

# BILLERICA BOARD OF SELECTMEN

## POLICIES AND PROCEDURES

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### 1.0 Powers and Duties

- 1.1 The powers and duties of the Board of Selectmen (“Board” or “Selectmen”) are set forth in Section 3-2 of the Billerica Home Rule Charter (“Charter”) and are summarized as follows:
- The executive powers of the Town are vested in the Selectmen.
  - The Selectmen serve as the policy making agency of the Town.
  - Neither an individual member of the Selectmen, nor a majority shall attempt to become involved in the day-to-day administration of the Town.
  - The Selectmen shall act only through policy directives and guidelines which are to be implemented by the Town Manager and other officers and employees appointed by or under its authority.
  - The Selectmen shall cause all of the laws and orders for the Town to be enforced and a record to be kept of its official acts.
  - The Selectmen shall appoint a Town Manager to aid the Selectmen in the performance of their duties and also be the appointing authority for a Town Accountant, Zoning Board of Appeals, Conservation Commission, Constables, Registrars of Voters and other election officers (not including the Town Clerk) and other such officers and/or employees as may be provided by Charter or by-law.
- 1.1 The Board shall reorganize and choose officers at the first meeting after the annual Town election. The duties of the officers shall be as follows:
- The Chairman shall preside at all regular and special meetings of the Board including all public hearings and public meetings called by the Board, call special meetings of the Board as may be required and perform ceremonial duties for the Board unless another member is designated.
  - The Vice Chairman shall perform all the duties of the Chair in his/her absence.

- The Secretary shall announce all agenda items, sign any relevant document that has been approved by a majority vote of the Board and which the Secretary is legally authorized to sign on the Board's behalf, handle all correspondence relating to the work of the Board unless the Chairman has designated another member including himself/herself and update the Board's Policy and Procedures book as new items are voted and provide updated material to each Board member. The Secretary shall be responsible to insure minutes are recorded, maintained, and released in a timely fashion.

## **2.0 Board of Selectmen Meetings – Standing Rules**

- 2.1 Regular meetings of the Board shall be held on the first and third Monday of each month and shall convene promptly at 7:00 P.M. unless rescheduled by a vote of the Board due to holidays or unforeseen circumstances with the exception of the months of July and August when the Board shall meet once in each month. In order to properly plan its meeting schedule so that all members can be present, members shall provide vacation notification, if possible, to the Secretary to the Board of Selectmen.
- 2.2 Special meetings may be called by the Chairman, or in the Chairman's absence, the Vice Chairman or the Secretary, by a majority request of the Board at any time. In either case, every effort and accommodation shall be made to schedule any such meeting(s) so as to include all Selectmen. Emergency meetings shall be scheduled with as much notice and scheduling accommodation as possible so all members may attend. All meetings shall be posted in accordance with Open Meeting Law requirements. The agenda of any special and/or emergency meeting may be limited by a majority vote of the Board at a properly posted meeting.
- 2.3 Emergency meetings may be called by the Chairman, or in the Chairman's absence, the Vice Chairman or the Secretary, by a majority request of the Board without notice for situations where immediate, underlying action is deemed to be imperative.
- 2.4 Except in emergencies, written notice of all meetings shall be filed with the Town Clerk at least 48 hours before each meeting is to convene.
- 2.5 Any meeting may be postponed by the Chairman, Vice Chairman or Town Manager provided all members are contacted.
- 2.6 The minutes to be kept by the Board shall report the names of all Board members present, the presence of the Town Manager, the subject acted upon, and shall record exactly the votes and other official action taken, but such minutes shall not include a lengthy record of discussion of such meetings. The minutes may also include other documents submitted during the proceedings by a majority vote of the Board. Recordings of meetings taken by the Board's staff shall be saved until the Board approves said minutes.

### **3.0 Board of Selectmen Meetings – Procedures**

- 3.1 Pursuant to the Open Meeting Law (M.G.L. Ch. 39 Sec. 23B), the Chairman shall preside over all meetings of the Selectmen.
- 3.2 At the appointed time, the Chairman will call the meeting to order and have the clerk take attendance. If the meeting is recorded, the clerk does not need to be present and may take attendance from viewing a tape of the meeting.
- 3.3 Minutes must be taken of all meetings which include the date, time and place, the members present or absent and the action taken at each meeting, including executive sessions.
- 3.4 Upon review and approval of minutes from a previous meeting, the Chairman shall ask the members if they have any changes to the minutes. Any such changes should be proposed in the form of a motion which then needs to be seconded in order for a discussion.
- 3.5 Once the Chairman has determined no further discussion is required, he/she shall call for a vote to amend the minutes, if necessary, then approve the minutes as amended or if no amendments are proposed, simply adopt the minutes as presented.
- 3.6 The meeting will proceed according to the agenda. The Secretary shall read each agenda item as an introduction to discussion on the item.
- 3.7 The Chairman shall allow the Town Manager or the sponsor of the agenda item to present the subject matter and recommend the action requested.
- 3.8 The Chairman shall allow any member of the Board to address the issue.
- 3.9 The Chairman shall allow Town officials and/or members of the public who are in attendance to address the issue.
- 3.10 Once the Chairman is satisfied the matter has been fully discussed, the Chairman shall request that a motion be made, and seconded and determine if there is any discussion on the motion as presented.
- 3.11 Once discussion on the motion is completed, the Chairman shall ask for a vote by requesting those in favor, those opposed and those abstaining and shall announce the results.
- 3.12 At the end of the agenda, the Chairman shall request a motion to adjourn, which if accepted, shall result in the end of the meeting.

#### **4.0 Board of Selectmen Meetings – Executive Session**

- 4.1 The Board of Selectmen may meet in executive session (MGL Chapter 39, Section 23B) to discuss certain selected issues. The motion to go into executive session must specify the reason and must be adopted by majority on a roll call which will be recorded and entered into the minutes.
- 4.2 Reasons for executive session as stated in M.G.L. c. 39, §32B, as amended, are as follows:
- To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual. Advance written notice to the individual is required unless it is waived by the individual.
  - To consider the discipline or dismissal of or to hear complaints or charges brought against a public officer, employee, staff member or individual. Advance written notice to the individual is required unless it is waived by the individual.
  - To discuss strategy with respect to collective bargaining or litigation if an open meeting will be detrimental.
  - To discuss the deployment of security personnel or devices.
  - To investigate charges of criminal misconduct.
  - To consider the purchase, exchange, lease or value of real property if an open meeting will be detrimental.
  - To comply with the provisions of any general or special law or federal grant-in-aid requirement.
  - To consider and interview applicants for employment by a preliminary screening committee if an open meeting will be detrimental.
  - To meet or confer with a mediator with respect to any litigation or decision on public business.
- 4.3 The motion to go into executive session should specify whether the Selectmen will be reconvening in open session at the end of executive session for any additional public meeting or adjourning the meeting after the executive session.
- 4.4 Once the executive session is over, a motion should be made to come out of executive session. Once back in open session, the Selectmen can either continue with the public portion of the meeting or adjourn. An executive session need not be listed on the agenda in order for the Selectmen to meet in executive session during an otherwise properly posted meeting.
- 4.5 The Secretary shall be responsible to take minutes of any executive session.

## **5.0 Board of Selectmen Meetings – Conduct of Meetings**

- 5.1 No person(s) shall address a public meeting of the Board without leave of the presiding officer at such meeting, and all persons in audience shall, at the request of such presiding officer, be silent. If after warning from the presiding officer, said person(s) persists in disorderly behavior, said officer may order the person(s) to withdraw from the meeting, and, if the person(s) does not withdraw, said officer may order a constable or other appropriate authority to remove the person(s) from the meeting room. In the event a constable or other appropriate authority is not present, the Chairman of the Board, by a majority vote, may recess until the person(s) is removed.
- 5.2 Petitioners will be limited to a ten minute presentation, unless permission to speak for a longer period is requested and granted by a majority vote of the Board.
- 5.3 Visitors may be permitted to speak on any matter properly on the agenda before the Board, but only after each member of the Board who so desires, has spoken.
- 5.4 Visitors should refrain from talking on cell phones during any Board meeting.
- 5.5 Board members should refrain from text messaging or emailing during the Board's meeting. If a Board member feels it is necessary to respond to cell phone calls, emails, or text messaging, they are to leave the meeting room.

## **6.0 Board of Selectmen Meetings – Setting the Agenda**

- 6.1 All agenda requests shall be placed on the agenda in the proper segment, group, and in the order they are received via date stamp.
- 6.2 All requests received up to 12:00p.m. of the third business day (usually a Thursday) preceding a meeting shall be included on the agenda at which time the agenda shall be closed. All requests shall be in writing, stating the purpose for the agenda item, parties to be present (if applicable), and as much information as possible to permit Board review in advance of the meeting.
- 6.3 The agenda shall be posted and available to the public by 9:00 a.m. on the day of the meeting. Board members may submit late items with the prior approval of the Chairman or by a majority vote of the Board at the meeting, but these late items must be considered as new business for scheduling purposes, must be in writing and must state the reasons for being late.

## **7.0 Board of Selectmen Meetings – Agenda Format of Meetings**

7.1 The Orders of the Day or agenda for all meetings shall be organized as follows:

- Call to Order
- Open Microphone
- Moment of Silence (when applicable)
- Announcements
- Approval of Minutes
- Presentations
- Public Hearings
- Old Business
- New Business
- Correspondence
- Meeting Schedule
- Executive Session
- Adjournment

7.2 All agenda items, except public hearings, shall be taken in the order of the agenda, subject to the discretion of the Chairman and/or Secretary. Public hearings shall be held at the scheduled times or as soon thereafter as possible. In cases where parties fail to appear at the time when the agenda item is taken up, these items shall be deferred to the next meeting under new business, or by a majority vote of the Board, be taken up at another position on the agenda.



## **8.0 Board of Selectmen Meetings – Open Microphone**

- 8.1 In an effort to make the Board of Selectmen more accessible to the people of Billerica, it is proposed to offer residents the opportunity to address the Board on a first come, first heard basis.
- 8.2 The purpose of the open microphone is for residents to address concerns, complaints and, most importantly, to make suggestions as to how we govern locally. The Board should encourage residents to participate in local government, thus empowering them to become part of the process.
- 8.3 The open microphone is not intended to circumvent the day-to-day management or to rectify concerns on the spot, but is intended to keep the Board in step with the people.
- 8.4 The open microphone will work as follows: Residents wishing to address the Board must sign in between 6:30 PM and 7:00 PM. A sign-in sheet will be made available in the Selectmen's Hearing Room during this period for residents.
- 8.5 Residents who arrive after the meeting commences may address the Board, through its Chairman, time permitting. Open microphone is limited to the first half hour of each regularly scheduled meeting.
- 8.6 Residents will have three (3) minutes to address the Board. Residents are asked not to make personal comments regarding town employees, members of any committees, or any member of the Board. Residents who do so will be asked to leave.
- 8.7 The Board is not expected to answer any questions or make any votes during open microphone. Action will be deferred to the Town Manager or placed on the agenda for a later meeting.
- 8.8 The open microphone portion of the meeting is intended to encourage and allow residents to address the Board of Selectmen on any topic. It is not intended to create or provide an opportunity for Selectmen to introduce or speak on topics not included in the posted meeting agenda. Therefore in order to provide residents with sufficient time to address the Board, and to ensure compliance with any applicable provisions of the Open Meeting Law, sitting Selectmen are prohibited from addressing the remainder of the Board of Selectmen during the open microphone portion of the meeting.

8.8 added 9/25/17

## **9.0 Appointment to Town Boards, Commissions, Committees – Process**

- 9.1 The Board recognizes the importance of appointing qualified people to town positions and that each individual the Board appoints performs a key Town function and represents Town government to the community at large.
- 9.2 The Board will encourage as many people as possible to apply for Town positions.
  - The Board believes that the larger the applicant pool the greater the likelihood of making quality appointments.
- 9.3 Available positions will be posted, and advertised at least once, if possible, in at least one local newspaper and on Billerica Access Television and the Town's web page, at least (2) weeks prior to the application deadline. To be considered for a position, completed applications must be returned by the date specified. Late applications will be accepted when the number of applicants is less than the number of vacancies.
- 9.4 A copy of the Appointment policy will be provided to all prospective applicants when they obtain an application.
  - Applications submitted for positions on boards, committees and commissions in the Town of Billerica will be kept on file to be used for vacancies that occur during the year. At the end of each fiscal year, the applications will be discarded.
- 9.5 It is the policy of the Board to appoint the best qualified candidate(s) to available positions after due consideration of the Town's best interest. Among many factors, consideration will be given to a candidate's relevant education, training, work and other pertinent experience, as well as to communication skills, reason(s) for seeking the position, understanding of the relevant subject matter and time available to serve.
  - While previous service on a board, commission or committee is an important factor to consider, it is not the sole or most important criterion for a Board appointment decision.
  - In making any appointment, the Board will also consider what it views to be the best interest of the Town in terms of short and long term goals and objectives.

- 9.6 Whenever the Board receives a number of applications which exceed the number of available positions, the Board will attempt to interview each candidate, if feasible.
- Applicants must be in attendance for the interview to be considered for appointment.
- 9.7 The Secretary shall make a motion to enter all names into consideration for appointment. The Board will then vote on each applicant in the order in which the application was received by the Board as confirmed by the time stamp on the application.
- 9.8 When funding is available or training programs are available at no cost to the Town, the Board shall encourage, and may require as a condition of appointment, that appointees attend training in the subject area of their respective appointment.
- Training is particularly important for boards, commissions, committees (such as the Conservation Commission, the Zoning Board of Appeals and others) that require members to have specialized, technical or legal knowledge or experience.

## **10.0 Appointments to Bonded Constables**

- 10.1 Appointments shall be made pursuant to M.G.L. Chapter 41, Sections 91A-95, subject to the completion of the "Town of Billerica Constable Application" (See Attachment C-1 through C-3) and ratification by the Board.
- 10.2 The Board of Selectmen shall not make appointments to the office of "Constable of Billerica" to a resident of another city or town if that city or town will not appoint Billerica residents who hold the office of Constable to that city or town.
- 10.3 Cities and towns that WILL appoint Billerica residents are:  
Chelmsford, Lowell, North Andover, Tewksbury, Wilmington and Dracut.
- 10.4 Cities and towns that will NOT appoint Billerica residents are:  
Burlington, Lynn, Medford, Wakefield and Woburn.
- 10.5 It shall be the duty of the Constable to serve civil process only.
- 10.6 The Chief of Police shall provide a written recommendation to the Board concerning any applicant for this position.
- 10.7 After being appointed by the Board of Selectmen, the Constable must meet with the Police Department to obtain an Identification Card, which will include a picture, all necessary information and tem of appointment.

## **11.0 Other Appointments**

- 11.1 The Chairman of the Board shall annually appoint no more than two (2) Board members to each of the following Standing Committees of the Board: Bike Path, Cable Advisory, Community Funds (broken into subcommittees), Water/Sewer Oversight Board, Green Up Day, Kent Fund Scholarship, Northern Middlesex Council of Government, Open Space and Recreation, Recycling Committee, Senior Citizen' Advisory, Tax Title Land Sale, Traffic Management Committee, Vietnam Veteran's Park Committee, Water Conservation Oversight Committee, Billerica Housing Partnership Committee, Long Range Master Plan Oversight Committee, Museum Committee and the Street Acceptance and Discontinuance Committee. Selectmen appointed to these committees shall keep the entire Board apprised of important committee developments.
- 11.2 The Board shall vote annually to appoint a Board member to the Tri-Town Committee. The Selectman appointed to this committee shall keep the entire Board apprised of developments.
- 11.3 The Selectmen shall annually appoint either a current Board member or its designee to the Lowell Regional Transit Authority and the Community Teamwork, Inc. Appointees shall apprise the Board of developments.
- 11.4 All five (5) members of the Board shall be appointed to the Billerica Plan.
- 11.5 Pursuant to c. 357 of the Acts of 1972, the Town Manager may annually appoint an alternate member to the Northern Middlesex Council of Government. Such appointee shall keep the entire Board apprised of developments.

## **12.0 Board's Role in Town Manager Appointments**

- 12.1 In accordance with the provisions of the Billerica Town Charter, Article 3, Section 3-3 (2), the Town Manager shall appoint all employees for whom no other method of selection is provided by the Charter or by-law. Notice of said appointment shall be filed with the Board of Selectmen. The appointment becomes effective on the 15<sup>th</sup> day after the notice is filed unless the Selectmen, within that period, by a majority vote of the full Board (3 votes), rejects, with just cause, said appointment.
- 12.2 To clarify certain aspects of this process and in accordance with the Charter, Town Counsel offered the following parameters for the Board on this matter:
- In considering whether to reject an appointment for just cause, the Board should evaluate whether the appointment in question will “adversely affect the public interest.” Some examples of that standard may be as follows:
    1. Does the employee meet the qualifications of the job posting?
    2. Does the employee have any record of attendance or disciplinary issues which may affect his/her ability to perform the job even if he/she is otherwise qualified?
      - a. Is the appointment affected by the candidate’s kinship, rank or position in relation to other public employees/officers?
- 12.3 In order for the Selectmen to make an informed decision, they may request, from the Town Manager, information regarding the finalists for a position. Some information may be objective in nature, such as years of experience, certifications and educational backgrounds. Other information which the Town Manager may provide may be subjective, such as the results of personal interviews with screening teams or with the Town Manager.
- 12.4 Written notification of an appointment shall be provided to the Board not less than 48 hours after the appointment is made and shall include information regarding the top three (3) finalists, if applicable, for the position.
- 12.5 If more than one candidate satisfies the qualifications, as determined by the Town Manager and/or a screening committee, preference may be given to a Billerica resident.

### **13.0 Town Manager Review**

- 13.1 The Town Manager's performance will be reviewed on an annual basis. The Board shall utilize the performance evaluation forms (See Attachment A-1 through A-7) to assess the Town Manager in the areas of management, analysis, public relations and accomplishment of long and short-term goals. Through the review procedure, Board members will recognize strengths and suggest areas that require improvement.
- 13.2 The period of evaluation is from July 1 through June 30. The Town Manager will submit a narrative self-evaluation, including a report on goal achievement and a completed performance evaluation form, by the third week of May. The Town Manager's evaluation form ratings will NOT be calculated into the Board's evaluation ratings.
- 13.3 The Chairman shall provide each Board member with performance evaluation forms and a copy of the Town Manager's self-evaluation report.
- 13.4 Each Board member shall return his/her completed individual performance review forms to the Chairman by the second meeting in June or a date specified by the Chairman. Each Board Member shall indicate his/her recommended compensation change.
- 13.5 The Chairman shall review the individual performance evaluation forms and compile a final composite Board review which includes rating averages reflective of the performance scores, goals, objectives and recommended compensation of the individual members.
- 13.6 The Chairman will distribute the final composite review to all Board members by the end of June.
- 13.7 Thereafter, the Board shall conduct a public review based on the Board's composite review. Each Board Member's individual evaluation of the Town Manager shall be made public with the release of the Board's composite review.
- 13.8 After the public review of the Town Manager, the Chairman and one (1) Board member appointed by the Chairman, shall enter into negotiations with the Town Manager concerning, if applicable, an employment agreement, compensation, and/or changes to the Employment Agreement, compensation, etc.
- 13.9 All recommended changes, if applicable, will be provided to each Board member no less than one (1) week prior to any public discussion and vote on same.
- 13.10 Upon completion of the public review, and by a vote of the majority of the Board of Selectmen, the new employment agreement must be signed by both the Board of Selectmen and the Town Manager.

**14.0 Reports to the Board**

14.1 The Town Manager shall submit to the Board of Selectmen (pursuant to Sections 3-2 and 3.3 of the Billerica Home Rule Charter) the following written reports by the 15<sup>th</sup> calendar day of each month and those indicated as quarterly reports shall be provided in the months of January, April, July and October:

Monthly:	Backflow Income	Excise Taxes
	Motor Vehicle Fines	Building Department Fees
	Federal Reimbursements	Penalties and Interest
	Other Excise	Rentals
	Other Fees	School Revenues
	Other Payments	Library Revenues
	Other Permits	Forfeits
	Other Services	Investment Income
	Other Taxes	Other Revenues (Identify)
Quarterly:	Property Taxes	Hotel and Motel Taxes
	State Reimbursements	Water & Sewer Liens

14.2 Each report shall include the current status of each department or agency, on a one page summary, relative to the current fiscal year budget identified by the cumulative overtime expenditures, the approved budget voted by Town Meeting and/or supplemented by the Reserve Fund, the difference between spent and budgeted, the current cumulative dollar projection, and the cumulative percent of spent versus budgeted.

14.3 Each report shall include the current status from the Town Accountant's office relative to the current fiscal year budget identified by the amounts collected and budgeted, the current cumulative dollar projection, the cumulative percent of revenues versus budgeted, and the current month and report of all expenditures for all detailed accounts.

14.4 Each report shall include the quarterly status of accomplishments relative to the annual goals and objectives established by the Board of Selectmen.



**15.0 Asset Management**

- 15.1 The Town Manager shall maintain an inventory of all Town owned land.
- 15.2 The Town Manager shall maintain a list of properties subject to tax taking by year, plate and parcel and reason; such list shall be coordinated with a similar list of properties with overdue taxes; a report shall be filed quarterly to the Board of Selectmen.

## **16.0 Town Meeting Warrant Articles**

- 16.1 The Town Manager shall submit, in writing, and in sufficient time for the Board of Selectmen to approve, any Town Manager proposed Warrant Article (pursuant to Section 2-12 of the Billerica Home Rule Charter) which is intended for inclusion in any Town Meeting Warrant.
- 16.2 The Board of Selectmen shall set the order of any Town Meeting Warrant (pursuant to Section 2-12 of the Billerica Home Rule Charter) according to the following order:
- The Proposed Budget for Town Meeting (pursuant to Section 5-5 of the Billerica Home Rule Charter), or revisions to it, submitted by the Town Manager and placed on the warrant by the Board of Selectmen will be placed after non-money articles unless the article is required to balance the budget.
  - Warrant Articles initiated by the Town Manager or individual members, except for money articles.
  - Warrant Articles initiated by the Town Manager and approved by the Board of Selectmen, except for money articles.
  - Warrant Articles initiated by the School Committee or individual members, except for money articles.
  - Warrant Articles initiated by the Planning Board or individual members, except for money articles.
  - Warrant Articles initiated by the Finance Committee.
  - Warrant Articles initiated by other boards, committees, commissions and agencies according to their order in the Proposed Budget, except for money articles.
- 16.3 The spring and Fall Town Meeting Warrants shall be made available to Town Meeting Representatives at least fourteen (14) days before the Town Meeting is to convene (pursuant to Article 1 of the General By-Laws). The Board of Selectmen's written Report of Recommendations on articles submitted by the Board and/or the Town Manager may be included in the preliminary warrant if time permits and may be included in the final warrant if time permits. The Chairman of the Board of Selectmen and/or the Town Manager must provide verbal recommendations on all Board of Selectmen articles at Town Meeting.
- 16.4 The numbering of warrant articles shall remain the same on both the Preliminary and Final Warrants.

## **17.0 Licensing**

- 17.1 The Town Manager shall provide the necessary resources of the Police, Fire, Building Department and Treasurer's Office in order to properly conduct the annual license renewal process and also provide continuing enforcement and monitoring of all licenses in force. The Town Manager shall arrange for the issuance of all licenses from the Town Manager/ Board of Selectmen's office.
- 17.2 In the event that payment for the license fee is not paid by cash, bona fide check or other banking instrument, the license shall not be renewed.
- 17.3 In order for a license applicant to appear before the Board of Selectmen, the applicant must have completed all necessary forms and reviews by all departments involved in the application request.
- 17.4 A Certificate of Insurance must accompany any and all requests for a one day liquor license whether the liquor is going to be sold or given away free.
- 17.5 Applicants seeking a fuel storage tank license should include a provision for a monitored type fuel storage tank (i.e. thermos bottle type, double walled fiberglass tank or a sealed concrete vault, monitored or similar type arrangements).

**18.0 Rate Setting**

- 18.1 Rate schedules for Water, Sewer, Ambulance and Cemetery may be adjusted annually in order to keep these Town services as close to self sustaining as possible.
- 18.2 The Town Manager shall, in cooperation with the Cemetery Commission, prepare a five (5) year business plan for the orderly expansion and maintenance of the Cemetery Department. This plan shall be a separate section of the Five (5) Year Capital Plan.

**19.0 Permit Fees**

- 19.1 It is the policy of Billerica to waive permit fees according to the percentage of affordable units within subject projects developed by nonprofit organizations the Billerica Housing Authority or those qualified through the Local Initiative Program (LIP). These fee reductions shall not apply to a comprehensive permit fee.
- 19.2 By majority vote of the Board, the Board may waive permit fees for Town Organizations and/or Town Non-Profit Organizations (those non-profits having duly registered with and having been designated as such by the Attorney General of the Commonwealth of Massachusetts).

**20.0 No Place for Hate Policy**

20.1 The Billerica Board of Selectmen reaffirms that Billerica is a Town that maintains a policy of zero tolerance for hate crimes. We are a community, rich in diversity that is united to respect, protect and nurture the highest possible quality of life for all our citizens, neighbors and visitors.

## **21.0 Solid Waste Policy**

- 21.1 The policy is established to comply with the MassDEP Waste Ban Regulations and the Billerica Mandatory Recycling By-Law.
- 21.2 As of October 1, 2007, trash haulers will be directed to no longer collect any visible recyclables as trash. All recyclable items, most noticeably cardboard, must be prepared to be collected in the recycling truck. Items that are not prepared properly will be left behind, with a sticker explaining the problem.
- 21.3 Trash haulers will no longer be collecting barrels with visible recyclables.
- 21.4 As of October 1, 2007, the past collection procedure for White Goods and Bulky Items will remain the same. In addition, the Town will engage different vendors in town to assist the Town in selling stickers for the items listed below. The Town will provide the locations and list of vendors on its website.
- 21.5 As of July 1, 2008 the White Goods and Bulky Items Fees can be obtained through Attachment F of this manual.

\* White Goods with Freon include: refrigerators, freezers, air conditioners, dehumidifiers

\*\* White Goods without Freon include: washers, dryers, stoves, dishwasher, trash compactors, hot water heaters and water coolers

Appliance Recyclers is willing to take other items. Call for price or for questions. These prices will be in place from July 1, 2008 through June 30, 2010.

- 21.6 As of July 1, 2008, the Town will no longer provide municipal solid waste and recycling service to any multi-family residential complex, which is subject to a condition in a Zoning Board of Appeal (ZBA) or Planning Board (PB) decision limiting such service.
- 21.7 The Board of Selectmen will continue to recommend to the ZBA that any proposed comprehensive permit development, which includes the cost of solid waste removal in its financial pro forma, shall be subject to a condition limiting such services by the Town.
- 21.8 The Town will continue to provide municipal solid waste collection and recycling services to all other residential properties (hereafter referred to as "Eligible Residential Properties") within the Town.

21.9 The Town will provide municipal solid waste and recycling collection service to Eligible Residential Properties subject to the following conditions:

- All Eligible Residential Properties will be required to provide their own solid waste containers and recycling containers.
- By July 1, 2008, all Eligible Residential Properties that are multi-family complexes ("Eligible Multi-Family Complexes") with 10 units or more will be required to provide a plan to the DPW for implementing recycling in compliance with the Billerica Mandatory Recycling Bylaw, the state waste ban, and policies #1 and #4 approved by the Board of Selectmen at its June 18, 2007 meeting.
- Failure to provide a plan on or before July 1, 2008 will result in termination of municipal solid waste and recycling service for the facility. The Eligible Multi-Family Complexes will be responsible for establishing and maintaining a system that is in compliance with these policies and bylaws.
- For all Eligible Residential Properties, violations of the waste bans and the mandatory recycling bylaw will be enforced as follows: Notification of the violation (either by means of a sticker on the item or a letter of notification in the case of a multi-family complex) for the first violation. Subsequent violations at the same property or complex will be subject to sanctions, which may include suspension or termination of municipal solid waste and recycling service.



## **22.0 LICENSING AND OPERATION OF TAXICABS**

- 22.1 In accordance with the provisions of Chapter 40, Section 22 of M.G.L., these rules and regulations for the Licensing and Operation of Taxicabs in the Town of Billerica are hereby adopted by the Billerica Board of Selectmen (Licensing Authority) and may be amended from time to time by said Board of Selectmen.
- 22.2 A Taxicab is defined as any motor vehicle, and registered as such, with a taxi-meter, used or designated to be used, for the conveyance of passengers for hire from place to place, but not over a fixed route or between fixed and regular termini. Each owner of a Taxicab must have a Taxicab Owner License issued by the Board of Selectmen. A Taxicab Operator is defined as the driver of a Taxicab. Each Taxicab Operator must have a Taxicab Operator License issued by the Board of Selectmen.
- 22.3 The number of Taxicabs operating in the Town of Billerica shall be of sufficient number, as determined by the Board of Selectmen, to provide satisfactory service to all residents. Taxicab Owner and Taxicab Operator Licenses may be issued at the discretion of the Board of Selectmen, upon proper and complete application to the Board of Selectmen. The Board of Selectmen must license all Taxicabs operating within or from the Town of Billerica, prior to their operation.
- 22.4 No person shall operate a Taxicab, in/from the Town of Billerica, as an Owner and/or Operator without first having obtained such License(s) from the Board of Selectmen. All Taxicab Operators, whether regular operators or substitute operators, must have, prior to the operation of any Taxicab, a valid Taxicab Operator License issued by the Board of Selectmen.
- 22.5 An application for a Taxicab Owner and/or Taxicab Operator License may be filed at any time with the Board of Selectmen. An application for the renewal of any License shall be filed with the Board of Selectmen before December 31<sup>st</sup> of each year. All Licenses shall have an expiration date of January 1<sup>st</sup>, unless sooner revoked or suspended.
- 22.6 No person shall be eligible to receive a Taxicab Operator License who is not a citizen of the United States or has not filed his/her intention to become a citizen of the United States or who has been convicted of a felony within ten (10) years prior to the date of application or has been convicted of more than three (3) motor vehicle violations, other than parking, in the five (5) years preceding the date of said application.
- 22.7 Each applicant for a new or renewal Taxicab Owner License and/or new or renewal Taxicab Operator License must annually submit his/her application on forms provided by the Board of Selectmen and no License shall be issued unless approved by the Board of Selectmen.

- 22.8 All Taxicab trade names shall have prior approval by the Board of Selectmen and shall be recorded with the Billerica Police Department and the Office of the Town Clerk. Each Taxicab vehicle shall prominently display the word "TAXI" and the Taxicab's trade name on both sides and the rear of the vehicle. Lettering shall be permanent and not less than four (4) inches high and two (2) inches wide. An illuminated roof marker shall likewise be required. Each Taxicab vehicle must have the telephone number of the company prominently displayed on both sides and rear of the vehicle. This telephone number must be a local Billerica exchange telephone number.
- 22.9 Each Taxicab vehicle must display the Taxi Operator License and Schedule of Rates so as to be visible for passengers in the rear seat.
- 22.10 No Taxicab Owner License(s) shall be sold, transferred, pledged, or assigned without having first obtained the approval of the Board of Selectmen.
- 22.11 Each applicant for a Taxicab Operator License must annually file an application with the Board of Selectmen. The application must be accompanied by two (2) current personal color photographs (passport photo style) to be of a size 2 ½" X 2 ½". One (1) photograph will be mounted on the Taxicab Operator License when issued and the Board of Selectmen will maintain one (1) photograph on file with the original application. Photographs will not be returned in the event a license application is denied, revoked, or not renewed.
- 22.12 The Taxicab Operator License, issued by the Board of Selectmen, shall be posted, with the Schedule of Rates, in a conspicuous place in the Taxicab vehicle. The Board of Selectmen shall approve the Schedule of Rates prior to being placed in effect and no changes shall be made without the prior approval of the Board of Selectmen. Proposals for revised rates must be filed with the Board of Selectmen at least thirty (30) days before any effective date of proposed revisions. Revised rates are not effective until approved by the Board of Selectmen.
- 22.13 Any licensed Taxicab Owner who shall cease to operate a Taxicab shall at once surrender his/her License(s) to the Board of Selectmen. Any licensed Taxicab Operator who ceases to drive a Taxicab shall so notify the Board of Selectmen, in writing, upon termination of his/her duties and shall immediately surrender his/her Taxicab Operator License to the Board of Selectmen.
- 22.14 Each licensed Taxicab Operator must maintain a log of all trips made, together with a list of all articles found in the Taxicab. These records shall be kept by the Taxicab Owner and available for inspection at any time.

- 22.15 All Taxicabs must be kept in good condition, suitable for occupancy, and mechanically fit for the safety of the passengers. The interior and exterior shall be clean and sanitary at all times. The licensed Taxicab Owner must inspect each Taxicab at least once each day and immediately take any corrective action(s) that may be required and/or necessary. Taxicabs will be subject to periodic inspections. All Taxicab Owner records and Taxicab Operator records shall be available at any time, upon request, for inspection as required and/or necessary. Taximeters shall annually be inspected and certified for accuracy. No Taxicab shall operate without a certified taximeter.
- 22.16 No licensed Taxicab Owner or licensed Taxicab Operator shall knowingly convey, or permit to be conveyed or placed therein a Taxicab, any person sick or infected with a contagious disease or the body of any deceased person.
- 22.17 Each licensed Taxicab Owner or licensed Taxicab Operator shall maintain their Taxicab vehicles and operations in full compliance with all applicable federal, state, and Town laws, codes, By-Laws, and regulations. All taxes and fees owed to the Town of Billerica must be paid on a current basis. Failure to be current with any taxes or fees to the Town of Billerica and/or failure to comply with any laws, codes, By-Laws, and regulations shall be sufficient cause for revocation, suspension, or modification of the License(s).
- 22.18 Each licensee shall immediately notify, in writing, the Board of Selectmen of any proceedings brought by or against the licensee under the bankruptcy laws or of any other court proceedings which may affect the status of the license.
- 22.19 Before employing any Taxicab Operator(s), the Taxicab Owner must verify that the operator possesses a valid current Taxicab Operator's License issued by the Board of Selectmen. It shall also be the responsibility of the licensed Taxicab Owner to insure that each operator possesses a valid current motor vehicle license issued by the Registry of Motor Vehicles of the Commonwealth of Massachusetts.
- 22.20 A Taxicab Owner and/or Taxicab Operator may not refuse, unless previously engaged, to carry any passenger lawfully entitled to be carried in a taxicab. A Taxicab Owner and/or Taxicab Operator may not demand, from any passenger, more than the fare indicated on the taxi-meter regardless of the number of passengers involved.
- 22.21 Every Taxicab Operator shall be suitably dressed while driving/operating a taxicab.
- 22.22 A Taxicab Operator shall not pick up or carry any other passenger(s) after the taxicab is occupied by the current passenger(s) until the current passenger(s) has/have discharged said taxicab, except with the consent of the current passenger(s).
- 22.23 A Taxicab Operator is not required to convey any passenger(s) that is/are noisy, disorderly, or intoxicated. Should any passenger(s) become noisy or disorderly, the Taxicab Operator may appeal to any Police Officer for assistance.

- 22.24 Each Taxicab vehicle and/or Operator must be capable of immediate communications and access via two-way radio or telephonic means.
- 22.25 The Billerica Police Department shall administer and enforce these Rules and Regulations. Complaints and violations shall be administered and enforced by the Billerica Police Department. Any suspension and/or revocation of any License(s) shall be by the Board of Selectman. The Board of Selectmen may levy any fine(s), penalties and/or administrative action(s) it deems appropriate to any Licensee. Any such violation(s) and/or administrative action(s), fine(s), and/or penalties shall not interfere with the normal procedure of any violation of M.G.L. Chapter 89 or Chapter 90 nor the normal enforcement duties of any Police agency or authority. Any licensed Owner and/or Operator convicted of three (3) or more traffic violations, other than parking violations, in a five (5) year period shall be subject to automatic suspension and/or revocation of any License issued by the Board of Selectmen. Any licensed Owner and/or Operator convicted of a felony shall be subject to automatic revocation of any License(s) granted by the Board of Selectmen.
- 22.26 Should any Taxicab vehicles be added or replaced, with different vehicle(s), said added or replaced Taxicab shall meet all applicable Rules and Regulations prior to being placed in service.
- 22.27 Any License(s), issued by the Board of Selectmen, not put into use within thirty (30) calendar days from date of issue shall be automatically null and void. No fees will be returned in such cases.
- 22.28 Should any section of these Rules and Regulations be deemed to be unenforceable, then only that section shall be removed and those Rules and Regulations remaining shall be in full force. The Board of Selectmen reserves the right to make any changes to this policy as it deems necessary.

## **23.0 Road Adequate Access**

- 23.1 It is the policy of the Board of Selectmen, when considering whether or not to grant a waiver or partial waiver of the Adequate Access General By-Law (Article IV, Section 3), to consider the best interest of the Town, relying on the following factors:
- The best interest of the affected neighborhood
  - The condition of the road as objectively determined by the Department of Public Works (DPW) utilizing its Pavement Condition Index
  - The recommendation of the Planning Board or any other Town department, board or commission, if any.
  - Whether or not residents of the affected neighborhood support or oppose the waiver.
  - Other interests or goals of the Town that may be advanced by the granting of the waiver or partial waiver such as the provision of affordable housing or assisting local students in hands on building course work.
  - The preservation of Open Space or other municipal needs or interests.
  - Whether the proposed building is a new structure or the replacement of, or addition to, an existing structure.
  - Whether the applicant has a demonstrated commitment to the affected neighborhood.
  - The history of building and road construction and/or improvement in the affected neighborhood, including past actions of the DPW or other Town departments and any prior waiver requests.
- 23.2 The Board may condition any waiver or partial waiver in any manner it deems appropriate and in the best interest of the Town, including, but not limited to, by requiring the posting of a bond to secure the completion of the necessary roadwork and/or by requiring a petitioner to live in the subject dwelling for a set period of time.
- 23.3 A copy of this policy shall be provided by the DPW to anyone requesting from the DPW a Certificate of Waiver as provided in the Adequate Access By-Law.
- 23.4 This Policy shall also be posted on the Town's web site and shall be provided to anyone that so requests.

**24.0 Land Donations**

- 24.1 The Board will sign IRS Tax Form 8283 for the Town whenever requested to do so by donors of property only after the deed for the land has been recorded at the Registry of Deeds.

**25.0 Press Release Policy**

- 25.1 Any press release involving the Board of Selectmen must be approved by the Chair prior to its release.

**26.0 Towing Policy**

- 26.1 The Selectmen shall award contracts for the towing and storage of vehicles removed and stored under this paragraph, by competitive bids, for which advertisements shall appear, once in a newspaper of local circulation, at least seven (7) days prior to the opening of proposals. Such contract shall provide that there shall be no obligation on the part of the Town for the payment of towing or storage charges.
- 26.2 If the proposer's (individual, partnership, or corporation) structure of officers should change in any way, the Board of Selectmen should be notified, forthwith, in writing.



## **27.0 Temporary Traffic Regulations**

- 27.1 For the purpose of trial operations, the Selectmen may make temporary rules regarding traffic or test, under actual conditions, traffic signs, signal markings or other devices. No such experimental rule relating to traffic shall remain in effect for a period which exceeds sixty (60) days, i.e. U-Turn.

**28.0 Amendments, Additions, Changes, Deletions**

- 28.1 At any time, by a majority vote of the Board, these Policies and Procedures may be amended, deleted, changed, or added thereto.
- 28.2 To allow all members to review proposed changes, all policies and procedures for consideration shall be placed as an agenda item for the Board to discuss and then placed as a subsequent agenda item for the Board to vote upon.

## **29.0 Town of Billerica Workplace Violence**

- 29.1 The Town of Billerica maintains a policy of zero tolerance regarding workplace violence, involving any of its employees, customers, the general public and/or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is free from intimidation, threats or violent acts.
- 29.2 Workplace violence includes, but is not limited to, harassment, threats, physical attack or property damage. A threat is the verbal or physical expression of perceived intent to cause emotional harm, regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional, hostile, physical contact with another person such as hitting, fighting, pushing, shoving or throwing objects. Property damage is intentional damage to property that includes property owned by the Town, its employees or others.
- 29.3 The Town of Billerica subscribes to the concept of a safe work environment and seeks to establish a workplace free of threats and/or violence. Prevention efforts shall include, but are not limited to, informing employees of this policy, educating (training) employees regarding the dangers of workplace violence, communicating sanctions imposed for violating this policy, and providing management with the lines of authority to report incidents of violence. Management personnel are encouraged to document reported incidences of violence and consider the necessity of "duty to warn" potential victims. This process can only be initiated through the Town Manager or his designee.
- 29.4 Incidents of violent behavior and or threats, whether the incidents are committed by a co-worker or non-employee, such as a customer, vendor or resident, must be reported to the Department Head. An assessment and possible investigation procedure will be implemented. The Town Manager will be notified of all reported incidents of workplace violence and/or threats. In critical incidents in which serious threats resulting in injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. At the discretion of the Town Manager the Critical Incident Team may be called upon for consultation in terms of a management response.

- 29.5 The Critical Incident Team is a management response resource for maintaining a zero tolerance policy towards workplace violence and threats of violence, including:
- Assessing potential incidents of violence
  - Determining an employee's fitness for duty (through the use of mental health professionals)
  - Developing safety planning procedures on behalf of employees and other potential victims
  - Coordinating with affected parties such as victims, families, employees, medial or law enforcement personnel
  - Providing employees appropriate assistance and referrals to resources
- 29.6 Employees reporting real or implied violent behavior or threats, who are concerned with retaliation or harassment, should confide same to their Department Head. These concerns will be taken seriously and an appropriate management response will occur. The Town Manager must be kept abreast of such concerns, investigations and decisions related to a protective response.
- 29.7 It is a violation of this policy to engage in any acts of workplace violence. Any employee who has been determined to be in violation will be subject to disciplinary action, up to and including termination, and, depending upon the violent act, may be subject to criminal sanctions.
- 29.8 Whenever the physical layout of the workspace is significantly altered, the Department/Division Manager will examine the escape routes of the work area and communicate any changes to all department/division employees. On an as-needed basis, the Department Manager may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for, or actual occurrence of, a violent incident.
- 29.9 The Town Manager, or his designee, will orient all new employees to departmental/divisional procedures regarding reporting incidents of violence and what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects (post traumatic stress) of an act of violence.
- 29.10 Should an employee become the victim of an incident of workplace violence, the Town Manager may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence, and it is determined in the investigation that the employee did, in fact, commit the violent act, she or he may be referred to EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

### **30.0 American Flag and Black Bunting Policy**

- 30.1 The Town of Billerica will display the proper size United States flag on the flag pole in the Town Center Common as well as in front of Town Hall. The flag shall be lit after dark or, removed by sunset, and in inclement weather.
- 30.2 The United States flag is to be flown at half staff per the order of the President of the United States or the Governor of the Commonwealth.
- 30.3 The following is the policy for the hanging of the black bunting on the front of Town Hall. The hanging of the black bunting shall only take place given one or more of the following circumstances:
- Death of a former or sitting local elected official (Board of Selectmen, School Committee, Town Clerk, Planning Board, etc.). Bunting displayed for ten (10) days from the date of death.
  - Death of a current employee of the Town/ School. Bunting displayed for ten (10) days from date of death.
  - Death of a former or retired employee of the Town/School. Bunting displayed for ten (10) days from date of death.
- 30.4 Any request for the hanging of bunting, which meets the above stated requirements, shall be directed to and approved by the Office of the Town Manager.

## **31.0 Town Counsel Policy**

- 31.1 Each appointment for Town Counsel or special Town Counsel shall be for a term not exceeding four (4) years. Evaluations of Town Counsel(s) shall be conducted midway through each such term. The Chairman of the Board of Selectmen shall cause such evaluations to occur and provide all reports to the full Board of Selectmen for review and appropriate action by the Board. The process for such performance evaluations shall be as follows:
- Boards, Commissions, and Committees are to review, vote, and send a performance evaluation of Town Counsel(s) to the Board of Selectmen within thirty (30) days after notification by the Chairman of the Board of Selectmen. Minority opinions, if any, shall be incorporated into such evaluations.
  - Department Managers are to send their performance evaluation of Town Counsel(s) to the Board of Selectmen within thirty (30) days after notification by the Chairman of the Board of Selectmen.
- 31.2 Criteria to be rated: An evaluation form shall be provided for any evaluation of Town Counsel(s) (Attachment C).
- 31.3 Town Counsel(s) shall provide quarterly summaries of legal activities as follows:
- Total dollars billed for “Departmental/Administrative” services to be itemized by Department;
  - Total dollars billed for “Litigation” services to be itemized by Department;
  - Status of open/pending litigation/cases to be provided by confidential memorandum in executive session, per M.G.L. Chapter 39, Section 23B (3).
- 31.4 Each February, the Board of Selectmen shall review such quarterly summaries with respective Town Counsel(s).

- 31.5 Inquiries to Town Counsel.** It shall be a policy of the Board to use the following procedure when obtaining information from Town Counsel:
1. **Access to Town Counsel.** The following will have access to Town Counsel: All five (5) members of the Board of Selectmen; the Town Manager; the Assistant Town Manager; the Town Moderator; Department Heads with the approval of the Town Manager; the Chairmen of the following with approval of the Town Manager (in the absence of the Chairman, the vice-chairman and then the secretary): Finance Committee, Planning Board and Zoning Board of Appeals
  2. If the contact is to be made by email, the Town Manager and the Chairman of the Board of Selectmen shall be copied on all inquiries to and responses from Town Counsel.
  3. In cases where any member may need to contact Town Counsel on a matter relating to the Town Manager as provided in sections one and two of this policy.
  4. In cases where a Selectman may be contacting Town Counsel on question of potential personal conflict of interest, such contact is exempt from this policy.
- 31.6.** The Board of Selectmen shall provide an up-to-date and accurate copy of the Board of Selectmen Policies and Procedures to Town Counsel.
- 31.7.** Town Counsel shall review the Policies and Procedures annually to ensure compliance with Massachusetts General Law and Town of Billerica General By-Laws.
- Any new policies shall be sent to Town Counsel after the first reading by the Board of Selectmen so that legal feedback will be received by the next meeting to be considered at the final reading of the Board of Selectmen.
  - Once approved, any new policy will be sent to the Town Counsel in its final form.

## **32.0 Water/Sewer Oversight Board**

- 32.1 Selectmen shall appoint four (4) residents to the Board:
- a. Two (2) for three year terms each (to be renewed as three year terms)
  - b. One (1) for a two year term (to be renewed as a three year term)
  - c. One (1) for a one year term (to be renewed as a three year term)
- Thus the terms of members appointed by the Selectmen will be staggered and shall be renewable;
- 32.2 The Town Manager shall appoint three (3) residents to the Board:
- a. One (1) for a three year term (to be renewed as a three year term)
  - b. One (1) for a two year term (to be renewed as a three year term)
  - c. One (1) for a one year term (to be renewed as a three year term)
- Thus the terms of members appointed by the Town Manager will be staggered and shall be renewable;
- 32.3 At least four residents shall not otherwise be associated with Billerica Water and/or Sewer operations;
- 32.4 The Oversight Board shall operate at the direction and discretion of the Board of Selectmen;
- 32.5 The Oversight Board shall review and make recommendations to the Board of Selectmen and Town Manager regarding the Water and Sewer Departments (focus of this Board shall be on infrastructure, short and long term capital improvements, etc). This Board shall not involve itself in the day-to-day operations of either the Water or Sewer Department;
- 32.6 The Oversight Board shall review both water and sewer rates making recommendations annually (at the Selectmen's first meeting in November);
- 32.7. Ex Officio Members of the Water/Sewer Oversight Board shall include:
- The Town Accountant
  - The Director of the DPW
  - The Wastewater Department Manager
  - The Water Department Manager



**33.A Town of Billerica Rules and Regulations For The Licensing and Sale of Alcoholic Beverages**

**33.A.1 LICENSING AUTHORITY**

These regulations are adopted, and may be amended from time to time by the Billerica Licensing Authority (Board of Selectmen), pursuant to the provisions of Massachusetts General Laws, Chapter 138 and Chapter 140. Any and all alcoholic beverages and common victualler licenses issued by the Board of Selectmen shall be governed by these regulations, Massachusetts General Laws, Chapter 138 and Chapter 140, and the rules and regulations of The Alcoholic Beverages Control Commission of the Commonwealth of Massachusetts, as the same may be amended from time to time.

- A. The Board of Selectmen as the licensing authority for the Town of Billerica hereby appoints The Chief of Police and any Police Officer of the rank of Sergeant or above as Authorized Agents for the purpose of implementation, enforcement and compliance of these Rules and Regulations.

**33.A.2 FILING OF APPLICATIONS**

In accordance with M.G.L., Chapter 138, Sections 15A and 16B, all license applications submitted to the Board of Selectmen must be "complete" in order to be processed by the Office of the Selectmen for action at or following a public hearing. The Office of the Selectmen has prepared a complete instruction sheet regarding the filing of applications which itemizes the information that will be required as well as the various forms that will be required as well as the various forms that will be required to be filed with the application form. In many instances, a published legal notice, paid for by the applicant, and other appropriate notice to abutters will be required to notify interested parties of the date of the public hearing. Applicants are subject to the timelines listed in M.G.L. c. 138 s. 15A and 16B. The Board of Selectmen will take final action on an application within 30 days after a completed application is filed with the Board. Applicants should allow at least fourteen (14) days for license change requests or new licenses.

Complete information regarding legal notice and notification to abutters is available at the office of the Board of Selectmen. While the office of the Board of Selectmen will assist any applicant with the filing of an application, it is not the responsibility of the office staff to complete and submit the application and related forms required by the Town and the

the sale or dispensing of alcohol. Ignorance of the said laws, rules, regulations and procedures shall not constitute a defense for procedural mistakes or illegal behavior.

Town of Billerica Applications and Rules and Regulations are available on the Town Web Site.

Applicants for renewal will sign a copy of the Rules and Regulations acknowledgement page and turn it in at the Selectman's office with the renewal application

[www.town.billerica.ma.us](http://www.town.billerica.ma.us)

All applicants will use the ABCC web site online applications.

[www.mass.gov/abcc](http://www.mass.gov/abcc)

### **33.A.3 FILING FEE**

All applicable filing fees must be paid at the time as an application is filed at the office of the Board of Selectmen. Fees will vary depending upon the type of application submitted.

Town of Billerica filing fees, if paid for by check, shall be made payable to the "Town of Billerica". Filing fees required by the Alcoholic Beverages Control Commission shall be made payable to the "Commonwealth of Massachusetts", and must be made by certified check or bank treasurer's check. Filing fees are not returnable once an application has been accepted by the office of the Board of Selectmen.

### **33.A.4 ANNUAL LICENSE FEES**

Annual license fees must be paid prior to the issuance or renewal of any license. License fees will be prorated from the date of issue for new licenses. All annual license fees are non-refundable.

### **33.A.5 COMPLIANCE WITH ALL LAWS AND REGULATIONS**

In accordance with the provisions of M.G.L., Chapter 138, all licensees shall maintain their premises and operations in full compliance with all applicable federal, state and local laws and regulations, including building codes, all health and sanitary codes, Town By-Laws and Zoning By-Laws. All taxes, assessments and charges owed to the Town of Billerica by the applicant or with respect to the licensed premises must be paid on a current basis. Failure to comply with any of these laws and regulations shall be sufficient cause for revocation, suspension or modification of the license pursuant to M.G.L. Chapter 138, Section 64.

**33.A.6**            **CORPORATE AND TRADE NAMES**

No License shall assume obligations for, or engage in the operation of, a licensed premise under any corporate or trade name other than that under which he or she is licensed. **Any change** in corporate name or any change in trade name (including any “DBA”) shall require the prior approval of the Board of Selectmen.

**33.A.7**            **CESSATION OF OPERATIONS**

In accordance with M.G.L., Chapter 138, Section 77, any licensee intending to close a licensed business, or to otherwise cease operation of a licensed business, whether on a temporary or permanent basis, must notify the Board of Selectmen in writing, before such closing or cessation of operations, stating the reason and length of such closing or cessation of operation. Failure to provide such notice may result in the modification, suspension or revocation of the license.

**33.A.8**            **BANKRUPTCY AND COURT PROCEEDINGS**

A licensee shall immediately notify the Board of Selectmen, in writing, of any proceedings brought by or against the licensee under the bankruptcy or insolvency laws or of any other court proceedings which may affect the status of the license or operation of the licensed business.

**33.A.9**            **CORPORATE TRANSACTIONS AND CHANGE OF MANAGERS**

The license shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Board of Selectmen. No person may acquire or maintain a direct or indirect beneficial interest in a license without first obtaining the approval of the Board of Selectmen, subject to the provisions of M.G.L. Chapter 138, Section 15A which states: Provisions of this section shall not apply to stockholders of a corporation whose stock is listed for sale to the general public with the Securities and Exchange Commission and who hold less than ten percent of the outstanding stock entitled to vote at the annual meeting of the said corporation.

**33.A.10**          **FORECLOSURE ON LOANS**

Assignment of stock in incorporated licensed places for the purpose of safeguarding the assignee on loans, or like matters, gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Board of Selectmen immediately when the assignee forecloses under such assignment of stock.

**33.A.11. MANAGER**

No corporation shall be approved for a license unless the corporation, by vote of its Board of Directors, has appointed a Manager who is a United States citizen and who has been vested with full authority and control of the premises and the business to be licensed. The Manager shall have total responsibility for the proper operation of the licensed premises, whether present or not. No appointment of a Manager shall be effective unless and until **approved by the Board of Selectmen.**

**33.A.12 MANAGER'S RESPONSIBILITIES**

The Manager shall at all times maintain order and decorum in the premises and in the immediately surrounding area of the premises and shall cooperate in all ways with Town officials in ensuring safe and orderly operations. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises. The Manager will ensure that noise does not become disturbing to abutters and/or neighbors.

The Board of Selectmen deems the Manager of licensed premises to be the principal representative of the licensee with respect to all operations of the licensed business. The Manger shall have full authority and control over the licensed premises and shall be responsible for the conduce of all business therein relative to alcoholic beverages as provided in General Laws, c. 138, Section 26 and these Rules and Regulations. In addition, an Assistant Manager or other suitable managerial employee capable of fulfilling the duties of Manager must be designated on all Section 12 (Restaurant) licenses by the licensee. Such designation will allow for fulfillment of the Manager's duties and responsibilities in the absence of the Manager. Should either the Manager or Assistant Manager positions become vacant during the course of the year, the licensee must file an application for Change of Manager with the Board, and in the event of an unexpected change in Manager status, notify the Board of Selectmen as soon as practicable but no less than 1 business day after such change while the licensee awaits Board approval.

Without limiting the scope of the previous provisions of this subsection, the Board will hold the Manager responsible for the following:

- a. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who engaged with the public in any capacity;
- b. Training of employees in all matters relating to the sale or service of alcoholic beverages;

- c. Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensee premises, including within any parking area on the licensed premises; Reporting any criminal activity that occurs on the licensed premises to the Police Department immediately.
- d. Immediately reporting to the Police Department all instances of attempted purchase or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and the nature of the appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confirmation of the name and address of any minor presenting a liquor identification card or motor vehicle operator's license; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
- e. Enforcement of all laws, regulations and rules relating to the operation of the licensed business.
- f. Ensuring that the licensed premises, including the exterior, are maintained in a safe, clean, neat and sanitary condition at all times.

The Manager is expected to be a full time employee of the licensee and shall be on premises consistent with the permitted hours of operation and not less than 50% of the hours of operation of the licensed business. The Manager will continue to be responsible for the operation of the business whether he or she is on the premises.

Failure of the Manager to comply with these Rules and Regulations or to otherwise properly discharge the duties of Manager may result in removal of the Manager or suspension or revocation of the license by the Board of Selectmen, as it may deem appropriate

### **33.A.13**

#### **SERVICE PROHIBITED TO CERTAIN INDIVIDUAL**

In accordance with M.G.L., Chapter 138, Sections 34A and 34C, no alcoholic beverages shall be sold to anyone under twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one (21) years of age. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person.

**33.A.14**

**IDENTIFICATION CARDS**

In accordance with M.G.L., Chapter 138, Section 34B, any licensee who reasonably relies on a 1) MA driver's license, 2) MA liquor ID card, 3) Valid passport issued by the U.S. or foreign government recognized by the U.S. or 4) a valid military ID or 5) a valid U.S. Passport ID card for proof of a person's identity and proof of age shall be presumed to have exercised due care in making a delivery or sale of alcoholic beverages to a person under twenty-one years of age and shall have a defense to said charge. A licensee acts at his or her own risk if the licensee or any employee or agent thereof accepts any other type of proof of identification. In the interest of assuring full compliance with all statutes, regulations and rules relating to the sale and service of alcoholic beverages, the Board of Selectmen strongly recommends that all purveyors, sellers and servers of alcoholic beverages request that every customer or patron served an alcoholic beverage display a valid form of identification. As noted in Section 17 of these Rules and Regulations, the failure to request a valid form of identification from a customer or patron shall be deemed an aggravating factor by the Board in the determination of penalties for breach of any statute, regulation, rule or license term/condition relating to the sale or service of alcoholic beverages.

**33.A.15**

**DISCRIMINATION PROHIBITED**

No licensee shall make any distinction, discrimination or restriction on account of race, color, creed, sex, sexual orientation or ancestry relative to the admission or treatment of any person.

**33.A.16**

**EMPLOYEES OF THE LICENSEE**

An up-to-date list of all employees shall be available on the licensed premises at all times for review by authorized agents of the Board of Selectmen and the Chief of Police or his designee. The list shall include contractors, entertainers or promoters working on the premises.

- a. Employees working at a licensed premise must comply with the requirements of MGL c. 138, and any other applicable State or Town law, Bylaw, rule or regulation.
- b. All employees serving alcohol to the public are required to have successfully completed an alcoholic beverage server training program, which has been approved by the Town. This shall include the Manager, Assistant Manager, and persons responsible for viewing identification cards to determine the age of patrons for service of alcohol. Managers and Assistant Managers shall be certified prior to assuming the duties of Manager or Assistant Manager. All alcohol servers are strongly encouraged to attend periodic retraining programs at least bi-annually that reinforce their

- c. certification training. Records of retraining shall be submitted to the Billerica Police Department annually in December, and will be kept on file. The retraining programs underscore the importance of proper server training to minimize the dangers associated with alcohol abuse on a licensed premise.

**33.A.17      SUSPENSION, REVOCATION, OR MODIFICATION OF LICENSE**

In accordance with M.G.L., Chapter 138, Sections 23 and 64, all licenses are subject to suspension, revocation or modification for breach of any conditions thereof, regulations or laws of the Town or Commonwealth. The Board of Selectmen reserves the right to modify or supplement any license conditions or any regulations pertaining thereto after notice to the licensee.

Any violations of the rules and regulations of the Town of Billerica, of the Selectmen or the Commonwealth of Massachusetts regarding the sale or service of alcoholic beverages may result in a warning, suspension, modification or revocation of a license, as the Board shall deem appropriate. Any complaints and/or reports relative to any licensed premises presently on file shall continue in full force until disposed of by this Board.

**Determination of Penalties**

The Board shall endeavor to be fair and judicious in the determination of penalties imposed for violations of the terms and conditions of licenses. Penalties shall be progressive in nature, and may, in the discretion of the Board, be increased or decreased based on certain aggravating or mitigating factors, but not limited to, the following:

**Aggravating factors**

1. Failure to request a proper identification card, operator's license or passport.
2. Juvenile appearance of purchaser.
3. Use/acceptance of altered identification
4. Failure/refusal of licensee to cooperate in investigation
5. Multiple sales on the same occasion
6. Quantity of beverage sold
7. Staff not adequately trained
8. Under-age server
9. Illegal conduct on premises, such as prostitution, solicitation, drugs, gambling, disorderly conduct, cigarette sales to minor.
10. Concealing violation.
11. Furnishing false information to investigator.
12. Exceeding lawful capacity of premises.
13. Intimidating or coercing witnesses, or attempting to do so.

14. Offense occurring while under suspension of prior penalty.
15. Sale occurring while license suspended.
16. The occurrence of any personal injuries or fatalities related to the underlying violation.

### **Mitigating factors**

1. Reasonable reliance upon a identification card or operator's license for proof of identity or age. (M.G.L. ch. 138 Section 34B)
2. Acceptance of responsibility by license as evidenced by;
  - Substantial and voluntary assistance offered in investigation.
  - Public acknowledgement of responsibility.
  - Agreement to participate in training program by licensee, manager, and servers.
  - Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.
  - Licensee agreement to participate in an effective program to detect and prevent future offenses.
  - Age of past violations (beyond 7 years).

### **Suggested Penalty Guideline**

The following penalties represent guidelines for the minimum action to be taken by the Board of Selectmen for violations of the laws, rules and regulations relating to the sale or serving of alcoholic beverages. They do not preclude the Board from taking such further or additional action as the specific circumstances and merits of each case may warrant. Suspensions of licenses shall take place on consecutive days, unless other timeframes are specifically designated by the Board.

- 1<sup>st</sup> Violation: Letter of reprimand/Warning to 5 day suspension
- 2<sup>nd</sup> Violation: 5 days to 10 days suspension
- 3<sup>rd</sup> Violation: 10 days to 30 days suspension, with revocation considered in aggravated circumstances
- 4<sup>th</sup> Violation: Revocation or Termination of License

### **Misconduct related to an underlying Violation**

For instances of violations based on sale to a minor, the Board will impose no less than a suspension as a penalty.

While the Board will endeavor to impose penalties upon licensees in a manner consistent with these regulations, where exigent or special circumstances warrant, such as a violation of these regulations resulting in serious personal injury or death, the Board reserves the right to immediately order a full hearing, provide licensee and other affected



parties an opportunity to present evidence, and to revoke a license where the evidence warrants a revocation.

**33.A.18      DISPLAY OF LICENSES AND PERMITS**

All licenses and permits issued by the Town shall be displayed on the premises in a conspicuous place where the public has access and may read the license/permit. A copy of these Rules and Regulations will be issued to all licensees by the Board and shall be made available on the premises for inspection.

**33.A.19      HOURS OF OPERATION (SEE HOURS OF OPERATION UPON THE LICENSE)**

In accordance with M.G.L., Chapter 138, Section 12, Paragraph 6, the hours of operation of the licensed business shall be restricted to those set by the Board of Selectmen. No patrons shall be on the premises before the official opening hour or beyond fifteen minutes after the official closing hour. Customers must be up and on the way out of the premises once the closing hour of the licensed premises has been reached. Furthermore, with respect to all Section 12 licenses with authorized hours past 11:00 P.M., the last sale of alcohol will be made no later than thirty minutes prior to closing time. All tables and bar must be cleared of all glasses, bottles, and containers of alcoholic beverages within fifteen minutes of closing time.

**33.A.20      EMPLOYEES ON PREMISES AFTER CLOSING HOURS**

In accordance with M.G.L., Chapter 138, Section 12, owners and employees must be off the premises no later than sixty (60) minutes after the "Official Closing Hour", provided, however, that such owners and employees or other hired personnel may remain on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day's business or opening or closing the business in an orderly manner.

If it is necessary to have workers other than employees on the premises after hours, or if it is necessary for the owners or employees to be on the premises beyond sixty (60) minutes after the closing hour, **the Manager must contact the Billerica Police Department's Commanding Officer** and state the reason for occupying the premises, the number of people on the premises, as well as the approximate hours they will be on the premises. Failure to provide such notice shall be cause for action against the licensee.

**33.A.21**      **ACCESS TO PREMISES BY POLICE AND AGENTS**

In accordance with M.G.L., Chapter 138, Section 63A, the licensee shall ensure that procedures are in place, be it by posting a person or otherwise, to allow Police and authorized agents of the Board of Selectmen immediate access to the premises at anytime employees are on the premises. Any delay in providing such access shall be cause for action against the licensee.

**33.A.22**      **INSPECTION OF PREMISES**

In accordance with M.G.L., Chapter 138, Sections 63 and 63A, the licensed premises shall be subject to inspection by the members of the Board of Selectmen or duly authorized agents of the Board of Selectmen. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the licensee.

**33.A.23**      **PREMISES DESCRIPTION - INTERNAL AND EXTERNAL ALTERATIONS**

In accordance with M.G.L., Chapter 138, Sections 12 and 15A, no licensee shall keep for sale, store, or sell alcoholic beverages in any part of the premises not specified on the license, or any plans filed with respect thereto, such as a patio, sidewalk or parking lot. No physical changes to the interior or exterior of the premises shall be made without the prior approval of the Board of Selectmen. Any changes to the original plans Alcohol must be approved by the Board of Selectmen prior to any work commencing in accordance therewith. Changes to the premises must be approved by the Board of Selectmen and any other Board or Commission having jurisdiction.

**33.A.24**      **REFUSE REMOVAL**

No licensee shall allow refuse generated at the premises to be collected by any contractor between the hours of 11:00 p.m. and 7:00 a.m. On Sundays and legal holidays, no such collection shall be allowed prior to 10:00 a.m. nor after 10:00 p.m. Refuse shall be removed to prevent any nuisance conditions. All refuse shall be stored in a dumpster or in such other manner as approved by the Billerica Board of Health, and shall be maintained in accordance with the regulations and conditions of the Billerica Board of Health. Any rules and regulations of the Billerica Board of Health relative to refuse storage and removal may supersede or supplement this Regulation.

**33.A.25**            **FOOD SERVICE REQUIRED**

Licenses issued under Massachusetts General Laws, Chapter 138, Section 1 and Section 12, which are restaurant licenses, may be issued only to those who have been granted a common victualler license under Massachusetts General Laws, Chapter 140. These two sections also apply to holders of Innholder licenses. Common vicutallers must have adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other-patrons as required by Massachusetts General Laws, Chapter 138 and Chapter 140.

**33.A.26**            **SERVICE LIMITED TO APPROVED AREAS**

The service and consumption of alcoholic beverages shall be limited to those areas of the premises approved by the Board of Selectmen. No alcoholic beverages shall be served or consumed in any areas of the premises which are not within the original approved description of the premises, or any approved amendment thereof. Proposed new areas must be shown on plans submitted to the Board of Selectmen and all other Town Boards/Departments with jurisdiction for approval.

**33.A.27**            **SERVICE LIMITED TO FOOD SERVICE AREAS OR APPROVED LOUNGE**

Food service shall be available in all areas of the licensed premises where alcoholic beverages are served, including dining areas and lounge areas. This does not include any area approved as a waiting area by the Board of Selectmen. Within approved waiting areas, individuals who have given their name to the maitre d' and are waiting to be seated for dining may be served no more than two standard sized drinks, upon approval by the Board of Selectmen.

**33.A.28**            **CONSUMPTION ON PREMISES**

In accordance with applicable provisions of M.G.L., Chapter 138, all alcoholic beverages shall be served in open containers and no such beverage shall be allowed to be removed from the premises. No patron or customer shall be allowed to bring alcoholic or wine or malt beverages on the premises for the purpose of consumption on the premises. **For off premises sales establishments no alcoholic beverages shall be sold to be drunk on the premises, except for wine and beer tasting.**

**33.A.29**      **SERVING CONTAINERS**

No alcoholic beverages, with the exception of wine and specialty drinks, shall be served in any container or glass, the capacity of which is in excess of twenty three (23) fluid ounces. Sale or service of malt beverages, beer, or ale in pitchers is allowed only to groupings of two or more patrons.

**33.A.30**      **SERVER TRAINING - FOR MANAGERS AND OTHERS**

In accordance with M.G.L., Chapter 138, Section 12, the manager shall have successfully completed an alcoholic beverage server training program such as the Intervention Procedures by Servers of Alcohol Programs (Approved server training program), or its equivalent, prior to is/her appointment. Certificate of proof that the manager has completed the approved server training program shall be provided to the Board of Selectmen when applying for a new license, change of manager or renewal of license. Such training shall be required for all bartenders at all establishments with a bar. All other employees who serve alcoholic beverages shall receive, at a minimum, in-house training similar to that received under the TIPS program, approved by the Board of Selectmen, the Police Chief or his designee. Note: Online courses are not authorized; physical attendance at an approved course is required.

**33.A.31**      **VERIFICATION OF SERVER TRAINING**

Verification for "Server Training" shall be maintained for each employee and shall be available for inspection on the premises at all times. Verifications shall be submitted each year with the license renewal application.

**33.A.32**      **ENTERTAINMENT**

In accordance with M.G.L., Chapter 140, Section 83 and Chapter 138, Section 54 and ABCC, 204 CMR, 2.05 (2), and other applicable laws, Bylaws and regulations, no forms of entertainment, including, but not limited to, live music or dancing, shall be allowed without first obtaining an entertainment license for weekdays, Saturday and/or Sunday. This includes the use of amplified music, inside or outside the premises.

**33.A.33**      **COIN-OPERATED AUTOMATIC AMUSEMENT MACHINES**

No licensee may have upon the premises any automatic amusement machine unless same has been approved and licensed by the Town of Billerica. Types of machines and location of machines upon the premises, must be approved. Name and serial number of machines must be provided to the Board of Selectmen. The licensee must make application, not the distributor, under Massachusetts General Laws, Chapter 140, Section 177A.

Billiard/Pool tables must be licensed by the Board of Selectmen and requires an advertised public hearing with notification to abutters.

**33.A.34      ANNUAL FINANCIAL REPORTS - RESTAURANTS**

All holders of restaurant licenses under Chapter 138, Section 12, shall furnish an annual report indicating the percentage of gross sales of food and gross sales for alcoholic beverages for the preceding calendar year.

**33.A.35      EXTENSION OF HOURS REQUESTS**

In order for an establishment to be considered for a 2:00 a.m. closing, a written request must be received by the Board of Selectmen *no less than ten (10) days prior to the next regularly scheduled Board of Selectmen's meeting*. Requests received after this date will not be considered until the next regularly scheduled meeting occurring more than 10 days after the receipt of the request.

**33.A.36      DELIVERY OFF PREMISES – MALT BEVERAGES/KEGS**

A written record shall be maintained listing the name and address of every person whom a delivery of one or more keg(s) or any fraction of a keg of malt beverages is made outside of the premises. Such record shall include the amount of the beverages that were delivered, the date and time of delivery, and the signature of the person receiving the delivery. Such records shall be maintained for a period of not less than one year and must be available for inspection by the Board of Selectmen and its agents at all times.

**33.A.37      ONE DAY SPECIAL LICENSE**

A One Day Special License for the sale of wines and/or malt beverages may be issued to a responsible Manager of any indoor or outdoor activity or enterprise (for profit or non profit). One Day Special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only. No person may be granted licenses for more than a total of thirty (30) days per calendar year and no special license will be granted to any person while his/her application for an annual license is pending before the licensing authorities.

No more than one license can be issued for a premise at one time. Therefore, a Special License can not be issued for use in a licensed premise.

**Any request for a Special License must be received by the Board of Selectmen no less than ten (10) days prior to the next regularly scheduled Board of Selectmen's meeting.**

**33.A.38      SEPARABILITY**

All provisions of these regulations are hereby declared to be separable. In the event that any provision herein shall be deemed to be invalid or unenforceable by any court or authority with appropriate jurisdiction, all remaining provisions shall continue in full force and effect.



**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

**RULES AND REGULATIONS ACKNOWLEDGEMENT FORM**

**This Form MUST Be Submitted during the Yearly Renewal Process**

**Name:** \_\_\_\_\_  
**Name of  
Establishment:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
Billerica, MA  
**Signature:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

I am the Manager or duly authorized designee of the above listed establishment and I hereby certify that I have read and understand the Town of Billerica Rules and Regulations for the Licensing and Sale of Alcoholic Beverages.

**34.0 Policy for Priority Development Site Chapter 43D Projects**

34.1 It is the policy of the Town of Billerica to insure that final decisions on required permits for development for Priority Development Sites (PDS) designated under Massachusetts General Laws, Chapter 43D, shall be made within 180 days of the submission of a complete application to the permitting authority. In order to meet this goal, the following time frame and procedures shall be adopted by all permitting departments, Boards and Commissions.

**34.2 PERMITTING PROCEDURES**

After the approval of a PDS by the Interagency Permitting Board, and upon the request for a pre-application staff meeting from the property owner and/or the developer, the following steps shall be implemented:

TIMEFRAME	ACTION	RESPONSIBLE PARTY	NOTES
2 Weeks	Set up and conduct pre-application meeting.	Economic Development Coordinator (EDC) <sup>1</sup>	Mandatory staff attendance.
2 Weeks	Schedule all necessary meetings between applicant and individual staff.	Economic Development Coordinator	Should be held after pre-application meeting. Joint meeting with staff members/agencies is encouraged.
2 Weeks	Compile and circulate a list of anticipated permits to all staff.	Director of Planning	Local and state permits; and, if known, any federal permits.
1 Week	Return comments on the necessity and/or applicability of permits to Director of Planning.	All permitting staff	Must be completed before second pre-application meeting.
3 Weeks	Set up and conduct meeting with state permitting agency representatives	Economic Development Coordinator	State agency representatives to be invited to attend through Interagency Permitting Board.

<sup>1</sup> Until an Economic Development Coordinator position is filled, the Director of Planning shall be the designated point-of-contact person for PDS projects.



3 Weeks	If necessary, set up and conduct second pre-application meeting.	Economic Development Coordinator	Meet after initial meeting between staff and applicant.
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Timeframes are not mutually exclusive. For example, items 3 & 4 can be ongoing during the time frame that item 2 is taking place.

Under the Chapter 43D program, concurrent land use applications to the permitting authorities are required.

2. After permit applications are filed:

TIMEFRAME	ACTION	RESPONSIBLE PARTY	NOTES
1 Week	Applications reviewed for completeness. Send any application that must be sent to another agency. (e.g. NOI to DEP)	Permitting staff	Cooperation and communication among staff is critical.
1 Week	Certification of completeness of applications. (180-day clock begins)	ALL Permitting Authorities; When Permitting Authority certifies completeness, the filing application date will be considered the start of 180 day clock.	Permitting staff to notify the Economic Development Coordinator as soon as possible after submission.
2 Weeks	Set up and conduct post application submission meeting	Economic Development Coordinator	Opportunity to identify potential conflict areas.
	Place applications on board and commission agendas/advertise public hearing.	Permitting staff	All statutory timeframes and Open Meeting Law requirements must be met
1 Week prior to board and commission meetings	Staff comments to boards and commissions	Permitting staff	Board members need timely input from staff in order to meet timeframe.

From the date that applications are certified as complete, the Town of Billerica must make a decision on all permits

within 180 days. (This does not include building permits, ANR Plans or subdivisions.)

Timeframes are not mutually exclusive. For example, items 1, 2 & 3 can be ongoing during the time frame that item 1 is taking place.

3. After Local Boards and Commissions Open Public Hearings:

TIMEFRAME	ACTION	RESPONSIBLE PARTY	NOTES
One meeting before the required close of public hearing.	If necessary or Board/Commission policy, issue draft decision.	Approval Authority	Any and all revised plans to be sent to all Boards and Commissions involved in permit approval.
As dictated by statute	Close Public Hearing.	Approval Authority	
No later than 180 days after submission of a complete application.	Render final decision	Approval Authority	FALLURE TO ISSUE A FINAL DECISION RESULTS IN A DE FACTO APPROVAL

4. After local approvals are granted by Boards and Commissions, the applicant should meet with the Inspector of Buildings to discuss necessary steps to obtain building permits. This should be done as soon as possible and may be undertaken while the appeals period is ongoing. The applicant should also be meeting with any town departments involved with issuing permits not under the Inspector of Buildings jurisdiction, such as the Department of Public Works for a street opening permit.

As soon as the appeal periods have expired, plans should be recorded as statutorily required. To the extent possible, the applicant should obtain any necessary state and/or federal permits at the same time or as soon as possible after local permits are issued.

## **35.0 INVESTMENT POLICY**

### **Article I.**

#### ***I. OBJECTIVE***

The purpose of this investment policy is to set general guidelines for the investment of the Town of Billerica's available General, Special Revenue and Capital Projects Funds in a manner that ensures the following: the preservation of capital of the overall portfolio through diversification and prudent selection of investment instruments; sufficient liquidity to meet all operating and debt service requirements; attaining a market average rate of return throughout budgetary and economic cycles, taking into account the legal requirements detailed below and the cash flow characteristics of the portfolio.

#### ***II. DELEGATION OF AUTHORITY***

In accordance with Massachusetts General Laws Chapter 44, Sections 54 (trust funds) and 55 (other public funds), the investment of the Town funds is the responsibility of the Treasurer. The Treasurer shall make all decisions regarding the management of the Town's investment program, subject to the restrictions set forth in said statutes.

#### **III. LEGAL REQUIREMENTS**

Massachusetts General Laws Chapter 44 Section 55B requires that all funds of the Town which are not required to be kept liquid for purposes of distribution, shall be invested in such a manner as to require payment of interest on the money at the highest possible rate reasonably available, taking into account the three principles of government investment: safety – liquidity – yield. Chapter 44 Section 55 limits the investment options for municipal Treasurer's to the following:

- Certificate of Deposit with a maturity of less than one year, issued by commercial banks, mutual savings banks, savings & loans and cooperative banks;
- Money Market Deposit Account from commercial banks, mutual savings banks, savings & loans and cooperative banks;

- Repurchase Agreement with a maturity of less than 90 days, issued by a bank and secured by a U.S. Government or Agency obligation;

Pooled Investment Fund operated under the authority of the State Treasurer;

- U.S. Treasury instruments or U.S. Government Agency obligation with a maturity of less than one year;
- Money Market Mutual Funds registered with the SEC must be “AAA” rated from one nationally recognized rating organization (Moody’s, S&P, Fitch, etc.).

Chapter 44, Section 55A provides that a municipal Treasurer receiving public money who, lawfully and in good faith and in the exercise of due care, deposits the same in a savings bank or trust company organized under the laws of the Commonwealth, on paid-up shares and accounts of and in cooperative banks, a banking company organized under the laws of the Commonwealth which is a member of the Federal Deposit Insurance Corporation, or in a national bank doing business in the Commonwealth or in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine cannot be held personally liable to a city or town for loss of said money due to the closing of any such depository for the liquidation of its affairs. This provision effectively precludes the use of out of state banks for municipal investment purposes.

#### IV. INVESTING GUIDELINES

- Safety is the foremost objective of the investment policy.
- Credit Risk may be mitigated by limiting the investments to the safest types of securities and by investing in banks in accordance with the aforementioned policy
- The Town will maintain liquidity in its operating funds by limiting the investments in shorter term securities to 90 days or less
- Trust funds will be invested in accordance with Chapter 44 Section 54 of the Massachusetts General Laws
- Diversification – The Town of Billerica will diversify its investments by security type and institution. With the exception of U.S. Treasury securities or U.S. Government Agency funds and the State Treasurer’s investment pools, no more than 75% of the Town’s total investment portfolio, excluding U.S. obligations and Government Agency Funds will be deposited with a single financial institution.
- Selection of banks for investments – It is the responsibility of the Treasurer to assess the financial condition of the banks that the Town of Billerica invests with. This is achieved by the review of bank rating guides, review of Banks’ Reports of Financial Condition and annual discussions with the banks regarding their financial position. The Town will only invest in banks with a VERIBANC rating of green light. The Town will divest its money from banks that fall below the green light rating. Primary emphasis will be placed on a bank’s capital

- adequacy, loan quality and profitability before determining suitability for Town investments. Consistent with Chapter 44, Section 55 of the Massachusetts General Laws, the Town will not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the institution's total equity presented on the institution's annual audited financial statements. In addition, it is the Town's policy that at no time shall any single bank or bank holding company, hold in excess of 75% of the Treasurer's cash balance for more than three consecutive days.
- Investment Size & Collateralization – The amount of available funds that the Town of Billerica has in its possession at any one time makes it impractical to invest in banks and maintain the advantage of FDIC insurance. Most of the Town's Certificates of Deposit are purchased in \$1,000,000 blocks in order to take advantage of higher rates. Currently, Massachusetts is one of only four states that have no legal requirement for collateralizing public deposits. Legislation is currently pending to require collateralization. Until adoption of such legislation, the Treasurer will provide as much security as possible for the Town of Billerica's bank investments through the prudent selection process described above. Preference will be given to banks that offer DIF insurance or collateralized deposits so long as the banks provide a comparable yield on investments.

Utilization of State Treasurer's Investment Pool – The Massachusetts Municipal Depository Trust (MMDT) combines the funds of Massachusetts public units and invests on their behalf in short term instruments of U.S. Treasury and Government Agencies and large corporations and financial institutions, thus offering investors (such as the Town of Billerica) the opportunity to earn higher yields through a professionally managed fund. Since its inception, the State Treasurer has employed Fidelity Investments as the Fund's manager. It is recognized that these investments are neither fully collateralized nor backed by the good full faith and credit of the Commonwealth of Massachusetts. However, there is a high degree of safety as a result of the pool's use of: delivery versus payment for many of their securities; utilization of full disclosure to ensure that investing officials are aware of significant investment and administrative policies, practices and restrictions; collateralization of all repurchase agreements; the application of FDIC pass through insurance; and limiting investments to high quality marketable securities as defined in the enabling legislation. This degree of safety is recognized by the Government Accounting Standard Board in its qualification of state investment pools in financial statements.

The Town of Billerica will continue to utilize this highly liquid, comparatively safe instrument as an integral part of its overall investment strategy contingent upon the competitiveness of its yield.

- Third Party Custody – For the custody of some book entry U.S. Treasury and Government Agency securities purchased by the Town, collateral for any repurchase agreements that the Town may enter into and collateral against any bank investments the Town may require, a custody account may be established in the name of the Town of Billerica in a trust company to receive and hold such securities.
- U.S. Treasury and Government Agency Securities – The Town will utilize these securities for reasons of diversification and security. Treasury securities will be purchased either at auction or through the secondary market. Agency securities will only be purchased through the registered dealers. The definition of Agency securities will include instrumentalities, but will be limited to Discount Notes and Variable Rate Notes. Coupon Securities may be purchased on the secondary market as long as the remaining maturity is less than one year.
- Repurchase Agreements – Repurchase agreements will be used only on a limited basis for durations of less than 90 days. Except in the case of overnight repurchase agreements used for the investment of available float in one of the Town’s operating accounts, any agreement entered into by the Town will be on a delivery versus payment basis and in the format of Public Securities Association Master Repurchase Agreement. Collateral will be in the form of U.S. Treasury or Government Agency securities delivered to the Town’s third party custodian.

**Voted and Approved this 4<sup>th</sup> Day of April, 2011**

_____	_____
	<b>Town Manager</b>
_____	
_____	_____
	<b>Town Treasurer</b>
_____	_____
<b>Selectmen</b>	<b>Town Accountant</b>

## **36.0 Water Conservation Fund**

### **Establishment of Water Conservation Fund**

The Annual Spring 2010 Town Meeting approved Article 28, authorizing the Board of Selectmen to file a Home Rule Petition to the State Legislature to allow the Town of Billerica to establish the “Billerica Water Conservation Fund”.

The Home Rule Petition was approved by the State Legislature and signed by the Governor in December 2010 authorizing the Town to establish The Billerica Water Conservation Fund.

The Billerica Water Conservation Fund seeks to mitigate the demand on the Town Water supply, resulting from new development and residential additions, by encouraging the use of water efficient appliances.

The Billerica Water Conservation Fund Policy and Guidelines which follow may be adjusted annually and will be incorporated into the Town’s Water Regulations.

### **Billerica Water Conservation Fund Policy**

#### **Goal**

It is the goal of the Town of Billerica to encourage all water users in the town to conserve water. In doing so, the Town will work to achieve the goals established by the Department of Environmental Protection in their guidance document: “Guidance Document for Water Management Permitting Policy” effective January 17, 2006.

Those goals include:

- a. A residential water use rate of approximately 65 gallons per capita per day which is based upon the level of stress on the Concord River.
- b. An “Unaccounted for Water” (UAW) level of approximately 10% based upon the level of stress on the Concord River
- c. A reduction in non-essential water use.

#### **Policy**

Effective Tuesday May 3, 2011 , all new development within the Town will be required to achieve the following water conservation thresholds. These requirements will apply to all commercial and industrial development, new residential housing and the addition of new bedrooms to existing housing. Conservation measures will apply to new and expanded municipal buildings but the conservation fee will not be assessed.

This policy will minimize the increase in daily water demand by requiring a one-time, conservation fee for said developments.

Conservation fees will be assessed for the addition of bedrooms only when they are accompanied by the addition of a new bathroom. In such cases, the fee will be calculated on a 65 gallon per day per bedroom fee. The fee may be waived however if the owner agrees to replace an existing toilet and washing machine with approved water conservation units.

replace existing conventional toilets, and washing machines with qualified water efficient toilets and washing machines. In doing so, over time, the increased demand created by the addition will be eradicated by the lower demand appliances.

### **Conservation Measures within New Developments**

- 1) All new residential developments articulated in this policy will be required to meet daily water use of 65 gallons per capita per day by implementing the following water conservation actions within the new development:
  - a) Installing USEPA Energy Star rated faucets, shower heads, toilets, dishwashers and washing machines in all parts of the development, including common areas. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.
  - b) Maximizing the use of low water-use plants, maximize the use of low water demand planting and using, where possible, drip irrigation systems in place of conventional sprinklers for all landscaping within the development. The use of low water demand landscaping and irrigation systems shall be documented in submittals to the Town.
  - c) Equipping all automatic lawn watering systems with an adjustable timing device, a moisture sensing device and an approved backflow prevention device.
- 2) All new commercial and industrial developments will be required to conserve water by:
  - a) Installing Energy Star rated faucets, shower heads and toilets for employees and patrons. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.
  - b) Installing similar, conservation rated devices for commercial dishwashers and washing machines. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.



- c) Maximizing the use of low water use plants, minimizing the use of high water demand lawn areas and installing where possible drip irrigation systems in lieu of conventional sprinklers in all landscaping within the development. The use of low water demand landscaping and irrigation systems shall be documented in submittals to the Department of Public Works and the Building Department.
  - d) Equipping all automatic lawn watering systems with an adjustable timing device, a moisture sensing device and an approved backflow prevention device.
- 3) All new developments will be required to comply with all water conservation restrictions that from time to time may be declared by the Town.

### **Conservation Fee**

All qualifying new developments in the Policy will be required to make a one-time payment to the Town's Conservation Fund prior to receiving a building permit. The calculation of the amount of the fee shall be based upon the following:

- A) New residential or commercial developments will submit to the Town an estimate of the average daily water demand for the new development. The calculation shall be based upon reasonable estimates of usage within the development. If reasonable estimates cannot be agreed upon between the Town and the proponent, title 5 shall apply.
- B) The conservation fee shall be paid in full to the Town prior to the Town issuing a building permit.

### **Implementation**

As part of the development review process, the applicant will meet with relevant Town Departments to review the developer's plans to install Energy Star rated devices within the new development and to determine the amount of the fee.

The Town shall apply all water conservation fees to the "Water Conservation Fund". The Conservation Fund will be used for:

- Public Outreach and Education for Water Conservation
- Reimbursement for Energy Star rated toilet and/or washing machine – over and above the cost of a non-Energy Star rated appliance - to the owner of record who installs qualified appliances. Reimbursement to residents will be made from the fund as available.
- For purposes of the Water Conservation Fund Program, the owner of record shall be defined as: the owner of record listed on the Town's Real Estate Tax Records

- The cost of Energy Star rated toilets, urinals and wash machines for use in public buildings. The installation of an Energy Star rated toilet, urinals and washing machines must be verified by the Plumbing Inspector.
- Administrative costs of the Water Conservation Fee Program.
- Other Water Conservation purposes as recommended by the Director of Public Works and approved by the Town Manager, Board of Selectmen and Town Meeting

### **Modifications**

This policy may be modified from time to time by a vote of the Board of Selectmen on the recommendation of the Town Manager, Water Conservation Committee and Director of Public Works.

### **Water Conservation Fee:**

The water Conservation Fee shall be \$4.75/Gallon. See calculation as shown on attachment A.

## **Water Conservation Rebate Program**

### **Who qualifies for a Rebate**

- 1) Any Billerica water customer who is in good standing with the Treasurers Office and is the owner of the property where the fixtures will be changed-out; tenants only with written permission of the owner.
- 2) These rebates apply to retrofitting existing fixtures; it does not apply to new construction or additions.
- 3) This program will be in effect while funds are available and to the extent funds are available. Qualified applications will be prioritized on a “first come first served” basis.
- 4) If changing out more than three fixtures pre-approval of the rebate for the additional fixtures must be obtained from Director of Public Works or his designee.

### **Eligible Rebates**

*Toilet* – (\$100 ea.)

Qualifying toilets must be WaterSense certified High Efficiency toilets.

*Urinals* – (\$25 ea.)

Qualifying urinals must be WaterSense certified High Efficiency urinals.

*Washing Machines* – (\$225 ea.)

Eligible washing machines must be ENERGY STAR WaterSense certified High Efficiency.

### **How to apply for rebates**

- 1) Complete rebate form and submit it to the Town's Water Billing Office., located at 365 Boston Road, Billerica.
- 2) You **MUST** attach to the application form an original unaltered sales receipt showing the make, model, and date of purchase. If submitting an ENERGY STAR rebate, attach the yellow ENERGY STAR label with the application.
- 3) An appointment will be scheduled to confirm the installation.
- 4) Applications must be submitted within 90 days of purchase *and* rebates will be processed in order received as funds are available.

### **How rebates are processed.**

- 1) Rebates will be applied to the water account of the building where the fixture was changed.
- 2) Where a common meter is used for multiple owners a check may be issued to the specific owner who has changed fixtures in his or her unit if this reimbursement arrangement is requested at the time of application for rebate.

*Attachment A*  
*Calculation for Water Conservation Fee*

3 Bedroom Home (Water Conservation Fee) using 65 gallons per bedroom

3 X 65 Gallons per day = 195 gallons per day  
195 gpd X 365 days per year = 71,175 gallons per year

Saving 50% by replacing washing machines = 35,587 gallons  
Saving 50% by replacing toilet bowls = 35,587 gallons

Based on average use using industry standards:  
New water conserving Toilets annual gallons saved =9,709 gallons  
per year  
New water conserving Washing machines annual gallons saved =7,458 gallons per year

Number of toilets needed replacement to offset saving

$\frac{35,587 \text{ (25\% annual gallons of water requested)}}{9709 \text{ (annual gallons water the toilet unit conserve)}}$  =3.7 toilet units

3.7 X \$100.00 (25% estimated unit cost) = \$ 370

Number of washing machines needed replacement to offset saving

$\frac{35,587 \text{ (25\% annual gallons of water requested)}}{7,450 \text{ (annual gallons water the washing machine unit conserve)}}$  = 4.8 washing machines

4.8 X \$225.00 (25% estimated unit cost) = \$1,200

The Water Conservation Fee for One Single Family Home (3 bedrooms at 65 gallons per bedroom) = \$370+\$1,270=\$1,570

Average per gallon \$1,570 / 195 g = \$8.05/g  
Use ratio 65/110 x \$8.05 = \$4.75

Water Conservation Fee \$4.75 per gallon

**37.0 FRAUD RISK ASSESSMENT POLICY**



**Fraud Risk Assessment Policy**  
**For the**  
**Town of Billerica, Massachusetts**

- 37.1 The Town Accountant will coordinate the policy.
- 37.2 Any instances of fraud found by employees or residents will be reported to the Town Accountant via e-mail at [pwatson@town.billerica.ma.us](mailto:pwatson@town.billerica.ma.us) or by phone at (978) 671-0923.
- 37.3 The Town’s outside auditor, at the direction of the Board of Selectmen, will review the work of the Town Accountant relative to fraud risks assessment as part of its annual audit.
- 37.4 An anonymous tip line will be set up and monitored by the Town Accountant.
- 37.5 The Town Accountant will meet with departments on an ongoing basis to identify fraud risks and evaluate controls to mitigate those risks.
- 37.6 These meetings will be documented and maintained by the Town Accountant. The documents will be available for review by the Town’s chosen outside auditor.
- 37.7 Any Fraud reported to the Town Accountant will be addressed and reported to the Board of Selectmen via the Town Manager.

The attached addendum will serve as a guideline for evaluation and documentation.

Voted and Approved this \_\_\_\_\_ Day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Town Treasurer

\_\_\_\_\_  
Selectmen

\_\_\_\_\_  
Town Accountant

### **38.0 Prospective Tax Title – Sale Procedure**

1. Establish list of properties to be placed up for sale.
2. Verify assessments and total book value to determine minimum bid.
3. Draw up notice listing properties for sale, their location, area, assessor's plate and parcel, minimum bid, and other sale stipulations such as deed restrictions to prohibit building structures for human habitation or business use, per Article III Section 6 of the General by Laws. Time and location of auction shall be listed in the notice.
4. Send notice to: abutters, requesters, individuals who have requested notification and by registered mail to the last known owner.
5. Place advertisement (notice) in newspaper for at least fourteen days before the auction date.
6. Post the notice in at least two locations in town.
7. Hold auction – Bidders will be required to register, provide proof of identity and document their abutter status if applicable.
8. Each bidder will be assigned a bidding number.
9. Upon close of bidding highest bidder submits bid deposit in the form of a certified check to the attending clerk. (If the highest bidder is disqualified, the second highest bidder must submit bid deposit to validate bid prior to award by the Board of Selectmen.) Bid deposit will be 5% of the minimum bid.
10. All bids to be recorded regardless of whether they represent the highest bid.
11. Verify abutter status if necessary.
12. Forward final auction results to Selectmen for awarding.
13. Selectmen award bids, reserving the right not to sell the property.
14. Town Counsel prepares deeds which are paid for by applicants who are responsible for other sale related costs. Once deeds are complete the balance of the bid shall be remitted to the town upon conveying of property. Selectmen may award to next highest bidder if they judge it is in the best interest of the town.
15. For good cause, the Selectmen may extend the period within which the bidder is required to complete a sale. The request for such an extension shall be submitted prior to expiration of the time the bidder is required to complete the sale.

## **39.0 Policy for the Naming of a Memorial Square or Memorial Island**

### **1. Purpose:**

The purpose of this policy is to provide the criteria, policy, and procedures for the naming of a memorial square or memorial island, under the control of the Board of Selectmen, as “Road Commissioners”, in the Town of Billerica.

### **2. Policy:**

- a. The naming of squares or islands shall be limited to deceased Veterans, who resided in Billerica for at least ten years, or persons that have demonstrated outstanding civic achievement, as determined by the Board of Selectmen, who resided in Billerica for at least ten years.
  - i. Deceased Veterans shall have been either killed in action or honorably discharged;
  - ii. Persons of outstanding civic achievement shall have demonstrated outstanding civic contributions and good citizenship, as determined by the Board of Selectmen.
- b. Placement of all signs shall be as approved by the Board of Selectmen. All signs shall be of the same style and size as determined by the Board of Selectmen. However, all Memorial signs shall only be placed in the public right of way. Memorial Islands shall only be those islands in the public right of way;
- c. Any naming is with the intention that it will be permanent. Hence, changes are to be strongly resisted. The renaming of any square or island shall be subject to the most critical examination so as not to diminish the original justification for the same;
- d. In naming a square or island, consideration shall be given to geographical location, historical or other pertinent significance;
- e. A Square shall be defined as an intersection of two public ways in the Town of Billerica;
- f. An Island shall be a traffic control island within a public right of way;
- g. All Memorial requests shall be subject to the availability of funding.

### **3. Procedure:**

- a. Written requests for Memorial naming of a square or island for a Veteran shall be directed to the Office of Veterans Services. Requests for persons of outstanding civic achievement shall be directed to the Town Manager’s Office. Such requests must include supportive information as appropriate to justify the recommendation, in 500 words or less, and the location shall be clearly described.

- b. The Office of Veteran Services shall investigate all veteran requests and shall:
  - i. certify the veteran is deceased;
  - ii. certify the veteran was honorably discharged or killed in action;
  - iii. obtain written certification from the Town Clerk's Office that the veteran lived in Billerica for at least ten (10) years;
  - iv. obtain written certification from the Billerica Department of Public Works Engineering Department that the requested location is within the public right of way;
  - v. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard.
- c. Upon completion of their investigation, the Office of Veterans Services shall provide their written approval to the Board of Selectmen accompanied by the original memorial request, supporting documents, all written certifications, and all other documentation in relation to the request;
- d. Civic requests shall be submitted to the Office of the Town Manager and a report by the Town Manager shall be made to the Selectmen as to the accuracy of the request submitted. The Town Manager's Office shall:
  - i. obtain written certification from the Billerica Department of Public Works Engineering Department that the requested location is within the public right of way;
  - ii. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard;
- e. Upon receipt by the Board of Selectmen, the matter will be scheduled at one of the next three regularly scheduled meetings of the Board. The Office of Veterans Services will be accordingly notified for Veteran's requests to attend the Board's meeting to make the presentation. For veteran requests, it shall be the responsibility of the Office of Veterans Services to notify all interested parties of the date of this meeting so all interested parties may attend. For civic requests, it shall be the the Office of the Town Manager to notify all interested parties of the date of the meeting.
- f. The naming shall be decided at the specified meeting by a majority of Selectmen present. For veteran requests, the Board shall notify, in writing, the Office of Veterans Services of its decision. The Office of Veterans Services, or the Town Manager's Office for civic requests, shall be responsible for notification to the appropriate Billerica departments to insure the timely erection of the approved Memorial. Additionally, for veteran memorials, the Office of Veterans Services shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such Memorials in the Town of Billerica. For civic requests, The Town Manager's Office shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such civic Memorials in the Town of Billerica.



#### **40.0 Community Funds Criteria**

The Town of Billerica has entered into agreements with certain local companies to provide economic development incentives in exchange for substantial community investment. Under the terms of the agreements, these companies became Certified Projects, each ratified by Town Meeting. The companies are contributing to a Community Fund, and as mutually agreed to, will be used for worthwhile community projects which will enhance the quality of life in the Town.

The Fund will be administered as a grant, with project applications reviewed by a subcommittee of the Board of Selectmen and a representative of each company. The full Board of Selectmen will then vote the awards. Failure to submit a completed the Grant Application Form and provide and/or meet **all** the criteria information requested will result in the rejection of the application from consideration.

#### **CRITERIA**

1. A completed Community Fund Grant Application Form must be filed with each Community Fund Grant request. The Community Fund Grant Application Form includes :
  - a. a brief project description, legal name and address of the organization, the amount requested, and the name/address of the contact person;
  - b. a one page executive summary of the project;
  - c. a brief description of the organization applying, including its mission, history, programs and/or achievements, or other information which would indicate the capacity to implement the project. Also, the names/addresses of the officers or directors of the organization are provided;
  - d. an explanation of the community need and resulting benefit of the project indicating how it will enhance the quality of life in Billerica;
  - e. a description of how the project would be sustained after the grant period;

- f. the organization's fiscal year budget as well as the project budget with narrative justification, including other funding sources and in-kind contributions.
  - g. Ten (10) sets of the application, non-returnable, submitted to the Board of Selectmen by 4:00 p.m. on Friday, November X, 20XX.
- 2. Grant applications will only be accepted from non-profit entities or groups serving the Town of Billerica.
- 3. Applicants may be required to give a presentation to a subcommittee, or to the full Board of Selectmen, as needed.
- 4. The awards may be made in such a way as to allow more than one company to support a project.
- 5. Projects may receive funds from more than one company, though only one application is required.
- 6. Recipients shall recognize the contributions(s) of the company (ies) in a suitable way, both at the time the grant is announced and also on an ongoing or long-term basis.
- 7. The Board of Selectmen reserves the right to withhold any or all of the Community Funds in the event there are no projects meeting the criteria this year.
- 8. As a condition of any award(s), all Recipients agree to provide, within twelve (12) months of receiving any Community Fund Grant(s), written certification of the completion of the project to the Board of Selectmen. Such certification shall provide written details of all fund(s) expenditures in accordance with the grant award(s). Any funds not expended at the conclusion of this twelve (12) month period shall be forfeited and promptly returned to the Board of Selectmen. Until such written certification is provided to the Board of Selectmen, the Recipient(s) shall not apply and shall not be eligible for any additional Community Fund Grants.
- 9. Should the applicant need additional time to complete the awarded project they can request an extension in writing to the Board of selectman and have the request voted on at a public meeting of the board.

The Community Funds are reflective of the partnerships entered into by the Town of Billerica and the companies that became Certified Projects, and will result in meaningful community benefit.

Grant Application Forms are available in the Office of the Board of Selectmen. Questions regarding the Community Funds should be directed to the Office of the Board of Selectmen, Town Hall, 365 Boston Road, Billerica, MA 01821 or (978) 671-0939.

**Applications for the Funds will be accepted until 4:00 p.m. on Friday, November X, 20XX in the Office of the Board of Selectmen. The Board expects to announce the awards at its meeting of Monday, December X, 20XX. Awards will be presented at the meeting of December X, 20XX.**

Revision A:9/12/11

## **41.0 COMOMMUNITY CABLE CAPITAL FUND GRANT CRITERIA**

The Town of Billerica has entered into agreements with its Cable service providers to provide funds for cable related projects/activities. The companies are contributing to a fund which, by agreement, can **only** be used for worthwhile community cable related projects/needs.

The Fund will be administered as a grant, with project/needs applications reviewed by the Cable Advisory Committee, a subcommittee of the Board of Selectmen. The Cable Advisory Committee will provide its recommendation on each grant application to the Board of Selectmen. The full Board of Selectmen will then vote the awards. Failure to submit a completed the Grant Application Form and/or meet **all** the criteria specified and requested will result in the rejection of the application from consideration.

### **CRITERIA**

1. A completed Community Cable Fund Grant Application Form must be filed with each Community Cable Fund Grant request. The Community Cable Fund Grant Application must include all the following :
  - a. a brief project/needs description, legal name and address of the organization, the amount requested, and the name/address of the contact person;
  - b. a one page executive summary of the project/needs;
  - c. a brief description of the organization applying, including its mission, history, programs and/or achievements, or other information which would indicate the capacity to implement and/or sustain the project/needs. Also, the names/addresses of the officers and/or directors of the organization must be provided;
  - d. an explanation of the community need and resulting benefit of the project/needs indicating how it will enhance the quality of life in Billerica;
  - e. a description of how the project/needs would be sustained after the grant period;

- f. the organization's fiscal year budget with narrative justification for the project/need;
  - g. brief narrative demonstrating project/needs are cable related;
  - h. Ten (10) sets of the application, non-returnable, must be submitted with each Grant Application by the specified deadline.
2. Grant applications will only be accepted from non-profit entities or groups serving the Town of Billerica.
  3. Applicants may be required to give a presentation to a subcommittee, or to the full Board of Selectmen, as needed.
  4. Recipients shall recognize the contributions of the Community Cable Fund in a suitable way, both at the time the grant is announced and also on an ongoing or long-term basis.
  5. Community Cable Fund Grants are not to be used to supplement an organization's operating budget or capital budget.
  7. The Board of Selectmen reserves the right to withhold any or all of the Community Cable Funds in the event there are no projects meeting the criteria.
  8. As a condition of any award(s), all Recipients agree to provide, within twelve (12) months of receiving any Community Cable Capital Fund Grant(s), written certification of the completion of the project to the Board of Selectmen. Such certification shall provide written details of all fund(s) expenditures in accordance with the grant award(s). Any funds not expended at the conclusion of this twelve (12) month period shall be forfeited and promptly returned to the Board of Selectmen. Until such written certification is provided to the Board of Selectmen, the Recipient(s) shall not apply and shall not be eligible for any additional Community Cable Capital Fund Grants.
  9. Should the applicant need additional time to complete the awarded project they can request an extension in writing to the Board of selectman and have the request voted on at a public meeting of the board.

The Community Cable Fund is reflective of the partnerships entered into by the Town of Billerica and the Cable service providers and will result in meaningful community benefit.

Questions regarding the Community Cable Fund should be directed to the Office of the Board of Selectmen, Town Hall, 365 Boston Road, Billerica, MA 01821 or (978) 671-0939.

Applications for the Community Cable Fund will be accepted in the Office of the Board of Selectmen.

**42. OPEB Trust Funding Policy**

The Town shall maintain an Other Post Employment Benefit (OPEB) Trust Fund. The funds shall be managed in accordance with the “Prudent investor rule”.

The Town shall strive to budget a combined minimum of 4% more than the previous year for Pension and OPEB contributions. If the annual assessment for the contribution to the retirement fund increases less than 4%, the remainder of the 4% shall be budgeted as a contribution to the OPEB Trust Fund. If the annual retirement contribution exceeds 4%, the no general appropriation will be made for the OPEB Trust Fund. The Town can, however, appropriate free cash to the OPEB Trust Fund, if the funds are available.

### **43.0 Remote Participation Policy**

The Board of Selectmen authorizes remote participation for all appointed and elected Town Boards in accordance with the requirements of the Massachusetts Open Meeting Law, M.G.L. c.30A, {20(d) and 940 CMR 29.00, section 29.10: Remote Participation, in the following manner. The Selectmen emphasize that pursuant to the requirements of the Remote Participation provisions of the Regulations issued by the Attorney General, a quorum of the public body, including the chair or, in the chair's absence the person authorized to chair the meeting, must be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d); and members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

#### **Reasons for Remote Participation:**

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

#### **Approved Technology for Remote Participation:**

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. (Accommodation shall be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications).

- Telephone, internet, or satellite enabled audio or video conferencing.
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
  - When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
  - The chair, or in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

The public body using remote participation may determine which of the foregoing acceptable methods will be used by its members.



- Step 1:** Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
- Step 2:** At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation. This information shall also be recorded in the meeting minutes.
- Step 3:** All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- Step 4:** A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.
- Step 5:** When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. C. 30A. SEC. 22.

The Board of Selectmen reserves the right to revoke Town Board remote participation at any time under 940 CMR 29.10(3).

*This policy shall be reviewed after one year of implementation.*

***EFFECTIVE DATE:***

This Policy shall become effective on **July 10, 2013**

#### **44.0 –Adoption of Statutory Speed Limits In Thickly Settled Zones**

Chapter 90, Section 1 of the Massachusetts General law defines a thickly settled or business district as “the territory contiguous to any way where dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.”

By authority of Massachusetts General Law Chapter 90 Section 17C accepted by the Town of October 6, 2016, the Board of Selectmen may set speed limits of 25 MPH on designated town thickly settled roadways. This legislation only affects streets that are currently governed by a statutory speed limit. If an existing special speed regulation is in place, it will continue to govern. The BOS will use the following procedures for consideration of such designation;

1. Petitions to the Board for speed limit modifications will be referred to the Police Department, Town Engineer and DPW for recommendations before a vote is considered for the modification.
2. Residents of the roadway effected should be notified by means of the Town’s Code Red telephone notification system of the contemplated change.
3. A public hearing should be scheduled during a BOS Meeting to discuss the proposed change.

Factors for the BOS to consider during the hearing should included but not be limited to:

Recommendations from Town Departments regarding road characteristics, shoulder condition, grade, alignment, sight distance, pace and speed statistics, roadside development, environment, reported crash experience, and resident input.

#### **45.0 Minimum Mandatory Conditions**

Select Board policy relating to Minimum Mandatory Conditions. In addition to any other conditions that may be required in connection with the issuance of building permits under Billerica Zoning Code, each building permit issued in connection with the construction, reconstruction, installation, demolition, maintenance or repair of any commercial building estimated to cost not less than \$5,000,000 construction cost or in connection with a residential building with an estimated construction cost of \$1,000,000 shall include the following set of mandatory permit conditions (single family homes, two family homes and triple decker's homes are exempt):

It is recommended that any project meeting the specifications for this policy meet the following minimum standard for engaging contractors for the project:

The Contractor has not been found within the past three years by a court or Governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, wage and hour laws, prompt payment laws, or prevailing wage laws.

“It shall be a material condition of this Permit that any construction manager, general contractor or other lead or prime Contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject of this Permit (hereinafter, collectively and individually, the “Contractor”) shall comply with the following qualifications and conditions at all times during their performance of work on the project:

- 1) The Contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. c.152 and provide documentary proof of such coverage to the Building Commissioner to be maintained as a public record.
- 2) The Contractor must properly classify employees rather than Independent Contractors and treat them accordingly for purposes of minimum wages and overtime, worker's compensation insurance coverage, unemployment taxes, social security taxes and state and federal income withholdings. (G.L. c.149, §148B on employee classification).
- 3) The Contractor must comply with G.L. c.151, §1A and G.L. c.149, §148 with respect to the payment of wages.
- 4) The Contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority.

5) The General Contractor, or if none, the person to whom the permit is issued, shall provide the Building Department with a list of Sub-Contractors by using the following documents or providing same information to the Town in a clear and consistent format. They may be submitted by email, mail or in person, once a month for the duration of the Building Permit.

A. Copy of current Workers Compensation Insurance for all Contractors and Sub-Contractors on site. <https://www.mass.gov/doc/affidavits-for-builders-contractors-plumbers-and-electricians/>

If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project. If the town is notified of a violation. The Town will notify the Attorney General's Fair Labor Standards Division and/or any other Enforcement Agency or such entity to facilitate a remedy to the violation. This Permit may be deemed temporarily suspended and all construction work on the entire project shall cease immediately upon issuance of a stop work order by the Building Commissioner or his/her designee until further notice by him/her for failure to comply with this policy.

Remedies. In the event the permit is granted, the applicant for the permit shall be responsible for ensuring that all contractors performing construction work on the property comply with the Minimum Mandatory Conditions required by the Board of Selectmen Policies for the duration of work on the project. If any person or entity that is subject to those Minimum Mandatory Conditions fails to comply with any of the qualifications and conditions with respect to work on the project, and in addition to any other penalties or consequences provided by law, the Building Commissioner or his/her designee may issue a stop work order with respect to all construction work on the entire project until the violation is remedied. Once the Building Commissioner or his/her designee determines that the violation has been remedied, he/she shall withdraw the stop work order and construction on the project may proceed.

Appeals. Any person aggrieved by a stop work order issued by the Building Commissioner or his/her designee shall have the appeal rights set forth in MGL, Chapter 40A.

## **46.0 Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers**

### **Licensing Authority**

Per Section XXVI "Marijuana By-law" of the Town of Billerica General Bylaws, no person or entity shall carry on the business operating a Medical Marijuana Treatment Center and/or Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500.000 and 935 CMR 501.000, including the cultivation, processing, packaging, delivering, manufacturing, branding, delivery, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Select Board, which license shall be renewed by said Medical Marijuana Treatment Center and/or Marijuana Establishment annually.

These regulations are adopted and may be amended from time to time by the Billerica Licensing Authority (Select Board), pursuant to the provisions of Section XXVI of the General Bylaws and Massachusetts General Laws, 940. Any and all Adult Use Marijuana Establishment and Medical Marijuana Treatment Center Licenses issued by the Select Board shall be governed by these regulations, Massachusetts General Laws, Chapter 940 and the rules and regulations of The Cannabis Control Commission of the Commonwealth of Massachusetts, as the same may be amended from time to time.

- A. The Select Board as the licensing authority for the Town of Billerica hereby appoints the Chief of Police and any Police Officer of the rank of Sergeant or above as Authorized Agents for the purpose of implementation, enforcement and compliance of these Rules and Regulations.

### **Definitions**

Unless otherwise indicated, terms used throughout these Rules and Regulation shall be defined as they are in 935 CRM 500.000 and in General Law, Chapter 940, §1.

### **Filing of Applications**

As the Town of Billerica licensing authority, the Select Board requests that all license applications submitted to the Select Board must be complete in order to be processed by the Office of the Select Board for action at or following a public hearing. These applications must be received and deemed completed at least 14 days prior to the Select Board public hearing.

The Office of the Select Board has prepared an application for the filing of license applications which itemizes the information that will be required for consideration of licensure. The Board shall hold a public hearing within 14 days of receipt of a completed license application or license renewal application, with due written notice provided to the applicant of the time, date and location where such application will be heard. Applicants shall be required, at their own expense, to publish legal notice of said public hearing in a newspaper of local circulation in the Town at least one week prior to the hearing and provide proof of mailed legal notice to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line as they appear on the most recent applicable tax list, at least 10 days prior to the scheduled meeting. Applicants can obtain the certified abutters list from the Assessor's Office for notification; proof of such notification shall be filed with the Select Board.

Complete information regarding legal notice and notification to abutters is available at the office of the Select Board. While the office of the Select Board will assist any applicant with the filing of an application, it is not the responsibility of the office staff to complete and submit the application and related forms required by the Town. It is the responsibility of the applicant to be fully versed in all relevant laws, rules and regulations pertaining to marijuana operations. Ignorance of the said laws, rules, regulations and procedures shall not constitute a defense for procedural mistakes or illegal behavior.

Applicants must sign a copy of the Rules and Regulations acknowledgement page and turn it in at the Select Board's office with their application.

### **Annual License Fees**

Annual license fees must be paid prior to the issuance or renewal of any license. All annual license fees are non-refundable.

Each Applicant/Licensee shall pay the initial application fee(s) and annual license fee(s) as noted below:

- Initial License Application Fee: \$100 per facility.
- Annual License Renewal Fee: \$100 per facility.

### **Evaluation Criteria**

The Select Board may approve, deny or approve the licenses with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public. The Select Board may also consider the following when evaluating applicants:

- a) The Applicant has obtained a Final License from the Cannabis Control Commission and has kept such license current and remains a Licensee in good standing with the Cannabis Control Commission;
- b) The Applicant is in compliance with, and has, at all times, remained in compliance with all local laws and regulations, including Special Permit conditions and applicable health codes;
- c) The Applicant has developed and successfully implemented a plan to ensure no diversion of marijuana or marijuana products to the illegal market or to minors and there have been no reported incidents of such diversion in the preceding 12 months;
- d) The Applicant has held a Community Outreach Meeting consistent with the Cannabis Control Commission's Guidance for License Applicants on Community Outreach and has developed a community mitigation plan to address reasonable concerns of abutters and the Town;
- e) The Applicant has made timely payment to the Town of all applicable fees and local taxes, including all payments under the Host Community Agreement;
- f) The Applicant is in compliance with, and has, at all times, remained in compliance with all non-monetary terms of the Host Community Agreement; and
- g) Any other Marijuana Licenses the Applicant holds.

### **Proof of Establishment and Good Standing**

Proof that the Medical Marijuana Treatment Center and/or Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.

Documentation of a bond or other resources held in an escrow account in an amount deemed sufficient by the Town to adequately support the dismantling or winding down of the Medical Marijuana Treatment Center and/or Marijuana Establishment, if required.

A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Medical Marijuana Treatment Center and/or Marijuana Establishment and their contact information.

A list of all persons or entities contributing any amount of the initial capital to operate the Medical Marijuana Treatment Center and/or Marijuana Establishment, including capital in the form of land or buildings.

### **Compliance with All Laws and Regulations**

In accordance with the provisions of M.G.L., Chapter 940, all licensees shall maintain their premises and operations in full compliance with all applicable state and local laws and regulations, including building codes, all health and sanitary codes, Town By-Laws and Zoning By-Laws. All taxes, assessments and charges owed to the Town of Billerica by the applicant or with respect to the licensed premises must be paid on a current basis. All applications shall include a plan to adopt and use the green technology alternatives.

### **Corporate and Trade Names**

No License shall assume obligations for, or engage in the operation of, a licensed premise under any corporate or trade name other than that under which he or she is licensed. Any change in corporate name or any change in trade name (including any "DBA") shall require the prior approval of the Select Board.

### **Cessation of Operations**

Any licensee intending to close a licensed business, or to otherwise cease operation of a licensed business, whether on a temporary or permanent basis, must notify the Select Board in writing, 30 days before such closing or cessation of operations, stating the reason and length of such closing or cessation of operation. Failure to provide such notice may result in the modification, suspension or revocation of the license. Any Medical Marijuana Treatment Center and/or Marijuana Establishment that does not open for business for sixty consecutive days without sufficient explanation, in the opinion of the Select Board, and notification to the Licensing Authority shall be deemed to have ceased operations.

The medical marijuana treatment center and/or marijuana establishment shall remove all material, plants, equipment, and any other marijuana related items upon ceasing its operation according to Board of Health regulations.

### **Bankruptcy and Court Proceedings**

A licensee shall immediately notify the Select Board, in writing, of any proceedings brought by or against the licensee under the bankruptcy or insolvency laws or of any other court proceedings which may affect the status of the license or operation of the licensed business.



## **Foreclosure on Loans**

Assignment of stock in incorporated licensed places for the purpose of safeguarding the assignee on loans, or like matters, gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Select Board immediately when the assignee forecloses under such assignment of stock.

## **Manager**

No medical marijuana treatment center and/or marijuana establishment shall be managed by any person other than the licensee or their assign. Such licensee or assign shall be on the premises during regular hours of operation and responsible for all activities within the licensed business and shall provide up to date emergency contact information for the Billerica Police Department to have on file.

## **Manager's Responsibilities**

The Manager shall at all times maintain order and decorum in the premises and in the immediately surrounding area of the premises and shall cooperate in all ways with Town officials in ensuring safe and orderly operations.

There shall be no disorder, indecency, or diversion to minors on the licensed premises. The Manager will ensure that noise and odor does not become disturbing to abutters and/or neighbors.

The Select Board deems the Manager of licensed premises to be the principal representative of the licensee with respect to all operations of the licensed business.

The Manager shall be responsible for the conduct of all business at the medical marijuana treatment center and/or marijuana establishment relative to adult use of marijuana in accordance with and pursuant to applicable state laws and regulations, including, but not limited to 935 CMR 500.00, et seq. and 935 CRM 501.000, et seq., as well as General Laws, Chapter 94G, Town of Billerica By-Laws, these Rules and Regulations and other local bylaws and regulations.

Without limiting the scope of the previous provisions of this subsection, for purposes of licensure, the Owner and Manager shall be responsible for ensuring the following:

- a) Careful selection of qualified employees of the licensed business, including clerks and persons who engaged with the public in any capacity;
- b) Training of employees in all matters relating to the sale or service of adult use of marijuana in accordance with 935 CMR 500.105, as may be amended from time to time;
- c) Training of employees to spot and confiscate fraudulent identification and to turn over such identification to the appropriate law enforcement authorities.

- d) That no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensee's premises, including within any parking area on the licensed premises; Reporting any criminal activity that occurs on the licensed premises to the Police Department immediately.
- e) Immediate reporting to the Police Department all instances of attempted purchase or procurement of service of marijuana by minors, including attempts to gain access to premises which minors are excluded from, and the nature of the appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confirmation of the name and address of any minor presenting a or motor vehicle operator's license; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
- f) Enforcement of all laws, regulations and rules relating to the operation of the licensed business.
- g) That the licensed premises, including the exterior, are maintained in a safe, clean, neat and sanitary condition at all times.

Failure of the Owner / Manager to comply with these Rules and Regulations or to otherwise properly discharge the duties of Manager may result in removal of the Manager or suspension or revocation of the license by the Select Board, as it may deem appropriate

### **Service Prohibited to Certain Individual**

In accordance with M.G.L., Chapter 94G, Section 7, no marijuana or marijuana products shall be sold to anyone less than twenty-one (21) years of age or a registered qualified patient.

### **Employees of the Licensee**

An up-to-date list of all employees shall be available on the licensed premises at all times for review by authorized agents of the Select Board and the Chief of Police or his designee.

## **Suspension, Revocation, or Modification of License**

All licenses are subject to suspension, revocation or modification for breach of any conditions thereof, regulations or laws of the Town or Commonwealth. The Select Board reserves the right to modify or supplement any license conditions or any regulations pertaining thereto after proper notice to the licensee. The licensee shall be notified by the Town in writing that the Town intends to conduct a public hearing to consider the suspension, revocation and/or modification of the license not less than 21 days after the licensee receives the notice. The notice should include a reasons for calling such hearing.

Any violations of the rules and regulations of the Town of Billerica, of the Select Board or the Commonwealth of Massachusetts regarding the sale or service of marijuana may result in a warning, suspension, modification or revocation of a license, as the Select Board shall deem appropriate. Any complaints and/or reports relative to any licensed premises presently on file shall continue in full force until disposed of by this Select Board.

## **Determination of Penalties**

The Board shall endeavor to be fair and judicious in the determination of penalties imposed for violations of the terms and conditions of licenses. Penalties shall be progressive in nature, and may in the discretion of the Board, be increased or decreased based on certain aggravating or mitigating factors, including, but not limited to, the following:

### **Aggravating factors**

1. Failure to request a proper identification card, operator's license or passport.
2. Juvenile appearance of purchaser.
3. Use/acceptance of altered identification
4. Failure/refusal of licensee to cooperate in investigation.
5. Multiple sales on the same occasion.
6. Quantity sold per individual.
7. Staff not adequately trained.
8. Under-age employee (21)
9. Illegal conduct on premises.
10. Concealing violation.
11. Furnishing false information to investigator.
12. Exceeding lawful capacity of premises.
13. Intimidating or coercing witnesses, or attempting to do so.
14. Offense occurring while under suspension of prior penalty.
15. Sale occurring while license suspended.
16. The occurrence of any personal injuries or fatalities related to the underlying violation.

### **Mitigating factors**

1. Reasonable reliance upon an identification card or operator's license for proof of identity or age. (M.G.L. Ch. 94G)
2. Acceptance of responsibility by licensee as evidenced by;
  - Substantial and voluntary assistance offered in investigation.
  - Public acknowledgment of responsibility.
  - Agreement to participate in training program by licensee, manager, and servers.
  - Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.
  - Licensee agreement to participate in an effective program to detect and prevent future offenses.
  - Age of past violations (beyond 7 years).

### **Suggested Penalty Guideline**

The following penalties represent guidelines for the minimum action to be taken by the Select Board for violations of the laws, rules and regulations relating to the Medical Marijuana Treatment Center and/or Adult Use Marijuana Establishment operations. They do not preclude the Board from taking such further or additional action as the specific circumstances and merits of each case may warrant. Suspensions of licenses shall take place on consecutive days, unless other timeframes are specifically designated by the Board.

- 1st Violation: Letter of reprimand/warning to 5 day suspension, with revocation considered in aggravated circumstances.
- 2nd Violation: 5 days to 10 days suspension, with revocation considered in aggravated circumstances.
- 3rd Violation: 10 days to 30 days suspension, with revocation considered in aggravated circumstances
- 4th Violation: Revocation or Termination of license

### **Misconduct related to an underlying Violation**

For instances of violations based on sale to a minor, the Board will impose no less than a suspension as a penalty.

While the Board will endeavor to impose penalties upon licensees in a manner consistent with these regulations, where exigent or special circumstances warrant, such as a violation of these regulations resulting in serious personal injury or death, the Board reserves the right to immediately order a full hearing, provide licensee and other affected parties an opportunity to present evidence, and to revoke a license where the evidence warrants a revocation.

## **Display of Licenses and Permits**

All licenses and permits issued by the Town shall be displayed on the premises in a conspicuous place where the public has access and may read the license/permit. A copy of these Rules and Regulations will be issued to all licensees by the Select Board and shall be made available on the premises for inspection.

## **Hours of Operation (See Hours of Operation Upon the License)**

Hours of Operation for Medical Marijuana Treatment Centers and/or Marijuana Establishments will be from 9AM - 9PM seven days a week, unless otherwise limited by the Town.

## **Access to Premises by Police and Agents**

The licensee shall ensure that procedures are in place, be it by posting a person or otherwise, to allow Police and authorized agents of the Select Board immediate access to the premises at anytime employees are on the premises. Any unjustified delay in providing such access shall be cause for action against the licensee. The Billerica Police Department and or the Licensing Authority will also have access to on site cameras upon request.

## **Inspection of Premises**

The licensed premises shall be subject to inspection by the members of the Select Board or duly authorized agents of the Select Board, upon prior notice. Any unjustified hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the licensee.

## **Premises Description – Internal and External Alterations**

All medical marijuana treatment centers and/or marijuana establishments shall submit plans to the Building Department which shall include, but not be limited to the following elements: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, description of proposed operations, distribution practices, employee safety, general compliance, fire prevention, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand prior to the issuance of a building permit. No alterations shall be made to these plans or the building without prior written approval of the Select Board and other applicable boards and commissions.

### **Removal of Marijuana Products/Waste Disposal**

The medical marijuana treatment center and/or marijuana establishment will be required to submit a waste removal plan to the Select Board, Police Department, and the Board of Health. External trash must be secured properly in an enclosed, locked location.

### **Consumption on Premises**

No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises, driveways, or parking areas where sold. All Medical Marijuana Treatment Centers and/or Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

### **Annual Financial Reports**

All holders of Medical Marijuana Treatment Center and/or Marijuana Establishment Licenses, shall furnish an annual report for the preceding calendar year detailing its gross sales.

### **Separability**

All provisions of these regulations are hereby declared to be separable. In the event that any provision herein shall be deemed to be invalid or unenforceable by any court or authority with appropriate jurisdiction, all remaining provisions shall continue in full force and effect.

ATTACHMENT A-1 through A - 7  
**TOWN OF BILLERICA**  
**Town Manager Review**  
**Individual Performance Evaluation Form**

**Instructions**

A space has been provided for each statement within the performance areas. Write in the number which most accurately reflects the level of performance for the factor. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/A space.

**Rating Scale (1.0-5.0)**

**Unsatisfactory (1.0 - 1.9)**

The Town Manager's work performance is inadequate and definitely inferior to the standards of performance required for the position. Performance at this level cannot be allowed to continue.

**Improvement Needed (2.0 - 2.9)**

The Town Manager's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

**Meets Job Standards (3.0 - 3.9)**

The Town Manager's work performance consistently meets the standards of the position.

**Exceeds Job Standards (4.0 - 4.9)**

The Town Manager's work performance is frequently or consistently above the level of a satisfactory employee, but has not yet achieved an overall level of outstanding performance.

**Outstanding (5.0)**

The Town Manager's work performance is consistently excellent when compared to the standards of the job.

## ATTACHMENT A – 2

<b>1. Personal Characteristics</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Exhibits honest and ethical behavior						
b. Acts in a Fair and equitable manner						
c. Effectively deals with unforeseen issue and problems						
d. Shows resilience by maintaining energy and motivation despite constant demands. Responds well to stressful situations.						
e. Is creative, with the ability to reach for effective and inventive solutions. Adapts and innovates when confronted with demands.						
Comments:						
<b>TOTAL SCORE - SECTION 1 = _____</b> <b>(AVG. OF ITEMS A-E)</b>						

<b>2. Professionalism</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Is fully knowledgeable and committed to the field of local government management.						
b. Seeks to enhance skills and abilities through educational opportunities.						
c. Actively participates in professional municipal management organizations.						
d. Encourages staff training and development.						
Comments:						

<b>TOTAL SCORE - SECTION 2 = _____</b> <b>(AVG. OF ITEMS A-D)</b>
--



## ATTACHMENT A – 3

<b>3. Public Relations/Communications</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Projects a positive image in the community.						
b. Is reasonably open and available to the public and Responsive to citizen complaints or requests,						
c. Communicates effectively to the media.						
d. Keeps the citizenry informed of current issues in Town Government.						
Comments:						

<b>TOTAL SCORE - SECTION 3 =</b> <hr style="width: 10%; margin-left: 0;"/> <b>(AVG. OF ITEMS A-D)</b>
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<b>4. Board Support/Relations</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Provides quality analysis of policy issues and proposals.						
b. Implements policy matters and other directives adopted by the Board of Selectmen.						
c. Handles routine requests and tasks to avoid Board action.,						
d. Keeps Board members informed of issues and activities in Town government and in the community..						
e. Listens and understands Selectmen concerns..						
Comments:						

<b>TOTAL SCORE - SECTION 4 =</b> <hr style="width: 10%; margin-left: 0;"/> <b>(AVG. OF ITEMS A-E)</b>
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**ATTACHMENT A - 5**

<b>7. Personnel Management</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Evaluates performance and takes necessary action to resolve negative results.						
b. Effectively delegates tasks and assignments..						
c. Provides leadership in negotiating labor contracts.						
d. Maintains positive employee relations.						
e. Develops and maintains personnel management System.						
Comments:						

<p><b>TOTAL SCORE - SECTION 7 =</b></p> <p><u>                    </u></p> <p><b>(AVG. OF ITEMS A-E)</b></p>
--

<b>8. Financial Management</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Prepares a timely and realistic annual budget Proposal.						
b. Seeks to maximize revenue opportunities through Non-tax mechanisms (e.g. grants-in-aid)						
c. Controls expenditures of Town funds to minimize waste and inefficiency.						
d. Ensures effective controls and reports the Town's Financial condition.						
e. Accurately forecasts and reports the Town's financial Condition.						
f. provides future vision and direction..						
Comments:						

<p><b>TOTAL SCORE - SECTION 8 =</b></p> <p><u>                    </u></p> <p><b>(AVG. OF ITEMS A-F)</b></p>
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**ATTACHMENT A – 7**

<b>OVERALL INDIVIDUAL RATING</b>
<b>ADD TOTAL SCORES OF ITEMS 1 - 10 THEN DIVIDE BY 10 TO OBTAIN OVERALL INDIVIDUAL RATING</b>
TOTAL INDIVIDUAL SCORE = _____
Recognized Strengths:
Areas for Improvement:

<b>BOARD MEMBER GOALS/OBJECTIVES FOR TOWN MANAGER FOR UPCOMING YEAR:</b>



**ATTACHMENT B - 1**

**Town of Billerica**  
Constable Application

**NEW APPLICATION**

**RENEWAL**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Education:**

High School: \_\_\_\_\_ Year of Grad.: \_\_\_\_\_

College: \_\_\_\_\_ Year of Grad.: \_\_\_\_\_

(Please list school and type of degree)

Post Graduate: \_\_\_\_\_ Year of Grad.: \_\_\_\_\_

(Please list school and type of degree)

**Experience:**

Are you currently, or have you ever been a Constable in any other Town(s), including Billerica? \_\_\_\_\_

If so where and for how long have you been appointed or where appointed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you currently employed? \_\_\_\_\_

Current Employer: \_\_\_\_\_

Current Employer Address: \_\_\_\_\_

Position of Employment: \_\_\_\_\_

Number of Years Employed with Current Employer: \_\_\_\_\_

**ATTACHMENT B - 2**

Previous five years of Employment: (list employer, years of employment and position)

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Please indicate the Law Firms (names and addresses) that you have served civil process for or intend to service civil process for:

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**Please provide the following information to be considered for appointment:**

1. A written statement outlining your reasons for wanting to be appointed/re-appointed as a Constable in the Town of Billerica and attesting to the fact that you are a person of good repute and character and qualified to hold office.
2. A statement as to your moral character signed by at least five (5) reputable residents of the Town in which you reside, one of whom must be an Attorney. **(New Applicants Only)**
3. If appointed, a Bond for \$5,000 for the Town to use as surety in regard to your performance as a Constable must be filed with the Town Clerk
4. **Should an applicant be a resident of another community please attach, with your application, documentation certifying reciprocity from the Appointing Authority of the community in which you reside.**

**NOTE:**

- Applications will not be considered unless and until all information and documentation requested is provided.
  
- Please note that this appointment will be to serve civil process only.

**ATTACHMENT C-1 through C - 4**

**TOWN OF BILLERICA  
Town Counsel Evaluation Form**

**Instructions**

A space has been provided for each statement within the performance areas. Write in the number which most accurately reflects the level of performance for the factor. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/A space.

**Rating Scale (1.0-5.0)**

**Unsatisfactory (1.0 - 1.9)**

Town Counsel's work performance is inadequate and definitely inferior to the standards of performance required.

**Improvement Needed (2.0 - 2.9)**

Town Counsel's work performance does not consistently meet the standards. Serious effort is required to improve.

**Meets Job Standards (3.0 - 3.9)**

Town Counsel's work performance consistently meets the standards of the position.

**Exceeds Job Standards (4.0 - 4.9)**

Town Counsel's work performance is frequently or consistently above the level required but has not yet achieved an overall level of outstanding performance.

**Outstanding (5.0)**

Town Counsel's work performance is consistently excellent.



DATE: \_\_\_\_\_

NAME OF TOWN COUNSEL BEING EVALUATED:

\_\_\_\_\_

NAME OF INDIVIDUAL PROVIDING THIS EVALUATION

\_\_\_\_\_

1. Professionalism	1	2	3	4	5	N/A
a. Has the solid legal knowledge and expertise required.						
b. Provides capable legal representation.						
c. Provides clear legal advice.						
d. Provides professional training on legal issues.						
Comments:						

RATING - SECTION 1 = \_\_\_\_\_  
(AVG. OF ITEMS A-D)

2. Communications	1	2	3	4	5	N/A
a. Opinions are communicated concisely and clearly						
b. Provides information on current legal issues.						
c. Is available for meetings and/or consultation.						
d. Responds promptly.						
Comments:						

RATING - SECTION 2 = \_\_\_\_\_  
(AVG. OF ITEMS A-D)

3. Support/Relations	1	2	3	4	5	N/A
a. Provides a quality analysis of legal issues.						
b. Consistently available for legal advice/opinions.						
c. Listens and understands legal issues.						
d. Has full knowledge of subject matter.						
Comments:						

RATING - SECTION 3 = \_\_\_\_\_  
(AVG. OF ITEMS A-D)

OVERALL INDIVIDUAL RATING
ADD TOTAL SCORES OF ITEMS 1 - 3 THEN DIVIDE BY 3 TO OBTAIN OVERALL INDIVIDUAL RATING
TOTAL INDIVIDUAL RATING = _____
Recognized Strengths:
Areas for Improvement:

GOALS/OBJECTIVES FOR TOWN COUNSEL FOR THE UPCOMING YEAR:

ATTACHMENT D

**TOWN OF BILLERICA**  
**Fraud Risk Management Plan**

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**Department:**

**Location:**

**Cash Collection:**

**Who collects cash?**

**Are receipts given?**

**# of Employees:**

**FY 2012 Budget:**

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	Identified Area of Fraud Risk	Control and Monitoring Procedures

**Fraud Management Plan Approvals**

**Prepared by:**

\_\_\_\_\_  
Department Head

**Approved by:**

\_\_\_\_\_  
Town Accountant

ATTACHMENT E

**20XX COMMUNITY FUND GRANT APPLICATION FORM**

Legal Name of Organization: \_\_\_\_\_

Legal Address of Organization: \_\_\_\_\_

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Address of Contact Person: \_\_\_\_\_

\_\_\_\_\_

Contact Person Telephone: \_\_\_\_\_

Contact Person email address: \_\_\_\_\_

GRANT AMOUNT REQUESTED: \_\_\_\_\_

Has this organization previously received a Community Fund Grant?

NO:  YES:

If "Yes", please provide Year(s) and Grant amount(s) awarded:

Year	Award
------	-------

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

[Attached additional sheet(s) if more space needed]

**20XX COMMUNITY FUND GRANT APPLICATION FORM**

**PLEASE PROVIDE AN EXECUTIVE SUMMARY OF THE PROJECT:**

**[Attached additional sheet(s) if more space needed]**

**20XX COMMUNITY FUND GRANT APPLICATION FORM**

**PLEASE PROVIDE AN EXPLANATION OF THE COMMUNITY NEED AND RESULTING BENEFIT OF THE PROJECT INDICATING HOW THE PROJECT WILL ENHANCE THE QUALITY OF LIFE IN BILLERICA:**

**[Attached additional sheet(s) if more space needed]**

20XX COMMUNITY FUND GRANT APPLICATION FORM

PLEASE DESCRIBE HOW THE PROJECT WOULD BE SUSTAINED AFTER THE GRANT PERIOD. PLEASE INDICATE HOW THE CONTRIBUTION(S) OF THE COMPANY (IES) WILL BE RECOGNIZED IN A SUITABLE WAY, BOTH AT THE TIME THE GRANT IS ANNOUNCED AND ALSO ON AN ON-GOING OR LONG TERM BASIS:

[Attached additional sheet(s) if more space needed]



**20XX COMMUNITY FUND GRANT APPLICATION FORM**

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE ORGANIZATION APPLYING FOR THIS GRANT, INCLUDING ITS MISSION, HISTORY, PROGRAMS AND/OR ACHIEVEMENTS, OR OTHER INFORMATION WHICH WOULD INDICATE THE ORGANIZATION'S CAPACITY TO IMPLEMENT THE PROJECT. ALSO, INCLUDE THE NAMES/ADDRESSES OF THE OFFICERS AND/OR DIRECTORS OF THE ORGANIZATION:

[Attached additional sheet(s) if more space needed]

**20XX COMMUNITY FUND GRANT APPLICATION FORM**

**PLEASE PROVIDE THE ORGANIZATION'S CURRENT FISCAL YEAR BUDGET. ALSO PROVIDE A SEPARATE PROJECT BUDGET WITH NARRATIVE JUSTIFICATION INCLUDING OTHER PROJECT FUNDING SOURCES AND IN-KIND CONTRIBUTIONS:**

[Attached additional sheet(s) if more space needed]

20XX COMMUNITY FUND GRANT APPLICATION FORM

THIS COMPLETED APPLICATION MUST BE SUBMITTED WITH ANY GRANT REQUEST. FAILURE TO PROVIDE AND/OR MEET ALL CRITERIA INFORMATION REQUESTED WILL RESULT IN THE REJECTION OF THE APPLICATION FROM CONSIDERATION.

CERTIFICATION:

The undersigned hereby attests to having received a copy of the 2010 Community Funds Criteria and to having the authority to submit this Grant Application on behalf of the applying Organization and, if successful, to receive any awards, on behalf of the applying Organization. Additionally, the undersigned understands and agrees that any and all awards are final. The undersigned hereby understands and agrees:

- (1) no later than twelve (12) months from the date of receiving a Community Fund Grant, to provide written certification to the Board of Selectmen detailing all fund expenditures in accordance with the grant award(s);
- (2) no later than twelve (12) months from the date of receiving a Community Fund Grant, to promptly return any unused Community Fund Grant Award funds to the Billerica Board of Selectmen;
- (3) it shall not be eligible and shall not apply for any additional Community Funds Grant until such written certification and unused funding is provided;
- (4) should additional time be needed to complete the awarded project, the award recipient can request an extension, in writing, to the Board of Selectmen and have the request voted upon at a public meeting of the Board.

Signed: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Title (if applicable): \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: Ten (10) Sets of the complete application, non-returnable, must be submitted to the Board of Selectmen by 4:00 PM on Friday, November XX, 20XX

## **ATTACHMENT F**

**This section is for "Town of Billerica Bulk Item Fees"**

**The Town (Recycling Department) has a brochure to insert in this section.**

**Thank you.**

# ATTACHMENT G

## COMMUNITY CABLE CAPITAL FUND GRANT APPLICATION FORM

Legal Name of Organization: \_\_\_\_\_

Legal Address of Organization: \_\_\_\_\_

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Address of Contact Person: \_\_\_\_\_

\_\_\_\_\_

Contact Person Telephone: \_\_\_\_\_

Contact Person email address: \_\_\_\_\_

GRANT AMOUNT REQUESTED: \_\_\_\_\_

Has this organization previously received a Community Cable Capital Fund Grant?

NO:  YES:

If "Yes", please provide Year(s) and Grant amount(s) awarded:

Year	Award
------	-------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
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_____	_____
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[Attached additional sheet(s) if more space needed]

**COMMUNITY CABLE CAPITAL FUND GRANT APPLICATION FORM**

**PLEASE PROVIDE AN EXECUTIVE SUMMARY OF THE CABLE-RELATED PROJECT/NEED INCLUDING A PROJECT TIMELINE AND FINANCIAL JUSTIFICATION:**

[Attached additional sheet(s) if more space needed]

**COMMUNITY CABLE CAPITAL FUND GRANT APPLICATION FORM**

**PLEASE PROVIDE AN EXPLANATION OF THE COMMUNITY BENEFIT OF THE PROJECT/NEED INDICATING HOW THE PROJECT/NEED WILL ENHANCE CABLE TELEVISION PROGRAMMING/SERVICE FOR THE SUBSCRIBERS OF BILLERICA:**

[Attached additional sheet(s) if more space needed]

## COMMUNITY CABLE CAPITAL FUND GRANT APPLICATION FORM

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE APPLICANT APPLYING FOR THIS GRANT, IF THE APPLICANT IS A COMMUNITY ORGANIZATION OR ENTITY, THE APPLICATION MUST INCLUDE ITS MISSION, HISTORY, PROGRAMS AND/OR ACHIEVEMENTS, OR OTHER INFORMATION WHICH WOULD INDICATE THE CAPACITY TO IMPLEMENT AND/OR SUSTAIN THE PROJECT/NEEDS. IF APPLICABLE, INCLUDE THE NAMES/ADDRESSES OF THE OFFICERS AND/OR DIRECTORS OF THE ORGANIZATION:

[Attached additional sheet(s) if more space needed]



COMMUNITY CABLE CAPITAL FUND GRANT APPLICATION FORM

THIS COMPLETED APPLICATION MUST BE SUBMITTED FOR ANY GRANT REQUEST. FAILURE TO PROVIDE AND/OR MEET ALL CRITERIA INFORMATION REQUESTED WILL RESULT IN THE REJECTION OF THE APPLICATION FROM CONSIDERATION.

CERTIFICATION:

The undersigned hereby attests to having received a copy of the Community Cable Capital Funds Criteria and to having the authority to submit this Grant Application on behalf of the applicant and, if successful, to receive any awards, on behalf of the applicant. Additionally, the undersigned understands and agrees that any and all awards are final and are subject to the following:

- (1) no later than twelve (12) months from the date of receiving a Community Cable Capital Fund Grant, to provide written certification to the Board of Selectmen detailing all fund expenditures in accordance with the grant award(s);
- (2) no later than twelve (12) months from the date of receiving a Community Cable Capital Fund Grant, to promptly return any unused Community Fund Grant Award funds to the Billerica Board of Selectmen;
- (3) it shall not be eligible and shall not apply for any additional Community Cable Capital Funds Grant until such written certification and unused funding is provided;
- (4) should additional time be needed to complete the awarded project, the award recipient can request an extension, in writing, to the Board of Selectmen and have the request voted upon at a public meeting of the Board.

Signed: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Title (if applicable: \_\_\_\_\_

Date: \_\_\_\_\_

*NOTE: Six (6) non-returnable Hard Copy Sets of the complete application and a non-returnable CD, containing the complete application and any associated documents in pdf format, must be submitted to the Board of Selectmen for each grant application. Applications will be forwarded by the Board of Selectmen to the Cable Advisory Committee for a preliminary review and recommendation to the Board of Selectmen with the expectation that the Board of Selectmen will make its determination on the application in a timely fashion.*

# ATTACHMENT H

## TOWN OF BILLERICA

### ADMINISTRATIVE FEE SCHEDULE

*Board of Selectmen*

<u>LICENSE TYPE</u>	<u>FEE</u>
Amusement Device	\$25.00
Auctioneer	25.00
Bowling	10.00
Common Victualler	50.00
Entertainment (Sunday)	25.00
Fuel Storage	50.00
Limousine	25.00 per limo
Liquor (New, Transfer)	100.00
Liquor (Changes to Existing)	25.00
Liquor (Non-Profit Club)	25.00
Liquor (One Day)	5.00
Metals	50.00
Motor Vehicle (Class I & II)	100.00
Motor Vehicle (Class III)	150.00
Taxi	25.00 per Taxi
Theatre	25.00
Self Serve Filling Station	25.00
Other	50.00

**NOTE:** Administrative fee for license renewals of Amusement Device Licenses is not to exceed the cost of fifteen (15) Coin Operated Machines.

(Voted by Board of Selectmen on December 3, 1990)

# TOWN OF BILLERICA

## LICENSE FEE SCHEDULE

<u>LICENSE TYPE</u>	<u>FEE</u>
Class I, II and III	\$50.00 per year
Common Victualler	25.00 per year
Weekday Entertainment	5.00 per year
Coin Operated Amusement Device	100.00 per year per
device	
• Billiard Tables	100.00 per year per
table	
Auctioneer's License	15.00 per year
Auctioneer's – One Day	10.00 per year
Taxi	10.00 per year
Taxi Driver's Permit	5.00 per year
All Alcoholic	
• Restaurant	2500.00 per year
• Package Store	1500.00 per year
• Club	750.00 per year
• Drug Store	300.00 per year
• One Day	10.00 per year
Beer and Wine	
• Restaurant	1000.00 per year
• Package Store	1000.00 per year
• One Day	10.00 one day
Beer – One Day	10.00 one day
Inn Holder	
• All Alcoholic	3000.00 per year
• Wine and Malt	1750.00 per year
Gasoline Storage Licenses	
• New Applications or Additional Storage	30.00 per year
• 1 – 999 gallons	5.00 per year
• 1,000 – 14,999	10.00 per year
• 15,000 gallons and above	15.00 per year
Cinema License	150.00 per screen
Carnival License	10.00 per year
House Trailer Storage Permit	10.00 per year

(Adopted by Board of Selectmen, December 15, 1980)

## Attachment H

### FEES FIRE DEPARTMENT LICENSES Approved by Board of Selectmen on April 4, 2011

#### Gallons (Flammable/Combustible Liquids, LP Gas or Propane)

New or Amended Licenses	\$70.00
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Annual Renewal	\$70.00
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#### Pounds (Flammable solids, explosives, Fireworks)

New or Amended Licenses	\$70.00
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Annual Renewal	\$70.00
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#### Cubic feet (Flammable Gases)

New or Amended Licenses	\$70.00
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Annual Renewal	\$70.00
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**TO:** John Curran, Town Manager  
**FROM:** Abdul Alkhatib, DPW Director  
**DATE:** September 14, 2012  
**SUBJECT:** Water and Sewer Fees

**Water & Sewer Fees Proposed Implementation Change**

The Town uses Massachusetts State Environmental Code (Title 5), 310 CMR 15 as a guideline to calculate Inflow & Infiltration (II), Plant Expansion (PE), and Water Conservation (WC) fees for new homes and additions.

Title V assumes 110 gallons per bedroom. Actual average residential usage for Billerica is 70 gallons per capita per day. It seems more reasonable and realistic to use 70 gallons for our calculations rather than the Title V number.

Using 2000 Square Feet average of new three bedroom home and 70 gallons per bedroom would total (210) gallons for an average home.

Public Works is proposing to combine the three fees to one fee calculated per Square Foot rather than per gallons,

The current fees per gallon are as follow:

PE \$7.39  
II \$3.28  
WC \$4.75

Total \$15.42

$210g \times \$15.42/g = \$3,238.20$   
 $\$3238.20/2,000 \text{ s.f.} = \$1.62 /\text{s.f.}$

Therefore the proposed new fee replacing the three listed above fees is \$1.62/sf

Example on impact:

Using current method of calculating all fees for 3 bedroom house would total \$5,088.60. Using new method for calculating an average 2000 s.f. home would be \$3,240. The new method would save homeowners approximately 40% less than old method.

In addition, we are proposing to exempt all residential additions and tear down from the above listed fees.

For new commercial or industrial facilities or expansion of existing facilities, a verified usage instead of Title V can be used if the business making the request can provide the data.

Fees paid shall be deposited in established town accounts as follow:

PE account 48%  
II account 21%  
WC account 31%

If you have any questions, please do not hesitate to contact me.