

SPECIAL MEETING MINUTES

MARCH 15, 2021

Roll call attendance Chairman Michael Rosa, Vice Chairman John Burrows, Secretary Daniel Burns, Selectman Kimberly Conway, Selectman Andrew Deslaurier, Town Manager John Curran, Asst Town Manager Cathy O’Dea, Zoom Admin Clancy Main

OPEN MICROPHONE

NEW BUSINESS

DPW Warrant Articles – fund repair of 18” sewer main break (placeholder) for 1 million dollars but more likely to be between 3 and \$500,000.

Run 15,000 sq ft of main - plant expansion fund - between 9 and 10 million dollar project when its done.

These are the two articles - One is coming out of retained earnings and one from plant expansion.

Secretary Burns makes a motion that the board place on the warrant article for the DPW to repair the forced main of up to 1 million dollars. Seconded by Selectman Burrows, Selectman Burns-Aye, Selectman Burrows-Aye, Selectman Conway-Aye, Selectman Deslaurier-Aye, Chairman Rosa-Aye

Roll call vote (5-0)

Secretary Burns makes a motion that the board place on the warrant the design of the 15,000 sq. ft. of sewer forced main. Seconded by Selectman Burrows.

Selectman Burns-Aye, Selectman Burrows-Aye, Selectman Conway-Aye,
Selectman Deslaurier-Aye, Chairman Rosa-Aye

Roll call vote (5-0)

Secretary Burns – sign zoning bylaw – to install an electric sign – message board - outside BMHS. The Select Board is asked to support a zoning change. Selectman Conway doesn't think this is the way to change a zoning by law. She would like to postpone this to fall town meeting. Selectman Burns states this is our window of opportunity. We need to do this now while money is available. Selectman Conway wants to take the money and earmark it fall the fall to do this project. Chairman Rosa says keep in mind this is a placeholder. Chairman Rosa asks Mr. LaLumiere is signs can be approved by his dept. Not that he is aware of. Mark says he can put something together but he's concerned about trying to write a bylaw. Once you allow them in one place you basically are allowing it everywhere.

Selectman Deslaurier is concerned about seeing these signs everyone. Mark adds that this is technically exempt as it currently sits. Selectman Burns reiterates this money will be gone once the project closes. Selectman Conway says delaying it doesn't have any financial effect. Mr. Curran says you can still have the money. You can close the project with MSPA and still have money to do this.

Mark clarifies there is an exemption for signs in town. There are not illegal signs all over town. Chairman Rosa wants to give the high school the exemption. There is a specific prohibition on flashing signage according to Mark Lalumiere. The zoning needs to be updated.

Selectman Burrows agrees with Mr. Lalumiere. You don't want to rush through updating this bylaw. Selectman Burns withdraws his request and will speak to the high school building committee and ask for them to formally ask that this appear on the fall town meeting. Chairman Rosa asks when the next zoning review will be happening. Mark believes we are due to update the zoning.

Selectman stipend is off.

No other warrant articles. Selectman Burns moves that we adjourn. Selectman Burrows seconded. Selectman Burns-Aye, Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Chairman Rosa-Aye

Roll call vote (5-0)

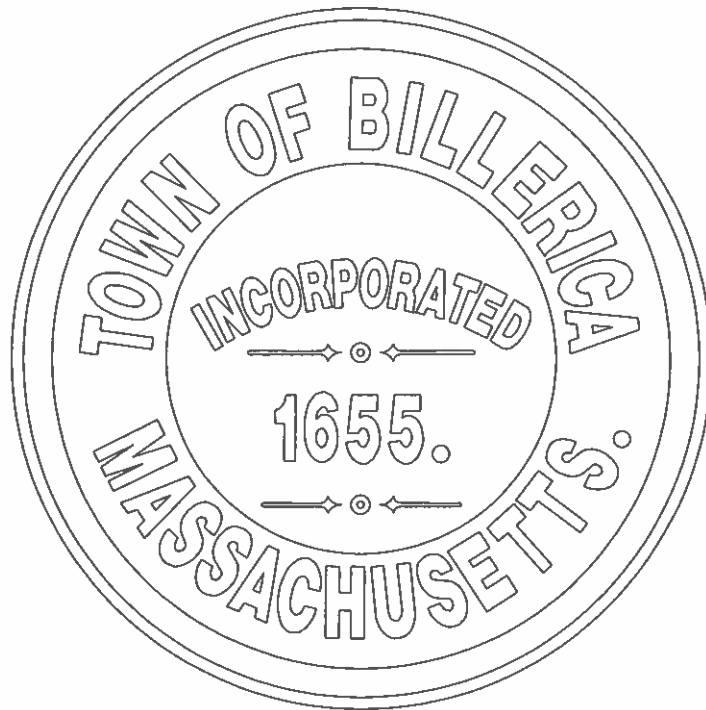
Meeting is adjourned.

A true copy attest

Patricia E. Battcock

TOWN OF BILLERICA

PRELIMINARY WARRANT



**ANNUAL SPRING
TOWN MEETING**

**Annual Spring Town Meeting
Saturday, May 8, 2021 at 10:00 AM**

**Billerica High School
35 River Street**

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

Financial Articles

4	To Transfer Funds Between 2021 Budget Line Items	\$2,000,000		Town Manager; authorized by BOS	
5	To Fund Collective Bargaining Agreement - Teachers			School Committee	
6	To Fund Collective Bargaining Agreement - School Paraprofessionals			School Committee	
7	To Fund Collective Bargaining Agreement - School Administrators			School Committee	
8	To Fund Collective Bargaining Agreement - School Custodial			School Committee	
9	To Fund Collective Bargaining Agreement - School Clerical			School Committee	
10	Fiscal Year 2022 Town and School Budget			BOS, Town Manager and Finance Committee	
11	Fiscal Year 2022 Water Enterprise Budget			Town Manager; authorized by BOS	
12	Fiscal Year 2022 Sewer Enterprise Budget			Town Manager; authorized by BOS	
13	To Allow the Town Manager and Finance Committee to Transfer Funds			Finance Committee	
14	To Authorize Departmental Revolving Funds			Town Manager; authorized by BOS	
15	To Fund Construction of the Peggy Hannon Rizza Multi-Generational Park and Recreation Complex			Town Manager; authorized by BOS	
16	To Purchase Property Located at 367 Boston Road			Town Manager; authorized by BOS	
17	Community Preservation Committee Appropriation and Budget Recommendations (Library/Katie Durand Memorial Park, Sheridan Street, etc.)			Community Preservation Committee	
18	Name Change of Arts Council to Cultural Council			Town Manager; authorized by BOS	
19	To Fund Town Parking Lot Project			Town Manager; authorized by BOS	
20	To Fund Unaccounted for Water (UAW) Compliance Plan			Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
21	To Fund the Purchase of a Loader Replacement for the Wastewater Treatment Plant			Town Manager; authorized by BOS	
22	To Fund the Purchase of a Grinder Replacement for the Rogers Street Pumping Station			Town Manager; authorized by BOS	
23	To Fund Additional Design, Permitting and Easement Appraisals and Acquisition for Sewer Contract 37, and Easement Appraisals and Acquisition for Contract 38			Town Manager; authorized by BOS	
24	Boston Road 75% to 100% Design, Permitting and Easement Appraisals and Acquisitions			Town Manager; authorized by BOS	
25	To Fund The Repair of 18" sewer force main Break	\$1,000,000	WWTP Retained Earnings	Town Manager; authorized by Select Board	
26	To Fund the Design and Rehabilitation of 15,000 LF of 18" Sewer Force Main	\$875,000	Plant Expansion Fund	Town Manager; authorized by Select Board	

Zoning By-Laws

27	To Amend Zoning By-Laws (Section 5, Regulation of Uses, Building and Structures)			Select Board	
28	To Amend Zoning By-Law			Select Board	
29	To Amend Zoning By-Law (Mixed Use Overlay Zoning District)			Planning Board	
30	To Amend Zoning By-Law (Planned Unit Development District)			Planning Board	
31	To Amend Zoning By-Law (Sign)			Select Board	

Petitioner Articles

32	Petitioner Article				
33	Petitioner Article				
34	Petitioner Article				

Community Preservation Articles

PRELIMINARY WARRANT
2021 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 Billerica Memorial High School located at 35 River Street, Billerica, MA on Saturday, May 8, 2021 at 10:00 AM, with members convening at 9:00 AM in several different rooms, connected audio-visually, to hear and act upon all the business in the Warrant, then and there to vote on the following articles:

ARTICLE 1 - TO SET COMPENSATION OF ELECTED OFFICIALS (SELECT BOARD)

To see if the Town will vote to fix the compensation of the following five elected officers of the Town and determine any salary increase that shall become effective July 1, 2021; or act in relation thereto.

Selectmen, Chairman - \$2,000
Selectmen, Members - \$1,800

Submitted by the Finance Committee

Finance Committee recommends approval.

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 SET COMPENSATION OF ELECTED OFFICIAL (TOWN CLERK)

To see if the Town will vote to fix the compensation of the following elected officer of the Town and determine any salary increase that shall become effective July 1, 2021; or act in relation thereto.

Town Clerk - \$120,307; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee recommends approval.

Article 2 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 3 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS

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

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

Finance Committee recommends approval.

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 2020 Annual Town Report.

ARTICLE 4 - TO TRANSFER FUNDS BETWEEN 2021 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of \$2,000,000 to amend various Fiscal Year 2021 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 – 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, AFT-MA, AFT, AFL-CIO; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE – 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, AFT-MA, AFT, AFL-CIO, Paraprofessionals; or act in relation thereto.

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE – TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE – TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIAL

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE – TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CLERICAL

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE - FISCAL YEAR 2022 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, 2021 and ending June 30, 2022. It is anticipated that \$200,000 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 and the Town of Billerica's website

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

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

Finance Committee has not yet made final recommendation.

Article 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 - FISCAL YEAR 2022 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, 2021 and ending June 30, 2022; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This is a Water Enterprise Budget as voted pursuant to Article 29 of the October 2015 Annual Fall Town Meeting. This budget will be funded by general tax revenue and water user fees. The line item budget is arranged to show the actual expenditures for the prior fiscal years and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>.

ARTICLE - FISCAL YEAR 2022 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, 2021 and ending June 30, 2022; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article 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 prior years and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>.

ARTICLE - 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 2022, with the exclusion of travel accounts, within the same department. Transfers within department line items in excess of \$5,000 for Fiscal Year 2022 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 if there are no transfers a monthly report stating such; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee has not made final recommendation.

Article 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 - 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 2022 spending limits for revolving funds as follows:

<u>REVOLVING FUND</u>	<u>FY 2022 SPENDING LIMIT</u>
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 made final recommendation.

Article 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 - TO FUND CONSTRUCTION OF THE PEGGY HANNON-RIZZA MULTI-GENERATIONAL PARK AND RECREATION COMPLEX

To see if the Town will vote to appropriate a sum of money to pay costs of designing, constructing, remodeling and equipping the Peggy Hannon-Rizza Multi-Generational Park and Recreational Complex, which project shall include, among other elements, turf fields, softball fields, pavilion, parking, community space, restrooms and concessions, including the payment of all costs incidental and related thereto, and further, to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise; or act in relation thereto.

MOTION:

That the Town appropriates \$10,500,000 to pay costs of designing, constructing, remodeling and equipping the Peggy Hannon-Rizza Multi-Generational Park and Recreational Complex, which project shall include, among other elements, turf fields, softball fields, pavilion, parking, community space, restrooms and concessions, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town shall appropriate \$3,000,000 from Free Cash and the Treasurer, with the approval of the Select Board, is authorized to borrow up to \$7,500,000 under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Act), or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received 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 M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

Finance Committee has not made final recommendation.

Article Explanation:

ARTICLE - TO PURCHASE PROPERTY LOCATED AT 367 BOSTON ROAD

To see if the Town will vote to authorize the Board of Selectmen to purchase a section of 367 Boston Road as identified in the Billerica Engineering Document titled "367 Boston Road Parking" dated April ... for general municipal purposes; to transfer from available funds, raise and appropriate or borrow \$95,000 for the purchase of said property; and further to authorize the Board of Selectmen to execute such documents and enter into such agreements as it deems in the best interest of the Town in the furtherance of the objectives of this article; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation:

ARTICLE - COMMUNITY PRESERVATION COMMITTEE APPROPRIATION AND BUDGET RECOMMENDATIONS (LIBRARY/KATIE DURAND MEMORIAL PARK, SHERIDAN STREET, ETC.)

To determine whether the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,480,000 or any other sum, from the Billerica Community Preservation Fund, of which \$655,000 shall remain in the Undesignated Fund Balance as of June 30, 2021; \$190,000 shall be appropriated from Community Housing Special Fund Balance and \$10,000 shall be appropriated from Undesignated Fund Balance to the Billerica Affordable Housing Trust; \$100,000 shall be appropriated from Open Space/Recreation Special Fund Balance to the Katie Durand Memorial Park Project; \$181,640 shall be appropriated from the Historic Preservation Special Fund Balance and \$298,360 from Undesignated Fund Balance for Historic Preservation Projects; and \$45,000 shall be appropriated for Administration Expenses from projected FY22 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			EY22 Appropriation	CPA Fund Balance	Total Amount Recommended
		Housing	Open Space and Recreation	Historic Preservation			
	Middlesex Canal Association – Museum Construction			\$181,640		\$98,360	\$280,000
<i>In Spring of 2019, Town Meeting authorized \$100,000 of funding for the construction of the Middlesex Canal Museum at 2 Old Elm Street. This request is to fund continued and on-going construction. The work will consist of plumbing, electrical and bridge work.</i>							
	Katie Durand Memorial Park/Carter Ave.		\$100,000				\$100,000
<i>The Town of Billerica voted at Spring 2018 Town Meeting to purchase 8 Carter Avenue and an adjoining parcel located on the Concord River in the care and custody of the Conservation Commission. Those parcels were for preservation, restoration and passive recreation purposes. The Commission would like to request funding to implement the goals of Town Meeting by designing and constructing a multi-use project that could include picnic tables, canoe/kayak access, small parking lot for visitors, and a memorial pollinator (butterfly) garden honoring Katie Durand, former Conservation Assistant. This project will use CPA funding to maximize the land already owned by the Town and aligns well with the goals outlined in the CPC Plan and Town’s Open Space and Recreation Plan and will complete Phase 1 of this project.</i>							

Item	Project/Description	Housing	Open Space and Recreation	Historic Preservation	FY22 Appropriation	CPA Fund Balance	Total Amount Recommended
	Masonic Hall, 11 Concord Road, Structural Repairs and Facility Use Study					\$200,000	\$200,000
<i>The Town purchased the Masonic Hall at 11 Concord Road per Town Meeting vote in June of 2020. The building is currently occupied temporarily by the Billerica Food Pantry. A Structural Engineering Study determined that there are \$130,000 of needed structural repairs to the building. Part of this funding request is to address these repairs. Also, the Town Administration would like to complete a Facility Study on this property to determine best uses into the future. The remainder of this funding request would be to fund this study.</i>							
	Billerica Affordable Housing Trust – Community Housing	\$190,000				\$10,000	\$200,000
<i>Reserved funds for community housing.</i>							
	Staff and Technical Support				\$45,000		\$45,000
					\$45,000		\$780,000

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 \$100,000 for Open Space/Recreation, \$480,000 for Historic Preservation, \$200,000 for Community Housing, and \$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 made final recommendation.

Article 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 - NAME CHANGE OF ARTS COUNCIL TO CULTURAL COUNCIL

To see if the Town will vote to authorize the

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

Finance Committee has not made final recommendation.

Article Explanation:

ARTICLE - TO FUND TOWN PARKING LOT PROJECT

To see if the Town will vote to authorize the

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

Finance Committee has not made final recommendation.

Article Explanation:

ARTICLE - TO FUND UNACCOUNTED FOR WATER (UAW) COMPLIANCE PLAN

To see if the Town will vote to transfer from Water Conservation Funds the sum of \$65,000 for the Massachusetts Department of Environmental Protection's (MassDEP's) requirement to develop an Unaccounted for Water (UAW) Compliance Plan and conduct a Step One and Step Two Municipal Water Loss Control Program (aka Water Audit); or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This requirement is included as Appendix B of the Town's Water Withdrawal Permit and as a condition of the MassDEP's Order to be completed relative to the Town's Water Management Act (WMA) permit renewal application.

ARTICLE - TO FUND THE PURCHASE OF A LOADER REPLACEMENT FOR THE WASTEWATER TREATMENT PLANT

To see if the Town will vote to appropriate a sum of \$265,500 from Sewer Plant Expansion Funds for the replacement of a 1988 Trojan Loader for the Wastewater Treatment Plant; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This loader is used daily with the primary function of loading solids into large containers so it can be removed off site.

ARTICLE - TO FUND THE PURCHASE OF A GRINDER REPLACEMENT FOR THE ROGERS STREET PUMPING STATION

To see if the Town will vote to appropriate a sum of \$60,000 from Sewer Plant Expansion Funds for the replacement of a Grinder Unit at the Rogers Street Pumping Station; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This grinder operates 24 hours a day nonstop with the primary function being the grinding of solids, wipes, rags and any other solids that enter the pumping station prior to pumping into the Wastewater Treatment Plant.

ARTICLE - TO FUND ADDITIONAL DESIGN, PERMITTING AND EASEMENT APPRAISALS AND ACQUISITIONS FOR SEWER CONTRACT 37 AND EASEMENT APPRAISALS AND ACQUISITIONS FOR CONTRACT 38

To see if the Town will vote to appropriate a sum of \$494,000 from sewer retained earnings for design, permitting, easement appraisals and acquisitions for Contract 37 and easement appraisals and acquisitions for Contract 38, and to authorize the Board of Selectmen to take any necessary easements; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This article will fund additional sidewalk design, environmental permitting as well as sewer easement appraisals and acquisitions for Contract 37, as well as easement appraisals and acquisitions for Contract 38.

ARTICLE - BOSTON ROAD 75% TO 100% DESIGN, PERMITTING AND EASEMENT APPRAISALS AND ACQUISITIONS

To see if the Town will vote to appropriate a sum of \$550,000 from retained earnings for design, permitting and appraisals for the Boston Road TIP Project from River Street to the Floyd Street intersection, and to authorize the Board of Selectmen to take any necessary easements; or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article Explanation: This is a TIP Project that is scheduled to be bid in February of 2022. It is currently at 75% design and was submitted to MassDOT for review. The funding will bring the project to 100% and make it ready for construction.

ARTICLE - TO FUND THE REPAIR OF 18" SEWER FORCE MAIN BREAK

To see if the Town will vote to appropriate a sum of \$1,000,000 from Sewer Retained Earnings for the Emergency repairs of an 18" sewer force main and to take any other action relative thereto.

Submitted by the Town Manager; authorized by the Select Board

Article explanation:

Due to a sewer force main break located on Railroad property, Public Works had responded to do the repair. The force main is a 15000 LF of 18" ductile Iron Pipe that was constructed in 1978 and It plays a critical role in the Town's sewer conveyance system, conveying approximately 4,000 gpm (approximately 30% of the Town's wastewater flow) from the Brown Street Pump Station to the Rogers Street Pump Station before reaching the Town's Wastewater Treatment Plant. The following measures had to be taken in order to do repairs:

1. DEP, Conservation and Railroad were notified immediately.
2. Shutdown one of the pumps at the Brown Street Station in order to control the pumping of sewer.
3. Tanker truck was hired around the clock to relieve the force main and minimize the sewer passing through.
4. 3000 feet of bypass had to be laid out on railroad property in order to divert the sewer going through break location and to allow the town time to repair the break without flow going through.

In June 2020, the Town discovered a failure in the existing force main near Pond Street, which resulted in a sewage spill within the railroad right-of-way (ROW), adjacent to wetlands. The Town was able to repair the failed section of pipe with cost reaching about \$100,000.

The Town sent the portion of failed ductile iron pipe for analysis by Massachusetts Materials Research, Inc. (MMR). The analysis indicated that the failure was due to a severe external corrosion of the pipe.

After reviewing the analysis, it became evident that a full repair or replacement of the force main is necessary in order to ensure long term operation of the pipeline.

ARTICLE - TO FUND THE DESIGN AND REHABILITATION OF 15,000 LF OF 18" SEWER FORCE MAIN

To see if the Town will vote to appropriate a sum of \$875,000 from Sewer Plant Expansion for the design and replacement or rehabilitation of 15,000 LF of 18" sewer force main; 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 Explanation: The Brown Street Pump Station has a force main in need of critical repair. The 15,000 LF of 18-inch cement lined ductile iron force main was originally constructed in 1978 with cross connection chambers built to eventually support a second parallel force main for redundancy. It plays a critical role in the Town's sewer conveyance system, conveying approximately 4,000 gpm (approximately 30% of the Town's wastewater flow) from the Brown Street Pump Station to the Rogers Street Pump Station before reaching the Town's Wastewater Treatment Plant. In June 2020, the Town discovered a failure in the existing force main near Pond Street, which resulted in a sewage spill within the railroad right-of-way (ROW), adjacent to wetlands. The Town was able to repair the failed section of pipe.

The Town sent the portion of failed ductile iron pipe for analysis by Massachusetts Materials Research, Inc. (MMR). The analysis indicated that the failure was due to a severe external corrosion of the pipe. After reviewing the analysis, it became evident that a full repair or replacement of the force main is necessary in order to ensure long term operation of the pipeline. This article will fund the design and look at all options for replacement or rehabilitation, once this task is completed, we will determine the path that most advantages. We believe that the construction cost to be between \$9 million-\$12 million at which will be requested for funding in future town meeting.

ARTICLE - TO AMEND ZONING BY-LAWS (SECTION 5, REGULATION OF USES, BUILDING AND STRUCTURES)

To see if the Town will vote to amend the Town's Zoning By-Laws, Section 5, Regulation of Uses, Buildings and Structures, by deleting therefrom Section 5.E.10, Planned Unit Development (PUD), in its entirety; and further, to amend Section 5.f, Table of Use Regulations, by deleting therefrom references to the Planned Unit Development (PUD); and further to delete any and all other references to the Planned Unit Development (PUD) as they may appear in the Zoning By-Laws; or act in relation thereto.

Submitted by the Board of Selectmen

Finance Committee has not yet made final recommendation.

Article Explanation: This

ARTICLE - TO AMEND ZONING BY-LAWS

To see if the Town will vote to amend the Town's Zoning By-Laws by deleting the following sections referencing overlay districts in their entirety; or act in relation thereto.

22-8-2	220 Boston Road
22-8-3	210 Boston Road
22-9-0	200 Boston Road
31-12-0	Boston Road
31-151-0	2 Bridge Street
31-153-1	279 Boston Road
31-155-0	290 Boston Road
31-272-1	273 Boston Road
31-4-3	261 Boston Road
31-4-5	265 Boston Road
31-4-6	265 Boston Road
31-5-1-1	267 Boston Road
31-5-1-3	267 Boston Road

Boston Road PUD Parcel Inventory	
Parcel Number	Address
14-281-0	8 Chelmsford Road
14-62-0	16 Chelmsford Road
14-63-1-1-1	3 Survey Circle
14-63-1-1-2	3 Survey Circle
14-63-1-1-3	3 Survey Circle
14-63-1-1-4	3 Survey Circle
14-63-2-1-1	1 Survey Circle
14-63-2-1-2	1 Survey Circle
14-63-2-2-1	2 Survey Circle
14-63-2-2-2	2 Survey Circle
14-67-0	Chelmsford Road
15-124-1	44 Treble Cove Road
15-126-1	184 Boston Road
15-126-2	Treble Cove Road
15-131-0	176 Boston Road
15-140-0	161 Boston Road
15-148-2	175 Boston Road
15-237-2	Boston Road
15-237-3	1 Chelmsford Road
15-248-1	186 Boston Road
22-10-1-2	179 Boston Road
22-10-3-1	Treble Cove Road
22-10-3-2	181 Boston Road
22-11-1	199 Boston Road
22-130-0	Rear Boston Road
22-132-1	202 Boston Road
22-137-1	192 Boston Road
22-15-0	Rear Boston Road
22-152-0	221 Boston Road
22-153-1	223 Boston Road
22-154-1	Boston Road
22-17-1	245-247 249 Boston Road
22-17-2	257 Boston Road
22-18-0	250 Boston Road
22-19-0	240 Boston Road
22-20-0	Boston Road
22-5-0	47 Treble Cove Road
22-7-1	188-190 Boston Road
22-7-2	188-190 Boston Road
22-7-5	188-190 Boston Road

Boston Road Center Parcel Inventory	
Parcel Number	Address
51-34-1	12 Andover Road
51-35-0	10 Andover Road
51-37-0	2 Andover Road
51-39-1	8 Andover Road
51-40-0	406-408 Boston Road
51-41-0	Boston Road
51-78-1	15 Andover Road
51-80-0	13 Andover Road
51-81-1	9 Andover Road
51-83-5	5 Andover Road
51-83-6	7 Andover Road
51-84-1	420-428 Boston Road
51-85-0	432 Boston Road
51-86-2	446 Boston Road
51-88-1	464 Boston Road
51-92-0	1-C Andover Road
51-95-0	460 Boston Road
61-100-0	474 Boston Road
61-101-0	476 Boston Road
61-102-0	478 Boston Road
61-103-4	476 Boston Road
61-103-5	476 Boston Road
61-113-0	500 Boston Road
61-113-0	500 Boston Road
61-115-1	508 Boston Road
61-122-0	524 Boston Road
61-146-0	Boston Road
61-149-1	510 Boston Road
61-150-0	4 Tower Farm Road
61-151-0	Tower Farm Road
61-152-0	8 Tower Farm Road
61-153-1	Tower Farm Road
61-191-0	Tower Farm Road
61-192-1	Tower Farm Road
61-194-1	520 Boston Road
61-203-0	486 Boston Road
61-205-1	480 Boston Road
61-216-0	Rear Tower Farm Road
61-217-0	Boston Road
61-218-0	Boston Road

61-67-1	449 Boston Road
61-78-0	451 Boston Road
61-80-1	455 Boston Road
61-81-2	459 Boston Road
61-83-1	461 Boston Road
61-84-1	6 Cunningham Lane
61-98-0	Boston Road
61-99-0	Boston Road
61-68-0	8 Charnstaffe Lane
51-87-0	1 Cummings Street
61-33-1	405 Boston Road
61-33-2	405 Boston Road
61-33-3	405 Boston Road
61-33-4	405 Boston Road
61-33-5	405 Boston Road
61-33-6	405 Boston Road
61-46-0	407 Boston Road
61-47-0	409 Boston Road
61-48-1	413 Boston Road
61-48-2	411 Boston Road
61-49-0	415 Boston Road
61-50-0	419 Boston Road
61-52-1	Boston Road
61-55-0	423 Boston Road
61-56-0	427-429 Boston Road
61-58-0	433 Boston Road
61-59-1	435-437 Boston Road
61-62-1	441 Boston Road
61-63-0	7 Charnstaffe Lane
61-64-0	9 Charnstaffe Lane

Submitted by the Board of Selectmen

Finance Committee has not yet made final recommendation.

Article Explanation: This article

ARTICLE – TO AMEND ZONING BY-LAW (MIXED USE OVERLAY ZONING DISTRICT)

To see if the Town will vote to amend the Zoning By-Law to add a new Section 5.E.11: MIXED USE OVERLAY ZONING DISTRICT, in the form set forth below, and to further amend the Zoning By-Law in accordance therewith as follows:

- a) add a reference to Section 5.E.11 in the Table of Contents;
- b) add “Mixed Use Overlay District” as subsection j to Section 3.A.3;
- c) add “MUOD-Mixed Use Overlay District;” in District Abbreviations under the Overlay category in Section 5.F;
- d) Add a new column to the Table of Uses in Section 5.F as follows:

and further to amend the Zoning Map to add the Mixed Use Overlay District as depicted on the maps entitled: “Mixed-Use Development District Zone A” and “Mixed-Use Development District Zone B”, copies of which have been placed on file with the Town Clerk; or act in relation thereto.

[Text of section 5.E.11 here]

Submitted by the Planning Board

Finance Committee has not yet made final recommendation.

Article Explanation: This article

ARTICLE – TO AMEND ZONING BY-LAW (PLANNED UNIT DEVELOPMENT DISTRICT)

To see if the Town will vote to amend the Zoning By-Law to delete Section 5.E.10: PLANNED UNIT DEVELOPMENT DISTRICT in its entirety and to delete reference to said section in the Table of Contents and in Section 5.F, including in the list of District abbreviations therein and deleting the appropriate column from the Use Table, and further to amend the Zoning Map to remove the Planned Unit Development District in its entirety; or act in relation thereto.

Submitted by the Planning Board

Finance Committee has not yet made final recommendation.

Article Explanation: This article

ARTICLE – TO AMEND ZONING BY-LAW (SIGNS)

To see if the Town will vote to amend the Zoning By-Law as follows

DELETE EXISTING: Section 9.C.E PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

1. Signs that incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.

PROPOSED CHANGE: Section 9.C.E PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

1. Signs that incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature. *Governmental and institutional signs shall also be exempt from this prohibition.*

DELETE EXISTING: 9.F. SIGNS PERMITTED IN EACH ZONING DISTRICT

The following types of signs are permitted in the various zoning districts as set forth below:

1. Residential Districts (Village Residence, Neighborhood Residence, Rural Residence, Multi-Family Residence):

- a. Artisan's
- b. Construction
- c. Directory for multi-family uses
- d. Home occupation
- e. Identification
- f. Institutional
- g. Real Estate
- h. Real Estate Subdivision

2. Business Districts (Neighborhood Business, General Business, Commercial)

By Right:

- a. Architectural
- b. Artisan's
- c. Awning
- d. Construction
- e. Directory
- f. Filling Station
- g. Institutional
- h. Monument
- i. Projecting
- j. Real Estate
- k. Real Estate Subdivision
- l. Wall
- m. Window

By Special permit from the Zoning Board of Appeals:

- a. Freestanding
- b. Roof Signs

Required Findings:

- The sign does not derogate from the character of the area
- The sign is needed due to site constraints

Required Findings:

- The sign maintains vehicle site distance and provides for traffic safety.
- The sign shall be located a minimum of ten (10) feet from all property lines.

3. Industrial District

- Artisan's
- Construction
- Industrial Directory
- Institutional
- Monument
- Real Estate
- Real Estate Subdivision
- Wall

4. All signs permitted in the Industrial District shall be permitted in the Specialty Districts (Refuse Transfer Station, Private & Public Dumping Ground, Alcohol & Drug Rehabilitation Hospital, Composting, Adult Entertainment).

5. All signs in Overlay Districts (Flood Plain, Historic, Residential Cluster, Townhouse, Elderly Housing, and Self-Service Storage Facility) shall comply with the sign regulations for the underlying district.

PROPOSED CHANGE: 9.F. SIGNS PERMITTED IN EACH ZONING DISTRICT

The following types of signs are permitted in the various zoning districts as set forth below:

1. Residential Districts (Village Residence, Neighborhood Residence, Rural Residence, Multi-Family Residence):

- Artisan's
- Construction
- Directory for multi-family uses
- Home occupation
- Identification
- Institutional
- Real Estate
- Real Estate Subdivision

i. Governmental Signs

2. Business Districts (Neighborhood Business, General Business, Commercial)

By Right:

- Architectural

- b. Artisan's
- c. Awning
- d. Construction
- e. Directory
- f. Filling Station
- g. Institutional
- h. Monument
- i. Projecting
- j. Real Estate
- k. Real Estate Subdivision
- l. Wall
- m. Window
- n. Governmental Signs**

By Special permit from the Zoning Board of Appeals:

- a. Freestanding
- b. Roof Signs

Required Findings:

- The sign does not derogate from the character of the area
- The sign is needed due to site constraints

Required Findings:

- The sign maintains vehicle site distance and provides for traffic safety.
- The sign shall be located a minimum of ten (10) feet from all property lines.

3. Industrial District

- a. Artisan's
- b. Construction
- c. Industrial Directory
- d. Institutional
- e. Monument
- f. Real Estate
- g. Real Estate Subdivision
- h. Wall

i. Governmental Signs

4. All signs permitted in the Industrial District shall be permitted in the Specialty Districts (Refuse Transfer Station, Private & Public Dumping Ground, Alcohol & Drug Rehabilitation Hospital, Composting, Adult Entertainment).

5. All signs in Overlay Districts (Flood Plain, Historic, Residential Cluster, Townhouse, Elderly Housing, and Self-Service Storage Facility) shall comply with the sign regulations for the underlying district;

or act in relation thereto.

Submitted by the Select Board

Finance Committee has not yet made final recommendation.

Article Explanation: Purpose: To allow the use of signs which incorporate in any manner flashing, moving or intermittent lighting, for the following uses: Governmental and institutional. Billerica Memorial High School is seeking to install an LCD message board at their main entrance located on River Street.

ARTICLE - PETITIONER ARTICLE

To see if the Town will vote to require a valid I.D. be checked at all voting in the Town of Billerica for in-person voting. A valid I.D. shall include: Massachusetts driver's license, birth certificate or other means allowed by the Town Clerk to prove residency of Billerica; or act in relation thereto.

Submitted by Craig E. Rich and Messrs. Hardy, Dolber, Torpey and Madames Rich, Hardy, Rich, Dolber, Dolber, O'Neill, Torpey and Jankowski.

Finance Committee has not yet made final recommendation.

ARTICLE - PETITIONER ARTICLE

To see if the Town will vote to approve the change in zoning designation of the property located at 336 Boston Road, Billerica, Massachusetts (the "Premises") from residential to commercial and allow the Petitioner, Joe Mercado, as Trustee of the Middlesex County Realty Trust (owner of the Middlesex County Animal Hospital) to expand the Middlesex County Animal Hospital by adding a new building and additional parking spaces; or act in relation thereto.

Submitted by Charles Mackey and Messrs. Koles, Matthews, Kenneally and Madames Mackey, Anton, Hennessey, Ouellette, Matthews, Murray, Dubois, Olson and Charles-Kenneally.

Finance Committee has not yet made final recommendation.

ARTICLE - PETITIONER ARTICLE

To see if the Town will vote to amend the Billerica Zoning By-Laws to include “Commercial Kennel” as a use permitted by way of a special permit in an industrial zone by adding language to the sections of the Zoning By-Laws as follows; or act in relation thereto.

SECTION 2 – DEFINITIONS

KENNEL, COMMERCIAL: A facility in which dogs, cats or domesticated animals are housed, boarded, trained and/or provided daycare services.

SECTION 5.C.8- INDUSTRIAL DISTRICT

b. BUSINESS USES

(2) By special permit:

(d) Commercial Kennel

Required Findings:

- There shall be forty (40) square feet of recreational space per dog. This recreational space may be inside or outside the facility or a combination thereof.
- The owner of the commercial kennel shall comply with all applicable laws related to the kenneling of animals.
- There shall be an attendant on duty when there are animals at the kennel.
- No kenneled animals shall be let outdoors unattended between the hours of 9:00 pm and 7:00 am.

SECTION 5.F - TABLE OF USE REGULATIONS

BUSINESS USES	VR	NR	RR	MF	NB	GB	C	I	RT	DG	AD	CP	AE	FP	H	RC	TH	EH	SS	MC	PUD	
Commercial Kennel	N	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*	N

Submitted by Kyle Stuart and Messrs. Fishlin, Battcock, Famolare, Pinto, Livsey, Livsey, Humphrey, Luskin, Dodd, Horgan, Powderly, Capraro, Adams and Madames Livsey, Luskin, Strazzere, Horgan, Powderly, Capraro and Adams.

Finance Committee has not yet made final recommendation.