# TOWN OF BILLERICA
# FINAL WARRANT

# SPECIAL
# TOWN MEETING

**Tuesday, December 2, 2008 at 7:30 PM**
**At**

**Billerica Town Hall Auditorium**

**FINAL**
**WARRANT**
**DECEMBER 2, 2008**
**SPECIAL 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, December 2, 2008 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 see if the Town will vote to form an Economic Emergency Committee composed of eleven members, one member from the Board of Selectmen, one member from the School Committee, one member from the Finance Committee, and eight Town Meeting members to be appointed by the Town Moderator. Two of the Moderator's appointments will be for one year; three will be for two years and three for three years or subsequent appointments of Town Meeting members by the moderator will be for three years. Vacancies on the committee will be appointed by the proper appointing board/committee; or act in relation thereto.

The Economic Emergency Committee will perform studies and make recommendations in performance of the following functions:

a. Asses and develop scenarios of our current and future economic environment that our community may face.
b. Determine potential impacts on the Town, School and Taxpayers (this should include short term and long term).
c. Develop recommendations to mitigate or reduce these impacts. (The recommendations should strive to maintain essential Town services while not overburdening the Taxpayers and residents.)
d. Identify and work with local charitable organizations to help them plan for the potential of negative economic impacts and the resulting increase in the number of people in need.
e. Meet with local businesses and business leaders to get their perspective on the current and future business environment.
f. Provide a findings report with recommendations to the Selectmen, Finance Committee, School Committee, Town Manager and Town Meeting.
g. Perform additional studies and analysis relating to the economic stability of the Town as directed by Town Meeting.

The following will be non-voting advisors to the Committee: The Town Manager, Town Accountant, Town Treasurer, Town Counsel and Town Assessor.

Submitted by James Mollison and Messrs Ventresca, Mollison, Mollison, Clarke, Orlando, MacMillan, MacMillan, MacMillan, MacMillan, Courtenay and Madames Bova, Greene, Ventresca and MacMillan.

**ARTICLE 2**

To see if the Town will vote to amend the General By-Laws of the Town Billerica by inserting the following new section as article XXVI.

**REGULATION OF ELECTRIC GENERATING POWER PLANT FACILITIES**

**a) Preamble.** This Section establishes public requirements for regulation and oversight of electric generating power plant facilities in the Town of Billerica. This includes evaluating requests for any local permits relating to the siting, and construction of the facility and related structures (storage tanks, transmission lines etc.) and includes all requests for waivers, variances and/or appeals) as well as for monitoring the operation of electric power plant generating facilities within the town. The intent of this article is to require collaboration for thorough oversight by the elected and appointed local authorities in the Town of Billerica.

**b) Purpose.** The purpose of this Section is to protect the rights of the people of Billerica and surrounding towns to clean air and water guaranteed by Article 97 of the Articles of Amendment to the Massachusetts Constitution, and to protect their right to petition government guaranteed by the Massachusetts Constitution, Article 19 of the Declaration of Rights, and by the First Amendment to the United States Constitution.

**c) Authority.** This Section is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment.

Every person proposing to construct, maintaining and/or or operating an electric generating power plant facility in the Town of Billerica shall do so in such manner as will protect public health and safety and the environment.

Upon determination by the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals that the construction, operation and/or maintenance of such a facility creates the potential for, or results in, a threat to public health and safety or the environment, the Town Manager, Fire Department, Police Department, Board of Selectmen, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals may take any legal action necessary to protect public health, safety or the environment including to; refuse to grant, rescind, suspend, or modify any related contract, permit, variance, or waiver under their authority, following consultation with the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, Conservation Commission, DPW Director, Planning Board and Board of Appeals with due notice and a public hearing.

In addition to the procedures required by state law and regulation, the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals will evaluate the following:

1. the location, nature and extent of any existing or potential sources of public or private drinking water supplies in relation to the site, including the wetlands and recharge area and the potential and/or actual impact to the water supply for the Town of Billerica as well as any other surrounding towns that may be affected in terms of water quantity, quality, and contamination. The project site shall include the facility and all related structures including storage tanks and transmission lines;

2. the relationship of the site to groundwater elevations and consequent impacts;

3. the proximity of wetlands, as defined in XXII and the impact of the alteration and/or destruction of any wetlands in regards to their functional ability to absorb pollutants and prevent any pollutants from migrating into the Concord River or any other "Water of the United States" as defined in the Clean Water Act;

4. the proximity of surface water bodies and consequent impacts;

5. the proximity of flood plains and consequent impacts;

6. the proximity of contaminated soils and consequent impacts;

7. the proximity of residential areas, schools and other public or private facilities and consequent impacts;

8. the availability and suitability of access roads to the site and consequent impacts;

9. the potential for, or actual, adverse impact on air quality;

10. the potential for creation of, or actual, public nuisance from noise;

11. the potential for, or actual, adverse public health and safety impacts;

12. the potential, or actual, impact on agricultural uses;

13. the potential, or actual, adverse impact on wildlife, wildlife habitat and wildlife corridor;

14. the potential, or actual, adverse impact of increased traffic volume on roads to the site;

15. the potential or actual adverse impacts on communities within one mile of the proposed site including the potential or actual adverse impacts on the considerations stated within this section;.

16. water usage and withdrawals from the municipal water supply, and adverse impacts to the Town of Billerica's current and future water withdrawal permits and to the Concord River including water flow and safe yield;

17. potential pollutants in and composition of all of the facility's process waters, wastewater discharges and stormwater and the potential and or/actual adverse effects of the quality and quantity of these to the Town of Billerica's WWTF, capacity and infrastructure, to the town's current and future NPDES discharge permits and to the Concord River;.

**d)** **Severability**. Each of the paragraphs within this Section shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this Section shall continue in force;

or act on anything relating thereto.

Submitted by Jeanne M. Landers and Messrs. Couture, Gibb, Learned, Simolaris, Bowen, Wilson and Madames Bourdon, Moloney, Learned, Coffill, Bowen, Davis Collins and Ralston.

**ARTICLE 3**

Amend Article III of the Towns Bylaws by adding a new Section 8.0 CERTIFIED FREE CASH CONTROL ACT

A) Free cash is to be divided into three parts:
    1) 25 per cent to be sent back to the taxpayers and the Town Manager shall not recapture the money.
    2) 25 per cent to be put into the stabilization fund.
    3) The remaining 50 per cent to be appropriated however the Town Meeting sees fit.

B) Emergency Contingency
    1) If we have 4 quarters in a row or more of an economic recession then Section A above may be temporarily suspended by a two thirds vote of Town Meeting for the current fiscal year. This shall be voted on every time it is needed at every Town Meeting whether regular or special Town Meeting.
    2) If there is a major infrastructure emergency that needs immediate attention then Section A above may be temporarily suspended by a two thirds vote of the Town Meeting for that major infrastructure emergency.

C) Severability
    1) It is hereby declared that all sections, sentences, clauses, and phrases of this bylaw are severable and if any section, sentence, clause, and phrase of this bylaw

shall be declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not effect any of the remaining sections, sentences, clauses, and phrases of this Bylaw.

Submitted by Anthony Ventresca and Messrs. Mollison, Mollison, Mollison, Clarke, Orlando, MacMillan, MacMillan, MacMillan, MacMillan Courtenay and Madames Bova, Greene, Ventresca and MacMillan.

**ARTICLE 4**

Town Meeting continues to be very concerned with the deteriorating state of the economy and its potential negative impact to the Town.

In order to mitigate or reduce the impact of a deteriorating economy on essential services provided by the Town and School:

Town Meeting strongly recommends:

1. The Town Manager, Superintendent of Schools, Board of Selectman and School Committee plan for and implement an immediate hiring freeze.
2. Contract Negotiators should exercise constraint in negotiating any labor or benefits contracts to keep cost growth within affordable limits.
3. Enhancement of overtime approval process by all department heads to ensure that overtime is incurred only when absolutely necessary.
4. The Finance Committee and Town Manager develop detailed contingency plans to address any budgetary deficits in a timely manner.
5. The Finance Committee and Town Manager develop preliminary projections of revenue and expenses for the next two fiscal years.
6. It is very probable that substantial deficits are likely unless actions are taken now to limit cost increases (Finance Committee and the Town Manager should conduct a bottoms up review of all spending needs in the Town).
7. Implementation of a freeze on all spending of discretionary funds and accounts. Develop and establish a process to identify and approve critical spending requirements using these funds and accounts.

Submitted by James Mollison and Messrs Ventresca, Mollison, Mollison, Clarke, Orlando, MacMillan, MacMillan, MacMillan, MacMillan, Courtenay and Madames Bova, Greene, Ventresca and MacMillan.