TOWN OF BILLERICA

PRELIMINARY WARRANT

ANNUAL SPRING TOWN MEETING

Annual Spring Town Meeting
Tuesday, May 4, 2010 at 7:30 PM

At

Billerica Town Hall Auditorium

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

Financial Articles

3	To Transfer Funds Between 2010 Budget Line Items	$ 3,000,000	Current Appropriations	Town Manager; authorized by BOS	
4	To Fund Collective Bargaining for BMEA DPW Workers		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
5	To Fund Collective Bargaining for IAEP Police EMT's & Paramedics		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
6	To Fund Collective Bargaining for IAFF Civilian Fire Alarm Operators		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
7	To Fund Collective Bargaining for IAFF Firefighters		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
8	To Fund Collective Bargaining for NEPBA Police Civilian Dispatchers		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
9	To Fund Collective Bargaining for NEPBA Police Officers - Group (A) Patrolmen		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
10	To Fund Collective Bargaining for NEPBA Police Officers - Group (B) Superior Officers		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
11	To Fund Collective Bargaining for SEIU Local 888 Administrative Unit		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
12	To Fund Collective Bargaining for IUPE Clerical Unit		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
13	To Fund Salary Adjustments for Town Non-Union Personnel		Raise and Appropriate / Available Funds	Town Manager; authorized by BOS	
14	To Fund Collective Bargaining for Teachers Union		Raise and Appropriate / Available Funds	Billerica School Committee	
15	To Fund Collective Bargaining for School Paraprofessionals		Raise and Appropriate / Available Funds	Billerica School Committee	
16	To Fund Collective Bargaining for School Secretarial		Raise and Appropriate / Available Funds	Billerica School Committee	
17	To Fund Collective Bargaining for School Custodial		Raise and Appropriate / Available Funds	Billerica School Committee	
18	To Fund Collective Bargaining for School Administrators		Raise and Appropriate / Available Funds	Billerica School Committee	
19	To Fund Collective Bargaining for School Non-Union Personnel		Raise and Appropriate / Available Funds	Billerica School Committee	

20	To Fund Collective Bargaining for School Cafeteria Personnel		Raise and Appropriate / Available Funds	Billerica School Committee	
21	To Fund Omnibus Budget Article		Raise and Appropriate / Available Funds	BOS, Town Manager & Finance Cmtee	
22	To Authorize Transfer of Funds by Town Manager and Finance Committee			Finance Committee	
23	To Authorize Departmental Revolving Funds		Revolving Funds	Town Manager; authorized by BOS	
24	To Fund Town and School Capital Budget		Raise and Appropriate / Available Funds / Borrow	Town Manager; authorized by BOS	
25	To Transfer Sewer Inflow and Infiltration Fund	$ 400,000	Available Funds	Town Manager; authorized by BOS	
26	To Fund the Fox Hill Cemetery Expansion Design	$ 140,000	Raise and Appropriate / Available Funds / Borrow	Billerica School Committee	
27	To Fund the Town-Wide Water Meter Replacement Program	$ 6,000,000	Raise and Appropriate / Available Funds / Borrow	Town Manager; authorized by BOS	

Economic Development Article

28	To Approve a Certified Project Application submitted by Pharmalucence, Inc.			Town Manager; authorized by BOS	

Land Use Articles

29	To Transfer Care, Custody, Management and Control of Old Ditson School			Town Manager; authorized by BOS & School Committee	
30	To Use a Certain Parcel of Land Located on Rangeway Road as a Cemetery			Petitioner	
31	To Sell for $1.00 five acres of Cabot Property to Billerica Housing Authority			Petitioner	

Committee Articles

32	To Revise the Composition of the Parker School Building Committee			Permanent Building Committee	
33	To Establish a General By-Law Review Committee			Rules Committee	
34	To Establish a Zoning By-Law Review Committee			Rules Committee	
35	To Amend Article II, Paragraph 12, Section 12.2 of the General By-Laws			Petitioner	

By-Law Changes

36	To Amend Section 13.B and add Section 13.F to the Zoning By-Laws			Planning Board	
37	To Amend Article VI, Section 12, Recreation Vehicles, General By-Laws			Marc Lombardo, BOS	
38	To Vote to Change Article VI Police Regulations of the General By-Laws			Robert Correnti, BOS	
39	To Vote to Change Article IX Vacant Building By-Law of the General By-Laws			Robert Correnti, BOS	

PRELIMINARY
WARRANT
2010 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 4, 2010 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, 2010; or act in relation thereto.

Selectmen, Chairman - $2,000
Selectmen, Members - $1,800
Town Clerk - $91,876; or act in relation thereto.

Submitted by the Billerica Finance Committee

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

To see if the Town of Billerica will vote to hear and act upon the reports of Town departments, committees and officers; or act in relation thereto.

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

ARTICLE 3 - TRANSFER FUNDS BETWEEN 2010 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 2010 budget line items; or act in relation thereto.

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

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ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - BMEA DPW WORKERS

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

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

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ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAEP POLICE EMT'S & PARAMEDICS

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

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

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ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF CIVILIAN FIRE ALARM OPERATORS

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

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

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters); or act in relation thereto.

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

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ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE CIVILIAN DISPATCHERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and 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

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ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and 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

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ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and the 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

ARTICLE 11 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SEIU LOCAL 888 ADMINISTRATIVE UNIT

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and 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

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ARTICLE 12 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IUPE CLERICAL UNIT

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

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

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ARTICLE 13 - TO FUND SALARY ADJUSTMENTS FOR TOWN NON-UNION PERSONNEL

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund salary adjustments for Town Non-Union Personnel; or act in relation thereto.

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

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ARTICLE 14 - TO FUND COLLECTIVE BARGAINING AGREEMENT - TEACHERS' UNION

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the 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 Billerica School Committee

ARTICLE 15 - 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 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 Billerica School Committee

ARTICLE 16 - 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 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 Billerica School Committee

ARTICLE 17 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SCHOOL CUSTODIAL

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the 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 Billerica School Committee

ARTICLE 18 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 19 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SCHOOL NON-UNION PERSONNEL

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund wage adjustments for Billerica School Personnel, Non-Union; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 20 - TO FUND COLLECTIVE BARGAINING AGREEMENT - CAFETERIA PERSONNEL

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Cafeteria Employees; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 21 - FISCAL YEAR 2011 TOWN AND SCHOOL BUDGET

To see if the Town of Billerica 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, 2010 and ending June 30, 2011. It is anticipated that $37,375 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

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ARTICLE 22 - TO ALLOW TOWN MANAGER AND FINANCE COMMITTEE TO TRANSFER FUNDS

To see if the Town will vote to allow the Town Manager, upon the request of a Department Head, Board or Commission, to make a transfer of funds between budget line items not-to-exceed a difference of $5,000 from the amount voted at Town Meeting per line item for the Fiscal Year 2011, with the exclusion of the travel accounts within the same department. Transfers within department line items in excess of $5,000 for Fiscal Year 2011 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 on each month; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 23 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to authorize revolving funds for certain Town departments under M.G.L. Chapter 44, Section 53E$^{1/2}$ for the Fiscal Year beginning July 1, 2010 as follows; or act in relation thereto.

REVOLVING FUND	AUTHORIZED TO SPEND FUND	REVENUE SOURCE	USE OF FUND	FISCAL YEAR 08 SPENDING LIMIT
Telecommunications	Town Manager	Lease of Space on Water Storage Tanks	Water Storage and Distribution System	$60,000
Wetlands By-Law	Town Manager	Fees from Wetland By-Law	Enforcement of Wetland By-Law	$30,000
Backflow Prevention	DPW Director	Fees for Backflow Prevention Inspections	Backflow Prevention Program	$120,000
C.O.A. Programs	Council on Aging Director	Fees from Senior Center Programs	Support of the Senior Center Programs	$40,000
BEAM Program	School Superintendent	Revenues from Medicaid and Health Insurance	Support of BEAM Program	$850,000
Respite Care Program	C.O.A. Director	Fees from Respite Care Program	Support of Respite Care Program	$120,000
TOTAL:				$1,220,000

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

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ARTICLE 24 - TO FUND TOWN AND SCHOOL CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of $2,000,000 to fund the Fiscal Year 2011 Capital Budgets for the Town and School.

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

ARTICLE 25 - TRANSFER SEWER INFLOW AND INFILTRATION FUND

To see if the Town will vote to transfer $400,000 from the Inflow and Infiltration Fund (I/I) to fund the Sewer Inflow and Infiltration Investigation and Repair Program to eliminate Inflow and Infiltration from the Town Wastewater Collection System; or act in relation thereto.

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

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ARTICLE 26 - TO FUND THE FOX HILL CEMETERY EXPANSION DESIGN

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $140,000 to fund the Fox Hill Cemetery Expansion Design; or act in relation thereto.

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

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ARTICLE 27 - TO FUND THE TOWN-WIDE WATER METER REPLACEMENT PROGRAM

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of $6,000,000 to fund the Water Meter Replacement Program.

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

ARTICLE 28 - TO APPROVE A CERTIFIED PROJECT APPLICATION SUBMITTED BY PHARMALUCENCE, INC.

To see if the Town will vote to approve a Certified Project Application submitted by Pharmalucence, Inc., 29 Dunham Road for facilities located within the Middlesex Turnpike South Economic Opportunity Area (EOA) in Billerica Massachusetts and more specifically described on Assessors Map 108, Parcel 1-1. Said approval will provide local and state tax relief to promote economic development in accordance with M.G.L c.23A, ss 3A-3H. 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 the Economic Opportunity Area.

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; or act in relation thereto.

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

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ARTICLE 29 - TO TRANSFER THE CARE, CUSTODY, MANAGEMENT & CONTROL OF THE OLD DITSON SCHOOL FROM THE SCHOOL COMMITTEE TO THE BOARD OF SELECTMEN

To see if the Town will vote to transfer from the care, custody, management and control of the real property identified as the Ditson School, more specifically identified on the Billerica Assessors' Map 99, Parcel 96, from the School Committee to the Board of Selectmen and to change the purpose for which said parcel is being held by the Town from school purposes to general municipal and/or disposition purposes; or act in relation thereto.

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

ARTICLE 30 - TO USE A CERTAIN PARCEL OF LAND LOCATED ON RANGEWAY ROAD AS A CEMETERY

To see if the Town will vote to allow the use of a certain parcel of land located on Rangeway Road, Billerica, Massachusetts for use as a cemetery, pursuant to M.G.L. 114, Section 34, which said parcel is shown on the Billerica Assessor's Map as Map 21, Parcel 9-5. The said parcel is described as follows:

> A certain parcel of land situated in Billerica, Middlesex County, Commonwealth of Massachusetts on the southeasterly side of Rangeway Road and being shown as Lot B on a plan entitled "Compiled Plan of Land in Billerica, Mass., prepared for David L. Lynch, September 9, 1983, Fleming, Bienvenu & Associates, Inc., Surveyors and Engineers", which said plan is recorded with Middlesex County (North District) Registry of Deeds in Plan Book 140, Plan 144, and containing 16.9 acres, more or less, according to said Plan.

Or act in relation thereto.

Submitted by Stephen Lentine and Messrs. Lentine, Ahern, Egan, Carella, Baum, Lentine, Lentine, McConnon and Madames Lentine, Patriquin, Moore, Lentine and Lentine-McConnon.

ARTICLE 31 - TO SELL FOR $1.00 FIVE ACRES OF CABOT PROPERTY TO BILLERICA HOUSING AUTHORITY

To see if the Town will vote to transfer, convey or sell or authorize the Board of Selectmen to transfer, convey or sell for one dollar ($1.00) five (5) acres of contiguous buildable upland to the Billerica Housing Authority for the purpose of developing and managing said land for affordable housing and/or senior housing. Said five acres is a portion of the property conveyed by Cabot Corporation to the Inhabitants of the Town of Billerica by deeds dated August 25, 2005 and recorded at the Middlesex North District Registry of Deeds at Book 19222, Page 101 (recorded land) and Certificate of Title No. 38100 in Land Registration Office of said Registry at Book 193, Page 199 (registered land) and further described on a Plan of land recorded in the Middlesex North Registry of Deeds in Plan Book 147, Plan 127. Said five acres shall include sufficient frontage along a public way or a way to which the public has access to provide adequate access and egress to and from the property.

Submitted by Ronald DiOrio, Jr. and Messrs. Casey, DiOrio, Austin, McKenna and Madames Pearson, Ford, Sarno, Surette, Halleran, Blanchette, Rowe and Carbone.

ARTICLE 32 - TO REVISE THE COMPOSITION OF THE PARKER SCHOOL BUILDING COMMITTEE

To see if the Town will vote to revise the composition of the Parker School Building Committee by adding the position of Town Manager and deleting the position of Building Inspector.

Submitted by the Parker School Building Committee

ARTICLE 33 - TO ESTABLISH A GENERAL BY-LAW REVIEW COMMITTEE

To see if the Town will vote to establish a General By-Law Review Committee in accordance with the provisions of Section 7-9(b) of the Charter. Said committee shall consist of nine (9) members. Eight (8) members shall be appointed by the Town Moderator. One (1) shall be a member of the Committee on Rules appointed by said committee; or act in relation thereto.

Submitted by the Rules Committee

ARTICLE 34 - TO ESTABLISH A ZONING BY-LAW REVIEW COMMITTEE

To see if the Town will vote to establish a Zoning By-Law Review Committee in accordance with the provisions of Section 7-9(b) of the Charter. Said committee shall consist of the following nine (9) members: Town Planner, Building Inspector, one member from the Zoning Board of Appeals, one member of the Planning Board and five (5) residents of the Town to be appointed by the moderator; or act in relation thereto.

Submitted by the Rules Committee

ARTICLE 35 - TO AMEND ARTICLE II, PARAGRAPH 12, SECTION 12.2 OF THE GENERAL BY-LAWS

To see if the Town will vote to amend Article II, paragraph 12, Section 12.2 of the Billerica General By-Laws by adding the following paragraph to the end of Section 12.2:

"All new appointments, re-appointments or replacements to fill unexpired terms shall not be employed nor have any immediate family members who are employed by the Town of Billerica during their (appointee) term. Furthermore, the appointee or an immediate family member of the appointee shall not have a contract, sub-contract, or arrangement in which they have an interest, direct or indirect that does business with the Town of Billerica."

For purposes of this article "immediate family member" means the spouse, mother, father, brother, sister, or child of proposed appointee (whether related as a full blood relative, or as a "half" or "step" relative, e.g., a half brother or stepchild).

Submitted by Alan Ramos and Messrs. Bartlett, Casey, Hurd, MacDonald, Capobianco, Fraine, Parenti, Boemeester and Madames Greene, Ramos and Kreconus.

ARTICLE 36 - TO AMEND SECTION 13.B AND ADD SECTION 13.F TO THE ZONING BY-LAW

To see if the Town will vote to amend Section 13.B and add Section 13.F to the Zoning By-Law to read:

B. FILING AN APPLICATION FOR A SPECIAL PERMIT

All applications for a special permit to the Special Permit Granting Authority (SPGA) shall be in writing on required forms; shall contain the required information; and shall be reviewed by such other boards, agencies, and agents as prescribed by the Special Permit Granting Authority in its rules for the conduct of its business unless otherwise noted herein.

F. DISTRIBUTION OF PLANS

Within five calendar days before submission of the special permit application the applicant shall provide copies of the plans and associated documents to the following entities for comment:

1. Board of Health
2. Conservation Commission
3. Department of Public Works
4. Fire Department
5. Planning Board
6. Police Department
7. Zoning Board of Appeals

Each of the above shall be afforded 21 calendar days from their receipt to comment after which the SPGA may assume they have no comments. As part of the submittal to the SPGA, the applicant shall provide documentation in the form of a "signature sheet" that this has been done. The SPGA may grant an extension of these time frames for good cause.

Or act in relation thereto.

Submitted by the Planning Board

ARTICLE 37 - TO AMEND ARTICLE VI, SECTION 12, RECREATION VEHICLES, OF THE GENERAL BY-LAWS

To see if the town will vote to amend Article VI, Section 12 of the General By-Laws, entitled Recreation Vehicles, to read as follows:

12.1 The use of two, three or four wheel recreational motor vehicles, as partly defined in M.G.L Chapter 90B, Section 20, more commonly known as "dirt bikes" or "ATV's" is hereby prohibited on any land in the Town except that land for which an operator of said vehicle(s) has on their person written permission from the owner or lessee of said land.

12.2 No such permitted use of private property by an operator of a vehicle shall occur between nine o'clock post meridian (9:00 p.m.) and ten o'clock ante meridian (10:00a.m.)

12.3 A one hundred foot buffer zone from neighboring property is required for use of recreational motor vehicles.

12.4 Any person or owner of land found to be in violation of this By-Law shall pay a fine of one hundred ($100.00) dollars per violation. Each day that such violation continues shall constitute a separate offense.

12.5 This By-Law may be enforced by a non-criminal disposition. The Billerica Police Department or any other law enforcement agency shall be the enforcing agents for the Town.

Submitted by Marc T. Lombardo, Member, Board of Selectmen

ARTICLE 38 - TO VOTE TO CHANGE ARTICLE VI POLICE REGULATIONS OF THE GENERAL BY-LAWS

To see if the Town will vote to change Article VI Police Regulations as follows:

To Section 7.1 add:

A. With respect to private property, if permission is granted by the property owner or legal occupant thereof, the following shall apply:

1. Hunters, alone or in groups, who obtain land owner permission for the purpose of sporting shall notify the Chief of Police in writing at least 24 hours before commencing hunting. The term "sporting" shall not include hunting for the purpose of wildlife control or nuisance control conducted in an organized fashion by an entity or person other than the property owner. Should permission be granted to such a professional entity or person, said notice shall include the name of the entity or person authorized to perform said services, all license numbers, a detailed description of the scope of work to be performed including date(s), time(s), and setbacks. Said notice shall also include a Certificate of Insurance, satisfactory to the Police Chief, naming the Town as an additional insured;

2. Hunters who do not comport with the requirements of paragraph one, above, shall be subject to the provisions of paragraphs 2-5, herein. They shall provide written notice of any hunting activity, at least twenty one (21) days in advance, to the Billerica Chief of Police.

3. Hunters shall post clear and legible Warnings around the entire perimeter of the property upon which the hunting will take place;

4. Upon receiving approval from the Billerica Chief of Police, the hunting entity or person shall, at least two weeks in advance of hunting activity, notify in writing all abutters of said activity. Should the property be within 500 feet of a school, the entity or person shall also issue written notice, at least two weeks in advance, to the Superintendent of Schools.

The property owner or legal occupant of any property upon which hunting shall take place, and all authorized hunters, shall comply with all State laws and Regulations as well as directives of the Chief of Police regarding the conduct of said activity.

Submitted by Robert Correnti, Member, Board of Selectmen

ARTICLE 39 - TO VOTE TO CHANGE ARTICLE IX VACANT BUILDING BY-LAW OF THE GENERAL BY-LAWS

To see if the Town will vote to change Article IX Vacant Building By-Law by inserting a new Section 14 Vacant Buildings as follows:

REGULATION AND MAINTENANCE OF VACANT PROPERTIES

Intent: The purpose of this By-Law is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings. Vacant buildings are at an increased risk for fire, unlawful entry, and other public health and safety hazards. This By-Law will help secure the welfare of the Town's occupants, abutters, and neighborhoods by requiring all property owners, including lenders, trustees, and service companies and alike, to register and properly maintain vacant properties and by regulating the maintenance of vacant properties to prevent blighted and unsecured buildings.

(a) Definitions:

Building Inspector: Billerica's Building Inspector

Owner: Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

(1) Has legal or equitable title to any dwelling, dwelling unit, building, or parcel of land, vacant or otherwise; or

(2) has care, charge or control of any dwelling, dwelling unit, building, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

(3) is a mortgagee in possession of any such property; or

(4) is an agent trustee or other person appointed by the courts and vested with possession or control; or

(5) is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; or

(6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

Local: Within a twenty (20) mile radius of the property in question.

Property: Any real property, or portion thereof, located in the Town of Billerica, including buildings or structures situated on the property. For purposes of this section, property does not include property owned or subject to the control of the Town or any of its governmental bodies.

Residential Property: Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

Vacant: Any property not currently legally occupied and not properly maintained or secured in accordance with sec. (e).

(b) **Evidence of vacant property:** Any vacant structure or building that shows visible signs of physical distress, including boarded windows, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities and the accumulation of trash, junk and/or debris

(c) **Registration:** Prior to or within one hundred eighty (180) days of a property becoming vacant or demonstrating evidence of vacancy, the owners must register the property with the Building Inspector on forms provided by the Building Inspector. All registrations must state the individual owner's phone number and mailing address. This registration must state if the property is vacant at the time of filing, and if so for how long. If the owner and/or registrant does not reside in the Commonwealth, he must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number, and local mailing address. None of the required addresses shall be a Post Office Box. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Building Inspector.

(d) **Registration Fees:** Property registrations are valid for one calendar year. An annual non-refundable registration fee to cover the administrative costs of the monitoring of each vacant building shall accompany each registration. The Building Inspector may waive a fee upon a finding of hardship or upon a finding that a home is not occupied due to renovation, provided the owner has made provisions to properly maintain the property for the duration of the vacancy. The annual registration fee shall be one hundred ($100) dollars.

(e) **Maintenance Requirements:**

(1) Vacant properties subject to this section must be maintained in accordance with the relevant Sanitary, Building, and Fire Codes and in accordance with regulations promulgated by the Building Inspector pertaining to the external/visible maintenance of the property, including but not limited to the maintenance of lawns, shrubbery, and other landscape features and major system maintenance of the property. Broken windows or doors must be repaired or replaced within thirty (30) days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than thirty (30) days.

(2) The owner must inspect and maintain the property on at least a monthly basis for the duration of the vacancy.

(3) The owner of any property vacant for a period exceeding six months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents.

(4) Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

(5) The owner shall take care of the landscaping by cutting and watering of the lawn, trees and/or shrubs.

(6) If deemed necessary by the Building Inspector; the owner must erect and maintaining a six (6') foot fence within thirty (30') feet of the entire structure.

(f) **Inspections:** The Building Inspector, the Director of the Board of Health, the Chief of the Police Dept. and the Chief of the Fire Dept. or their designees shall have the authority to periodically inspect any property subject to this section for compliance. The Building Inspector shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this section is enforced.

(g) **Town's Right to Maintain:** If at any time the Building Inspector determines that a vacant property is not being maintained, he will so notify the owner in writing at the address provided in the registration, or if the property is not registered, at the owner's last known address. If any maintenance deficiency is not corrected within 30 days of said notice the Building Inspector may impose the fines described herein) and may enter onto such property to maintain or correct any deficiency. [The reasonable costs of such maintenance or correction shall be billed to the owner. If such costs are not paid within thirty days, the costs shall become a lien upon the property]. *

(h) **Penalties:** Violations of any portion of this section, including violations of any regulation promulgated hereunder, shall be punishable by a fine of three hundred dollars ($300.00) for each day during which the violation continues. Such fines shall be handled as a non-criminal disposition of specified sections of this By-Law, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth herein.

(i) **Enforcement:** The Building Inspector or his designee shall enforce all provisions of this section; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this section shall receive a written warning and a minimum of thirty days to remedy all violations prior to the institution of any enforcement action by the Building Inspector.

(j) **Appeals:** Any person aggrieved by the assessment of a fee under this section may seek an administrative appeal to the Building Inspector. Such appeal must be filed with the Building Inspector in writing within 21 days from the date of the action which is subject of the appeal. The written appeal must be accompanied by a non-refundable fee of $75.00. The appellant shall have the burden of proof on said appeal. The appeal shall be limited solely to the issues of whether the property is vacant and to the period of time the property has been vacant. Upon proper filing of an administrative appeal, payment of the annual registration fee shall be stayed pending outcome of the appeal. If the appellant does not prevail upon appeal, the payment of the full assessed amount shall be paid within fourteen (14) days of the decision. Any person aggrieved by a final decision on such administrative appeal may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

(k) **Regulatory Authority:** The Building Inspector has the authority to promulgate rules and regulations necessary to implement and enforce this By-Law.

(l) **Severability:** If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Submitted by Selectman Robert Correnti, Member, Board of Selectmen