merchandise within a building.

2.3 ***Reusable Checkout Bag:*** A bag, with handles, that is specifically designed for multiple uses and is made of thick plastic (3.0 mils or thicker), cloth, fabric or other durable nontoxic materials.

2.4 ***Checkout Bag:*** A carryout bag with handles provided by a Retail Establishment to a customer at the point of sale. A Check out bag shall NOT include:

- a) Bags, whether plastic or not in which produce or products are placed by a consumer to deliver such items to the point of sale or check out area of a retail establishment.
- b) Laundry or dry cleaning bags
- c) Newspaper bags
- d) Bags used to contain or wrap frozen foods, meats, and fish to prevent or contain moisture

2.5 ***Thin Film Single Use Plastic Bag:*** Typically, a carryout bag with plastic handles that is provided by a store to a customer at the point of sale. These are bags with a thickness of 2.9 mils or less and are intended for single-use transport of purchased products.

### Section 3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Billerica .

3.2 Other thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

3.3 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.4 Grocery Stores and retail stores must provide education to consumers on maintaining reusable bags in a clean and sanitary manner.

### Section 4. Enforcement

Enforcement of this Regulation shall be the responsibility of the Health Director or an agent of the Board of Health. The Health Director shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate by policy. Any retail or grocery store distributing plastic grocery bags in violation of this Regulation shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D as follows:

1st offense – written warning or one hundred (100) dollar fine

2nd offense – two hundred (200) dollar fine

3rd offense – three hundred (300) dollar fine

4th and subsequent offenses – three hundred (300) dollar fine and/or enforcement action

Submitted by Lisa O'Connor and Messrs. Reef, Vitale, Mason, Tribou, Learned, Abrams, Reddin, Giroux, Kleschinsky and Madames Giroux, Leger, Abrams, Reddin, Favreau, Noel and Wright.

*Finance Committee has not yet made final recommendation.*

**ARTICLE 47 - PETITIONERS ARTICLE**

To see if the Town will vote to petition a Special Act of the General Court to grant an additional All Alcohol Package Store License for Nilkanth Store, LLC at 816 Boston Road, Billerica, MA 01821; or act in relation thereto.

Submitted by Dane Bertrand and Messrs. Daens, Pennie, Dodge, Scola, Howard, Merservey, Thompson, Delgado and Madames Laux and Infurna.

*Finance Committee has not yet made final recommendation.*

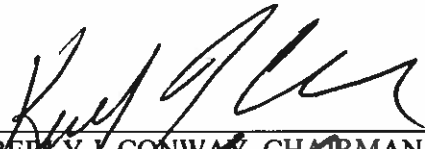




And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at the Town Hall, one copy at the Billerica Public Library, one copy at the Billerica Police Station, one copy at the Belly Buster Diner, one copy at Pinehurst Post Office, one copy at the Center Post Office, Boston Road, one copy at Market Basket, Town Plaza, Boston Road, one copy at the West Billerica Fire Station, one copy at the Nutting Lake Post Office, one copy at Augusta Market, 599 Boston Road, one copy at the Ninety-Nine Restaurant, Lexington Road, one copy at the Pinehurst Fire Station, one copy at the East Billerica Fire Station, one copy at the North Billerica Post Office and one copy at the North Billerica Fire Station.

Given under our hands this 28<sup>th</sup> day of March 2019.

BOARD OF SELECTMEN

  
KIMBERLY J. CONWAY, CHAIRMAN

  
ANDREW N. DESLAURIER, VICE CHAIRMAN

  
EDWARD J. GIROUX, SECRETARY

  
GEORGE J. SIMOLARIS, MEMBER

  
MICHAEL S. ROSA, MEMBER

A true copy attest



Constable, Town of Billerica