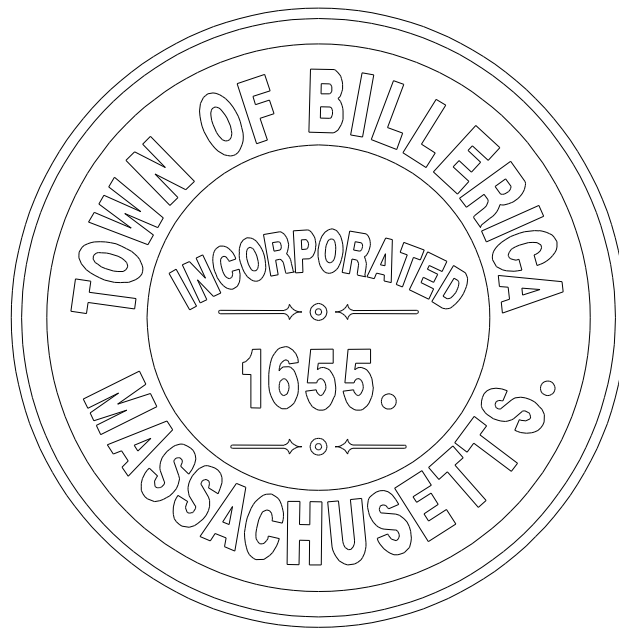


TOWN OF BILLERICA **PRELIMINARY WARRANT**



ANNUAL FALL **TOWN MEETING**

Annual Fall Town Meeting
Tuesday, October 4, 2016 at 7:30 PM
At
Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Committee Articles

1	To Appoint One Member to the Bowers Fund			Board of Selectmen	
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	

Financial Articles

3	To Fund Collective Bargaining Agreement for IUPE Clerical Unit		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
4	To Fund Collective Bargaining Agreement for IAFF Civilian Fire Alarm Operators		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
5	To Fund Collective Bargaining Agreement for IAEP Police EMT's & Paramedics		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
6	To Fund Collective Bargaining Agreement for NEPBA Police Civilian Dispatchers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
7	To Fund Collective Bargaining Agreement for BMEA DPW Workers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
8	To Fund Collective Bargaining Agreement for SEIU Local 888 Administrative Unit		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
9	To Fund Collective Bargaining Agreement for IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
10	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (A) Patrolmen		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
11	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (B) Superior Officers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
12	Fiscal Year 2017 Budget Amendment	\$3,000,000	Raise & Appropriate	Town Manager; authorized by BOS	
13	To Vote from Free Cash to the Debt Stabilization Fund	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	
14	To Fund Fiscal Year 2017 Town Capital Budget	\$6,000,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
15	To Fund Fiscal Year 2017 School Capital Budget	\$3,000,000	Raise & Appropriate / Available Funds	School Committee	
16	To Fund the Purchase of a New Ambulance and Construction Costs to Perform Expansion and Renovation to the EMS Vehicle Storage Garage	\$700,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
17	To Fund Fire Station Feasibility Study	\$250,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
18	To Fund the Replacement of the Town Vehicles Fuel Facility	\$1,700,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
19	To Fund Design and Permitting Costs for the Yankee Doodle Bike Path	\$450,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
20	To Fund Aquatic Treatment of Nutting Lake	\$35,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
21	To Fund PanAm Right of Way Taking to Access Alumni Field	\$15,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
22	To Fund the Rehabilitation of the Water Mains Program	\$2,000,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
23	To Fund the Inflow Infiltration Removal Phase III	\$350,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
24	To Fund the Lease/Purchase of DPW Capital Equipment	\$1,727,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
25	To Fund the Roof Replacement and Repairs for Town Buildings	\$2,000,000	Raise & Appropriate / Available Funds / Borrowing	Town Manager; authorized by BOS	
26	To Fund Phase III WWTP Improvement Design	\$500,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
27	To Fund the Fox Hill Cemetery Expansion Project	\$2,100,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
28	To Fund Certain Items on the Town Recreation Capital Plan	\$162,300	Raise & Appropriate / Available Funds	Recreation Commission	
29	To Vote from Free Cash to the Stabilization Fund	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	
30	To Vote From Free Cash to the Land Bank Account	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	
31	To Vote from Free Cash a Sum of Money to be Applied or Expended for the Purpose of Reducing the Fiscal Year 2017 Tax Levy		Raise & Appropriate / Available Funds	Finance Committee	
32	To Vote from Free Cash a Sum of Money to Fund the Snow and Sand Deficit	\$1,000,000	Raise & Appropriate / Available Funds	Finance Committee	

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

33	To Accept the Provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors & Town Manager; authorized by BOS	
34	To Accept M.G.L. Chapter 40U Relative to Procedures for Collecting Fines and Fees			Town Manager; authorized by BOS	
35	To Accept M.G.L. Section 193 and 194 of the Acts of 2016 and Incorporated into M.G.L. Chapter 90 Sections 17C, 18A, 18B Relative to Speed Limits			Town Manager; authorized by BOS	

Land Articles

36	To Authorize the Board of Selectmen to Accept as Public Ways			Town Manager; authorized by BOS	
37	To Transfer Custody and Control of Certain Town Owned Parcels on Republic Road			Town Manager; authorized by BOS	

Miscellaneous

38	To Approve Amendments to the Town Charter as Recommended by the Charter Review Committee			Charter Review Committee	
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By-Law Change Articles

39	Water Conservation By-Law Modification			Town Manager; authorized by BOS	
40	Proposed Zoning By-Law Changes Regarding Parking Requirements for Industrial Users			Town Manager; authorized by BOS	
41	Proposed Zoning By-Law Changes Regarding Contractor's Yard			Town Manager; authorized by BOS	
42	Proposed Zoning By-Law Changes to Add PUD Overlay Language			Town Manager; authorized by BOS	
43	Proposed Zoning Map Changes to Add PUD Overlay Districts			Town Manager; authorized by BOS	
44	Proposed Zoning Map Changes to Add PUD Overlay Districts			Town Manager; authorized by BOS	
45	Proposed Zoning Map Changes to Add PUD Overlay Districts			Town Manager; authorized by BOS	
46	Proposed Zoning By-Law and Zoning Map Change			Town Manager; authorized by BOS	
47	To Amend General By-Law Article VII.2. Regulation of Dogs			Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Petitioner Article

48	Petitioner Article			Petitioner	
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**PRELIMINARY WARRANT
OCTOBER 4, 2016
ANNUAL FALL TOWN MEETING**

Middlesex, ss.

To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Maurice A. Buck Memorial Auditorium, Town Hall, 365 Boston Road, Billerica, MA on Tuesday, October 4, 2016 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

ARTICLE 1 - TO APPOINT ONE MEMBER TO THE BOWERS FUND

To see if the Town will vote to appoint one (1) member to the Bowers Fund for a term of five (5) years; or act in relation thereto.

Submitted by the Board of Selectmen

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

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

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

ARTICLE 3 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IUPE CLERICAL UNIT

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

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

ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF CIVILIAN FIRE ALARM OPERATORS

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

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

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

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

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

**ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE
CIVILIAN DISPATCHERS**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and NEPBA Police Civilian Dispatchers (New England Police Benevolent Association, Inc.); or act in relation thereto.

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

**ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - BMEA DPW
WORKERS**

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

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

**ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SEIU LOCAL 888
ADMINISTRATIVE UNIT**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and SEIU Local 888 Administrative Unit (Service Employees International Union); or act in relation thereto.

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

ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS

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

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

ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen; or act in relation thereto.

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

ARTICLE 11 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers; or act in relation thereto.

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

ARTICLE 12 – FISCAL YEAR 2017 BUDGET AMENDMENT

To see if the Town will vote to appropriate from available funds the sum of \$3,000,000 to amend various Fiscal Year 2017 budget line items; or act in relation thereto.

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

ARTICLE 13 – TO VOTE FROM FREE CASH TO THE DEBT STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from General Fund Free Cash the sum of \$6,000,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 14 – TO FUND FISCAL YEAR 2017 TOWN CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,000,000 to fund the Fiscal Year 2017 Town Capital Budget; or act in relation thereto.

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

ARTICLE 15 – TO FUND FISCAL YEAR 2017 SCHOOL CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to fund the Fiscal Year 2017 School Capital Budget; or act in relation thereto.

Submitted by the School Committee

ARTICLE 16 – TO FUND THE PURCHASE OF A NEW AMBULANCE AND CONSTRUCTION COSTS TO PERFORM EXPANSION AND RENOVATION TO THE EMS VEHICLE STORAGE GARAGE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of up to \$700,000 to purchase a new ambulance and related equipment, and construction costs to perform expansion and renovation to the EMS vehicle storage garage; or act in relation thereto.

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

ARTICLE 17 – TO FUND FIRE STATION FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$250,000 to conduct an assessment of all fire stations in Town to determine if the Town is responding to calls in the most efficient and timely manner possible given the current locations of the Town fire stations and to make capital recommendations as to what changes could or should be made to improve responses Town wide. This will consider but not be limited to where the call volume demand is in relation to the existing stations and capital improvements to existing stations; or act in relation thereto.

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

ARTICLE 18 – TO FUND THE REPLACEMENT OF THE TOWN VEHICLES FUEL FACILITY

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$1,700,000 for the replacement of the Town Vehicles Fuel Facility; or act in relation thereto.

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

ARTICLE 19 – TO FUND DESIGN AND PERMITTING COSTS FOR THE YANKEE DOODLE BIKE PATH

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$450,000 to complete the 75% design of the Yankee Doodle Bike Path and pay for permitting costs; or act in relation thereto.

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

ARTICLE 20 – TO FUND AQUATIC TREATMENT OF NUTTING LAKE

To see if the Town will to raise and appropriate, borrow or transfer from available funds the sum of \$35,000 to conduct aquatic treatment of Nutting Lake; or act in relation thereto.

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

ARTICLE 21 – TO FUND PAN AM RIGHT OF WAY TAKING TO ACCESS ALUMNI FIELD

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$15,000 to acquire by gift, purchase or eminent domain taking of land or easements to provide access rights to Alumni Field.

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

ARTICLE 22 – TO FUND THE REHABILITATION OF THE WATER MAINS PROGRAM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$2,000,000 for the replacement of water mains in accordance with the new Water Master Plan 2016; or act in relation thereto.

<u>Location</u>	<u>Size</u>	<u>Length</u>	<u>Est. \$LF</u>	<u>Total</u>
William Rd.	8"	1,997 LF	\$262.80	\$524,811.60
Montbatten	8"	2,070 LF	\$262.80	\$543,996.00
Liberty Drive	8"	1,800 LF	\$262.80	\$473,040.00
Walton St.	10"	1,230 LF	\$286.80	\$352,764.00
Savoy St.	8"	1,715 LF	\$262.80	\$450,702.00
Rexham St.	8"	1,194 LF	\$262.80	\$313,783.20
Pelham St.	8"	1,230 LF	\$262.80	\$323,244.00
Veteran's Cr.	6"	303 LF	\$238.80	\$ 72,356.40
Ossamequin	8"	1,018 LF	\$262.80	\$267,530.40
Handle Rd.	8"	2,453 LF	\$262.80	\$644,648.40
Beaver Pl.	8"	594 LF	\$262.80	\$156,103.20

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

ARTICLE 23 - TO FUND THE INFLOW INFILTRATION REMOVAL PHASE III

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$350,000 from the Inflow Infiltration Account to fund Phase III Inflow Infiltration Removal; or act in relation thereto.

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

ARTICLE 24 - TO FUND THE LEASE/PURCHASE OF DPW CAPITAL EQUIPMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$1,727,000 for the Lease/purchase of DPW vehicles and equipment replacements for a term of five years; or act in relation thereto.

F150 to replace C-4	\$ 35,000
F250 to replace W-4	\$ 38,000
F250 to replace W-10	\$ 38,000
F250 to replace W-12	\$ 38,000
1.5 Ton Dump Truck to replace H-9	\$ 62,000
5 Ton Dump Truck to replace H-23	\$ 168,000
5 Ton Dump Truck to replace H-32	\$ 168,000
F550 to replace S-7	\$ 60,000
F150 to replace S-9	\$ 35,000
Vactor Truck to replace 1999 Model	\$ 375,000
Ford Explorer to replace A-1	\$ 35,000
Wood Chipper	\$ 51,000
F550 to replace C-5	\$ 60,000
F550 to replace H-7	\$ 60,000
5 Ton Dump Truck to replace W-20	\$ 168,000
5 Ton Dump Truck to replace H-37	\$ 168,000
5 Ton Dump Truck to replace H-31	\$ <u>168,000</u>
	\$1,727,000

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

ARTICLE 25 - TO FUND THE ROOF REPLACEMENT AND REPAIRS FOR TOWN BUILDINGS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$2,000,000 for the roof replacement and repair program at all Town buildings including, but not limited to, the Town Hall, Police and Fire Buildings, the Highway, Recreation, Library and Howe Buildings; or act in relation thereto.

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

ARTICLE 26 - TO FUND PHASE III WWTP IMPROVEMENT DESIGN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$500,000 for Phase III WWTP Improvement Design; or act in relation thereto.

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

ARTICLE 27 - TO FUND THE FOX HILL CEMETERY EXPANSION PROJECT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$2,100,000 for the Fox Hill Cemetery Expansion Project; or act in relation thereto.

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

ARTICLE 28 – TO FUND CERTAIN ITEMS ON THE TOWN RECREATION CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$162,300 to fund the following items on the Town Recreation Plan:

- Nutting Lake nuisance vegetation treatment (\$25,000)
- Replace cargo van (\$19,500)
- Repairs to shared Peggy Hannon-Rizza (PHR) Recreation Department building (roof, masonry & pipes) (\$25,000)
- Reconstruct Locke multi-purpose courts (\$25,000)
- PHR softball field backstop replacement (\$24,000)
- Dutile Field repair (\$15,000)
- Solar power for RC Flyer Shelter at Vietnam Veterans Park (\$10,000)
- PHR expansion of security cameras (\$5,000)
- Replacement of safety netting at Kids Konnection Playground (\$13,800)

Or act in relation thereto.

Submitted by the Recreation Commission

ARTICLE 29 – TO VOTE FROM FREE CASH TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from General Fund Free Cash the sum of \$6,000,000 to the Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 30 – TO VOTE FROM FREE CASH TO THE LAND BANK ACCOUNT

To see if the Town will vote to raise and appropriate or transfer from General Fund Free Cash the sum of \$6,000,000 to the Land Bank Account; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 31 – TO VOTE FROM FREE CASH A SUM OF MONEY TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2017 TAX LEVY

To see if the Town will vote to transfer from General Fund Free Cash a sum of money to be applied or expended for the purpose of reducing the Fiscal Year 2017 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 32 – TO VOTE FROM FREE CASH A SUM OF MONEY TO FUND THE SNOW AND SAND DEFICIT

To see if the Town will vote to transfer and appropriate from Free Cash of the General Operating Budget the sum of \$1,000,000 (one million dollars) to fund the Snow and Sand Deficit; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 33 – TO ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 126 OF THE ACTS OF 1988 AND CHAPTER 73 OF THE ACTS OF 1986

To see if the Town will vote to accept the provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986 in order to offer optional additional real estate tax exemptions to persons who qualify for current property tax exemptions under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of M.G.L. chapter 59 in the amount of a uniform 60% increase for all persons qualified; or act in relation thereto.

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

ARTICLE 34 – TO ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 40U RELATIVE TO PROCEDURES FOR COLLECTING FINES AND FEES

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40U in its entirety; or act in relation thereto.

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

ARTICLE 35 - TO ACCEPT MASSACHUSETTS GENERAL LAW SECTION 193 AND 194 OF THE ACTS OF 2016 AND INCORPORATED INTO MASSACHUSETTS GENERAL LAW CHAPTER 90 SECTIONS 17C, 18A, 18B RELATIVE TO SPEED LIMITS

To see if the Town will vote to accept the provisions of Massachusetts General Law Section 193 and 194 including Massachusetts General Law Chapter 90 Sections 17C, 18A and 18B in its entirety; or act in relation thereto.

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

**ARTICLE 36 – TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT AS PUBLIC
WAYS**

To see if the Town will vote pursuant to M.G.L. c. 82, §23 to accept as public ways of the Town of Billerica those streets and ways listed below, the layout of which is shown on the official Town of Billerica Map of 1831, a copy of which is on file in the Office of the Town Clerk; or act in relation thereto:

1831 List of Roads

Current Street Name	From	To
Alexander Road	Cook Street	Wilmington Town Line
Allen Road	Boston Road	Andover Road
Allen Road Extension	Allen Road	Andover Road
Andover Road	Boston Road	Tewksbury Town Line
Baldwin Road	Allen Road	Salem Road
Boston Road	Burlington Town Line	Chelmsford Town Line
Bridge Street	Treble Cove Road	Boston Road
Charnstaffe Lane	Concord Road	Boston Road
Chelmsford Road	Chelmsford Town Line	Boston Road
Colson Street	Treble Cove Road	Lowell Street
Concord Road	Bedford Town Line	Boston Road
Cook Street	Boston Road	Wilmington Town Line
Cummings Street	Concord Road	Boston Road
Dudley Road	Concord Road	Bedford Town Line
Farmers Lane	Boston Road	Dead End
Faulkner Street	Mt. Pleasant Street	Old Elm Road
Floyd Street	Boston Road	Salem Road
Gray Street	Andover Road	Tewksbury Town Line
High Street	Pollard Street	Tewksbury Town Line
Lexington Road	Bedford Town Line	Boston Road
Middlesex Turnpike	Bedford Town Line	Concord Road
Mt. Pleasant Street	Faulkner Street	High Street
Nashua Road	Chelmsford Town Line	Bedford Town Line
Oak Street	Sheldon Street	Pond Street
Old Elm Road	Faulkner Street	Colson Street

Old Middlesex Turnpike	Concord River	Dead End passing River Street Extension
Patten Road	Gray Street	Tewksbury Town Line
Pollard Street	Boston Road	950' passing High Street
Pond Street	Andover Road	Tewksbury Town Line
Rangeway Road	Carlisle Town Line	Boston Road
River Street	Boston Road	River Street Extension
River Street	Rosewood Avenue	Treble Cove Road
River Street Extension	River Street	Dead End
Rogers Street	High Street	Mt. Pleasant Street
Salem Road	Dead End	Wilmington Town Line
School House Lane	Lexington Road	Wyman Road
Sheldon Street	High Street	Tewksbury Town Line
Sprague Street	Treble Cove Road	Boston Road
Springs Road	Concord Road	Bedford Town Line
Sullivan Road	Dead End	1,250' passing Rangeway Road Northward
Treble Cove Road	Carlisle Town Line	Pollard Street
Tufts Lane	Boston Road	Dead End
Webb Brook Road	Boston Road	Allen Road
West Street	Chelmsford Town Line	Treble Cove Road
Whipple Road	George Brown Street	Wilmington Town Line
Winning Road	Treble Cove Road	Dead End
Wyman Road	Dead End	Boston Road

The following roads shown on the 1831 map have already been accepted:

Current Street Name	From	To	
Bicknell Road	Cook Street	Burlington Town Line	Accepted 10/01/1996

George Brown Street	Whipple Road	Salem Road	Accepted 04/05/1975
Manning Road	Lexington Road	Dead End	Accepted 03/15/1886
Orchard Road	Bedford Town Line	Bridge Over Route 3	Accepted 03/15/1886

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

ARTICLE 37 - TO TRANSFER CUSTODY AND CONTROL OF CERTAIN TOWN OWNED PARCELS ON REPUBLIC ROAD

To see if the Town will vote to transfer the custody and control of the following Town owned parcels located on Republic Road (Map 48, Parcel 48-0, 1.04 acres, Book 7832, Page 144 and Map 48, Parcel 49-0, 1.42 acres, Book 7407, Page 149) to the Conservation Commission, for Conservation purposes; or act in relation thereto.

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

ARTICLE 38 – TO APPROVE AMENDMENTS TO THE TOWN CHARTER AS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE

To see if the Town will vote, pursuant to the provisions of M.G.L. Chapter 43B, Subsection 10(a), to approve the amendments to the Town Charter as recommended by the Charter Review Committee as shown in a document entitled “Billerica Charter – 2016 Proposed Amendments”, as on file in the Office of the Town Clerk and posted on the Town’s website at <http://www.town.billerica.ma.us> with proposed deletions shown by strike-through text and proposed insertions shown in bold underlined text; or act in relation thereto.

Submitted by the Charter Review Committee

ARTICLE 39 - WATER CONSERVATION BY-LAW MODIFICATION

To see if the Town will vote to modify Town of Billerica By-Law Article VIII Section 6:

6. **WATER CONSERVATION**

Definitions

Water User: All public and private users connected to the Town's water supply, irrespective of and user's responsibility for billing purposes for water used on any particular site. Included within this definition are water users whose properties are located, or whose use of water will take place in Billerica.

RGPCD: Residential Gallons per Capita Day. The Water Management Act sets 65 RGPCD or less as the performance standard for residential water use per person per day.

Drought Triggered Restrictions: Are incorporated into seasonal limits on outdoor water use when a drought has been declared by the Massachusetts Drought Management Task Force. Drought-based water restrictions may be implemented before a Drought Advisory because drought conditions can begin to impact local water supply prior to a regional advisory being declared.

Nonessential Outdoor Water Uses that are Subject to Mandatory Restrictions:

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems.
- Washing of vehicles, except in a commercial car wash or as necessary for operator safety.
- Washing of exterior building surfaces, parking lots, driveway or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.
- Exceptions to non-essential outdoor water uses are listed in section 6.8 **Exemptions** of this By-Law.

Outdoor water uses that may be allowed when mandatory restrictions are in place:

- Use for health or safety reasons
- By regulation
- For the production of food and fiber
- For the maintenance of livestock: or

- To meet the core function of a business (Golf courses, plant nurseries, etc.)
- Irrigation to establish a new lawn and new plantings during the months of May to September. (A permit must be obtained from the DPW for this use.)
- Irrigation of lawns, gardens, flowers and ornamental plants by means of a HAND-HELD hose
- Irrigation of public parks and recreational fields by means of automatic sprinklers outside the hours of 9 am to 5 pm

6.1 Authority

This By-Law is adopted by the Town under its police powers to protect the public health.

Or act in relation thereto.

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

ARTICLE 40 – PROPOSED ZONING BY-LAW CHANGES REGARDING PARKING REQUIREMENTS FOR INDUSTRIAL USERS

To see if the Town will vote to amend the Zoning By-Laws to change the following wording in Section 8. C Parking Requirements; or act in relation thereto:

CURRENT (All Industrial Uses)

One (1) space per each two (2) employees of the maximum working shift, plus one (1) space per each six hundred (600) square feet of floor area

PROPOSED

One (1) space per each two (2) employees of the maximum working shift, plus one (1) space per each eight hundred (800) square feet of floor area

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

ARTICLE 41 – PROPOSED ZONING BY-LAW CHANGES REGARDING CONTRACTOR’S YARD

To see if the Town will vote to amend the Zoning By-Laws to change Contractor’s Yard from a *By Right* use to a *By Special Permit* by the Planning Board within the following sections and in the Zoning Use table; or act in relation thereto.

SECTION 5; C; 7; c; 1; a (Contractor’s Yard)
and
SECTION 5; C; 8; c; 1; e (Contractor’s Yard)

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

ARTICLE 42 – PROPOSED ZONING BY-LAW CHANGES TO ADD PUD OVERLAY LANGUAGE

To see if the Town will vote to amend the Zoning B-Laws by adding Planned Unit Development (PUD) language to promote a higher and better mix of uses while allowing a municipality the flexibility to focus development in areas beneficial to the community. A PUD will encourage construction in designated Districts within the Town. Planned Unit Developments shall:

- a) Permit a mix of land uses, densities and building types in one development.
- b) Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and constructed in a manner which is highly responsive to specific sites and their surroundings.
- c) Require more rigorous development standards than those found in other zoning districts.

As substantially on file at the Town Clerk's Office; or act in relation thereto.

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

ARTICLE 43 – PROPOSED ZONING MAP CHANGES TO ADD PUD OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning Map by placing a Planned Unit Development-R (“PUD-R”) atop the properties listed on the table below titled “*Nashua Road PUD-R Parcel Inventory*”; or act in relation thereto.

Nashua Road PUD-R Parcel Inventory	
Parcel Number	Address
47-29-1	44 Nashua Road

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

ARTICLE 44 – PROPOSED ZONING MAP CHANGES TO ADD PUD OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning Map by placing a Planned Unit Development (“PUD”) atop the properties listed on the table below titled “*Boston Road North PUD Parcel Inventory*”; or act in relation thereto.

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

22-19-0	240 Boston Road
22-20-0	Boston Road
22-5-0	47 Treble Cove Road
22-7-1	188-190 Boston Road
22-7-2	188-190 Boston Road
22-7-5	188-190 Boston Road
22-8-2	220 Boston Road
22-8-3	210 Boston Road
22-9-0	200 Boston Road
31-12-0	Boston Road
31-151-0	2 Bridge Street
31-153-1	279 Boston Road
31-155-0	290 Boston Road
31-272-1	273 Boston Road
31-4-3	261 Boston Road
31-4-5	265 Boston Road
31-4-6	265 Boston Road
31-5-1-1	267 Boston Road
31-5-1-3	267 Boston Road

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

ARTICLE 45 – PROPOSED ZONING MAP CHANGES TO ADD PUD OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning Map by placing a Planned Unit Development (“PUD”) atop the properties listed on the table below titled “*Boston Road Center PUD Parcel Inventory*”; or act in relation thereto.

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

61-192-1	Tower Farm Road
61-194-1	520 Boston Road
61-203-0	486 Boston Road
61-205-1	480 Boston Road
61-216-0	Rear Tower Farm Road
61-217-0	Boston Road
61-218-0	Boston Road
61-67-1	449 Boston Road
61-78-0	451 Boston Road
61-80-1	455 Boston Road
61-81-2	459 Boston Road
61-83-1	461 Boston Road
61-84-1	6 Cunningham Lane
61-98-0	Boston Road
61-99-0	Boston Road
61-68-0	8 Charnstaffe Lane
51-87-0	1 Cummings Street
61-33-1	405 Boston Road
61-33-2	405 Boston Road
61-33-3	405 Boston Road
61-33-4	405 Boston Road
61-33-5	405 Boston Road
61-33-6	405 Boston Road
61-46-0	407 Boston Road
61-47-0	409 Boston Road
61-48-1	413 Boston Road
61-48-2	411 Boston Road
61-49-0	415 Boston Road
61-50-0	419 Boston Road
61-52-1	Boston Road
61-55-0	423 Boston Road
61-56-0	427-429 Boston Road
61-58-0	433 Boston Road
61-59-1	435-437 Boston Road
61-62-1	441 Boston Road
61-63-0	7 Charnstaffe Lane
61-64-0	9 Charnstaffe Lane

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

ARTICLE 46 – PROPOSED ZONING BY-LAW AND ZONING MAP CHANGE

To see if the Town will vote to amend the Zoning Bylaws and Zoning Map by RE-ZONING from a NEIGHBORHOOD RESIDENCE DISTRICT TO A NEIGHBORHOOD BUSINESS DISTRICT the Land owned by East Coast Commercial Real Estate, LLC, and identified as Billerica Assessor's Map 80, Parcel 1-0, having present street addresses of 581 Boston Road incorporated herein for legal description; or act in relation thereto.

581 Boston Road-Assessor's Map 15 Parcel 248-1

A certain parcel of land with the buildings thereon situated in Billerica, Middlesex County, Massachusetts, bounded and described as follows:

NORTHEASTERLY by the Southwesterly line of Boston Road, two-hundred and seventy-one and 50/100 (271.50) feet;

SOUTHEASTERLY by the land now formerly of Franklin L. Mason, one hundred thirty-nine and 22/100 (139.22) feet;

SOUTHWESTERLY two hundred ninety-nine and 4/11 (299.04) feet; and

NORTHWESTERLY one hundred thirty-five and 32/100 (135.32) feet, by Lot 2.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 13473-C, drawn by E. Conrad Levy & Associates, Surveyors, dated February 1, 1965, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 14356 issued by the Middlesex North Registry District of the Land Court, and said land is shown as Lot one (1) on said plan.

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

ARTICLE 47 – TO AMEND A GENERAL BY-LAW ARTICLE VII 2. REGULATION OF DOGS

To see if the Town will vote to amend Article VII, “Animals” Section 2 of the Towns General By-Laws with the following:

Article VII.02 Regulation of dogs**Sections:****7.02.005 Purpose.****7.02.010 Reference to Massachusetts general laws.****7.02.020 Definitions.****7.02.030 Registration Licenses.****7.02.040 Vaccination against rabies.****7.02.050 Dog tag.****7.02.060 License fees Late fees Penalties.****7.02.070 Kennel License Fees.****7.02.080 Animal Control Officer.****7.02.090 Hearing Officer.****7.02.100 Leash law.****7.02.110 Public nuisances.****7.02.120 Disposition of dogs.****7.02.130 Disposition Process.****7.02.140 Non-Criminal Disposition of Violation.****7.02.150 Bylaw violation.****7.02.160 Penalty Bylaw violation.****7.02.170 Dog Fund.****7.02.180 Massachusetts General Laws incorporated into this bylaw.****7.02.190 Effective implementation date of this bylaw.****7.02.200 Severability clause.**

These By-Laws are intended to guide those persons owning or keeping dogs within the Town of Tewksbury in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must be understood that the enforcement of this bylaw is necessary to protect the rights and safety of the public.

7.02.010 Reference to Massachusetts general laws.

Any reference to a “Section” in this Bylaw shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

7.02.020 Definitions.

Unless otherwise set out in this Bylaw, any term defined in Chapter 140, Section 136A, Massachusetts General Laws, shall have the same meaning in this Bylaw, and shall be expressly incorporated herein.

“Animal control officer”, an appointed officer authorized to enforce sections 136A to 174D, inclusive.

“Animal shelter”, Any premises designated for the purpose of impounding and caring for animals held under authority of this bylaw. “At large”, At large shall mean on or off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

“Enclosed area”, A portion of the owner’s property which is secured by fencing in such a manner that the dog, once inside the area cannot exit of its own accord. The Animal Control Officer, after an inspection of the area, will determine if the enclosed area is suitable or not. “Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- “Commercial boarding or training kennel”, an establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of such establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of such animal; provided, however, that this definition shall not include an animal shelter or animal control facility, a [44] pet shop licensed under section 39A of chapter 129, a facility which does not provide overnight

boarding for animals but does provide dog grooming, dog training, supervised playtime of dogs or dog walking with not more than 12 dogs on a single premises or individuals who temporarily, and not in the normal course of business, board or care for animals owned by others.

- “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.
 - “Domestic charitable corporation kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose while providing veterinary treatment and care.
 - “Personal kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.
 - “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care. (Art. 37, ATM 2013)
- “Licensing Authority”, As provided by the Massachusetts General Laws (MGL) is the Town Clerk.
- “License Period”, The license period shall be from January 1 of each year to December 31 of the same year.
- “Livestock or Fowl”, Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also and deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.
- “Owner”, Owner shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.
- “Person”, An individual, partnership, company or corporation.
- “Restraint”, A dog shall be deemed to be under “restraint” if it is on the premises of the owner accompanied by a person who shall have the dog under control; or is in a suitably enclosed area; or if outside the premises of the owner, is accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length.
- “Veterinary hospital”, An establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

7.02.030 Registration – Licenses.

The owner or keeper of any dog over the age of 6 months shall obtain a license for the dog. The registering, numbering, describing and licensing of a dog shall be conducted in the Office of the Town Clerk. The license shall be subject to the condition expressed in the license that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowl. (Art 37, ATM 2013). Dogs must wear identification tags, attached to the collar, at all times when off the premises of the owner. The Town Clerk shall maintain a record of the identifying numbers and shall make this record available to the public. No [45] person shall keep more than four (4) dogs, over the age of six (6) months, at any single family residence within the Town.

7.02.040 Vaccination against rabies.

The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian’s certification that such dog has been vaccinated in accordance with the provisions of Section 145B (CH.140,MGL) or has been certified exempt from such provision as outlined in Section 137 or 137A (CH.140,MGL).

Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

7.02.050 Dog tag.

The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: (a) Town of Tewksbury, (b) year of issue, and (c) tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of five (\$5.00) dollars. The provision of Section 138 (change of owner and out of state/country), Section 138A (commercial sale) and Section 146 (license valid throughout Commonwealth) of (CH.140, MGL) shall be expressly incorporated herewith and shall henceforth apply under this Bylaw.

7.02.060 License fees - Late fees – Penalties.

The fee is \$15.00 for a dog license, \$20.00 if the dog has not been spayed or neutered, payable on January 1. Late Fees: If your dog is not licensed by March 15th, an additional Late Fee of \$5.00 will be assessed. If your dog is not licensed by July 1st, an additional Late Fee of \$10.00 will be assessed.

January 1 st - March 15 th	March 16 th – July 1 st	July 2 nd – December 31 st	
Spayed or Neutered	\$15	\$20	\$30
Not Spayed or Neutered	\$20	\$25	\$35

The license fee for a spayed or neutered dog shall be less than the license fee of an intact dog. Upon application for a license, the Town Clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation. (Art. 37, ATM 2013) Except as provided by Section 138 (CH.140, MGL) a person applying for a license hereunder shall be obligated to pay all outstanding fees related to the dog in question previously required by this bylaw. Determination of licensing eligibility, dogs not required to be licensed, or refunding license fees shall be determined as set out in Section 139, (CH.140, MGL). Any dog, impounded by the Animal Control Officer or others duly authorized, which is not wearing a tag indicating a current rabies vaccination, shall be vaccinated by a licensed veterinarian. The owner shall be required to pay such cost.

7.02.070 Kennel license – Fees.

Any person maintaining a kennel shall have a kennel license. Any person who meets the requirement of the Town Zoning By-Laws relating to kennels and the provisions of Section 137A, (CH.140, MGL) may apply for a license to operate from the Town Clerk on a form prescribed and supplied by the Town Clerk upon payment of the required fee. In the case of an applicant for initial licensure, and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

[46]

Domestic charitable organizations incorporated exclusively to protect animals from cruelty, neglect or abuse, or for relief of suffering among animals may be issued a kennel license without charge provided the above requirements have likewise been met. The provisions of Section 137B, (CH.140, MGL) (Sale of dogs by Kennels regulated) shall be expressly incorporated into this bylaw. The Board of Health, its designee, or the Animal Control Officer may at any time inspect, or cause a kennel to be inspected. If their judgment is that the facility is not being maintained in a sanitary and humane manner or that records are not being legally kept, a petition shall be filed with the Hearing Officer setting forth the facts. Within seven (7) days of receiving such a petition, or a similar complaint by twenty-five (25) citizens alleging they are aggrieved or annoyed to an unreasonable extent by one (1) or more dogs in a kennel because of excessive barking or the vicious disposition of said dogs, or other conditions at such kennel which they claim

constitute a public nuisance, the Hearing Officer shall notify all interested parties of a public hearing, the date of which shall be within fourteen (14) days of the original filing date. No longer than seven (7) days thereafter the Hearing Officer shall issue one of the following orders:

- (a) Revoke/suspend its license or otherwise regulate such kennel;
- (b) Dismiss the petition(s).

The Hearing Officer shall forthwith mail a copy of his/her decision to the license holder, and file copies with the Town Clerk and Animal Control Officer. Within ten (10) days thereafter the licensee may appeal an adverse decision to the District Court. A person who continues to operate a kennel after its license has been revoked or suspended shall be punished as set forth elsewhere in this bylaw. The provision of Section 137D (CH.140,MGL, Cruelty to Animals) shall be expressly incorporated under this bylaw. Kennels shall be limited to a total of fifteen (15) dogs to be maintained on said premises. It shall be a violation of this bylaw to have any dogs on said premises over and above said number.

Kennel License/Fees:	
Five (5) dogs or less	\$50.00
Ten (10) dogs or less	\$100.00
Fifteen (15) dogs or less	\$150.00
Over sixteen dogs	Prohibited

Said fees are subject to all other conditions set forth in Section 139 (CH.140, MGL).

7.02.080 Animal Control Officer.

The Town Manager shall appoint an Animal Control Officer and as many Assistant Animal Control Officers as he/she determines necessary to enforce this bylaw and, said individual(s) shall enforce this bylaw and perform such other duties as the Town Manager may determine. The Animal Control Officer shall seek out, catch and confine all dogs within the Town that have not been licensed within sixty (60) days of the time the dog is required to be licensed under this bylaw; and shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dog being in violation of this requirement of this bylaw; and shall seek out, catch and confine any dog within the Town when said dog was cited for a violation of any provision of this bylaw, and the owner or keeper has failed, within twenty-one (21) days, to avail him/herself to the provision of this bylaw, or within twenty-one (21) days of a determination by the court under the provision of Chapter 1.08, General Penalty, Town by laws, that any sums are due and has failed to pay said sums. Any owner or keeper of any dog who refuses to turn over any dog to the Animal Control Officer upon demand, said seeking out, catching or confinement authorized in the above paragraph shall be punished by a fine of one hundred and fifty (\$150.00) dollars. Each day that said violation continues shall constitute a separate offense. No person shall interfere with, hinder, molest or abuse an Animal Control Officer in the exercise of such responsibilities. The provisions of Section 151 and 151A (CH.140,MGL) regarding euthanization and/or transfer of any dogs shall apply and are expressly incorporated in this bylaw. No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out his/her official assignments as an agent for this Town, or shall any other agent of the Town, give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished as provided in Section 151 (CH.140,MGL). Duties of Officers. Each police officer, Animal Control Officer or Assistant Animal Control Officer to whom such authority is issued shall, on the first week of every month, make returns to the Director of Public Health and shall state in said returns the number of dogs which he/she has caught, confined or euthanized, or made available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in the Town have been caught, confined, euthanized, or adopted, and the names of persons against whom complaints have been made under the provision of

Chapter 140, MGL, and this bylaw relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report.

7.02.090 Hearing Officer.

The Town Manager shall appoint a Hearing Officer who shall act on his/her behalf of all matters pertaining to the enforcement of this bylaw and the settling of any disputes between dog owner/keeper, the Town or its residents.

7.02.100 Leash law.

No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to seeing eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of aiding the deaf. Restraint of Dogs. No person shall own, keep or harbor in the Town, within the confines of the owner's property (meaning owned, rented or leased), any dog which is left unattended and is not leashed or otherwise restrained or, if outside the premises of the owner (meaning owned, rented or leased), any dog which is not held firmly on a leash no greater than six (6) feet in length by a person who shall have control of such dog. This regulation shall not apply to a dog accompanying a person who, by reason of his/her disability, is physically unable to comply with the requirements of this bylaw or to any individual who utilizes a seeing-eye guide dog.

Leash Law:

1st Offense Warning

2nd Offense \$50.00

Each Subsequent Offense \$100.00

Unrestrained dogs may be taken by the Animal Control Officer or police and impounded in an animal shelter, and there confined in a humane manner. If the dog can be identified, the Animal Control Officer shall notify the owner of the impoundment. Impounded dogs shall be kept for seven (7) days unless reclaimed by their owner. Dogs not claimed within ten (7) or not placed in suitable homes may be placed in a recognized non-profit animal shelter that meets MSPCA standards for future adoption. In addition to or in lieu of impounding a dog found at large, the Animal Control Officer or police officer shall issue to the known owner of such dog a notice of the bylaw violation. Dogs being conveyed in a vehicle or boat shall be deemed to be under the personal control of the owner/keeper or custodian thereof. This bylaw shall not apply to dogs commonly known to be used for hunting, tracking or advanced obedience training purposes during any period said dogs are being used for such activity. Any dog being used for advanced obedience training shall have written proof of an AKC obedience certificate and be under total supervision, within fifty (50) feet, of a trainer or owner.

7.02.110 Public nuisances.

Every owner or keeper of a dog shall exercise proper care and control of his/her dog so as to prevent said dogs from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon private or public property and deposit feces thereon, unless immediately removed by the owner or keeper of said dog. Every Owner or keeper of said dog, who allows a dog in their control or possession to continuously bark for more than ten (10) consecutive minutes shall be deemed a PUBLIC NUISANCE. Female Dogs in Heat. Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

The Animal Control [48] Officer shall have the power to enforce a regulation to eliminate what he/she may deem to be a nuisance. Penalty for the violation of this section shall be:

1st Offense:	Warning
2nd Offense:	\$50.00
Each Subsequent Offense:	\$100.00

Noise, Disturbances, Chasing Vehicles, Trespassing, etc. No owner or keeper shall fail to exercise proper care and control of his/her dog to prevent said dog from becoming a public nuisance. Barking frequently or for continued duration or making sounds which create a noise disturbance across a residential real property boundary, molesting passersby, chasing vehicles, attacking people or other domestic animals, trespassing on school grounds or trespassing on private property in such a manner to damage property shall be deemed a nuisance. Penalty for the violation of this section shall be:

1st Offense:	Warning
2nd Offense:	\$50.00
Each Subsequent Offense:	\$100.00

Quarantine of Dog That Bites. The dog owner or keeper shall immediately, and within twenty-four (24) hours, notify the Board of Health if the dog bites a person. A dog that bites a person shall be quarantined for ten (10) days if ordered by the Animal Inspector. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Animal Inspector the quarantine may be on the premises of the owner. If the Animal Inspector requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall at his/her own expense place it in a facility approved by the Animal inspector. If said dog is in violation of one (1) or more of the following: unlicensed, unrestrained or is not currently vaccinated with anti-rabies vaccine, the owner shall surrender the animal for the quarantine period to a veterinary hospital at the owner or keeper's expense.

Animals Suspected of Being Rabid. No police officer or other person shall euthanize or cause to be euthanized any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian or Animal Inspector diagnoses rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of diagnosis.

Anti-Rabic Vaccine and Treatment. The Board of Health shall, upon application, furnish free of charge to any Town resident who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the Massachusetts Department of Public Health is authorized to make. Any resident shall have the right to select his/her own physician, who shall be paid by the Town at a rate established by the Board of Health and the fact that a physician is a member of the Board of Health shall not disqualify him/her from being so selected and from being paid by the Town for his/her services. Reimbursement for the cost of furnishing vaccine and treatment shall be made from the Dog Fund.

Ordering Dogs Muzzled or Restrained. All the provisions of Section 167 (CH.140,MGL) shall be incorporated into this bylaw except that any dog held under the provisions of Section 167 (CH.140,MGL) may not be released until all the requirements of this bylaw, regarding licensing and the fee for care of the animal are complied with. All other provisions of Section 167 (CH.140,MGL) shall be incorporated herein.

7.02.120 Disposition of dogs.

Any dog confined by the Animal Control Officer, unless picked up by the owner, shall be kept for at least seven (7) days, at which time said dog may be disposed of in a manner approved by the Board of Health, provided that at the end of seven (7) days, the Animal Control Officer may make available for adoption any dog not found to be diseased. Any dog confined by the Animal Control Officer shall not be released to the owner or keeper until the owner produces evidence of a current dog license. The Animal Control Officer shall establish a procedure for the adoption of abandoned dogs and in conjunction with the Director of Public Health set any fees or deposits required. Any fees in this paragraph are to be in addition to fees or lines as specified elsewhere in this bylaw and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH.140,MGL) or disposed of inconsistent with the provisions of Section 151A (CH.140,MGL).

Reclaiming Impounded Dogs. An owner reclaiming an impounded dog shall pay all boarding costs. In addition, if applicable, veterinary costs plus costs for any required vaccinations as required by MGL c. 140 Section 145 B, if the dog is not up-to-date on its annual vaccinations, as certified by a licensed veterinarian. (Art. 37, ATM 2013) The provisions of Section 160, and Section 161 (CH.140,MGL) regarding property damage, appraisal and

reimbursement are expressly incorporated in this bylaw. The provisions of Section 171 (CH.140,MGL), liability of damages, are expressly incorporated into this by law.

7.02.130 Disposition Process

The owner or keeper of the dog that receives a citation under this bylaw, may admit to the offense charged by personally or through a duly authorized agent or by mailing to the Town Clerk, said citation along with payment in the amount as authorized under the penalty provisions of this bylaw. Said payment shall be by postal note, money order or personal check. The payment to the Town shall operate as a final disposition of the case.

7.02.140 Non-Criminal Disposition of Violation.

If any person so notified by citation desires to contest the violation alleged in the citation notice, he/she may avail him/herself to the procedures established in Chapter 1.08, Section 1.08.010, of the Town of Tewksbury Town By-Laws. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty-one (21) days, the Town Clerk shall forward a copy of the citation to the District Court where it shall be handled under the provisions of Article 1, Section 2 of the Town By-Laws.

7.02.150 Bylaw violation.

Proceedings under this section shall not be criminal. If any violation is continuing, each day's violation shall be deemed to be a separate violation. Complaints will be sought in a District Court according to Chapter 140, Section 173A, Massachusetts General Laws. Enforcement of this section may, in the first instance, be pursued through the provisions of Section 21D, Chapter 40, Massachusetts General Laws, which provides for a non-criminal disposition. The enforcing persons shall be any police officer of the Town and the Animal Control Officer and the Assistant Animal Control Officer.

7.02.160 Penalty Bylaw violation.

(1) The following penalties, except where otherwise indicated herein, shall be in effect for violations of the provisions of this bylaw:

Non-Criminal Disposition through Chapter 1.08, General Penalty Town of Tewksbury, Town By-Laws:	
1st Offense	Warning
2nd Offense	\$ 50.00
Each Subsequent Offense	\$100.00

(2) Penalties for violations of any provision of this bylaw, except where otherwise indicated, shall be one hundred (\$100.00) dollars.

7.02.170 Dog Fund.

A Dog Fund is hereby created by the Town under the provisions of MGL., Chapter 44, Section 53E, said fund to be used as a depository for all monies collected as fees, fines, charges, penalties and other like monies imposed under this bylaw. It shall be administered by the Treasurer/Collector and may also receive funds from usual municipal financing methods. Receipts allocated to this fund shall be deposited in a special account by the Treasurer. Expenditures may be charged against this fund without prior appropriation, subject to the approval by the Town Clerk, and shall be limited to purposes directly connected to the enforcement of the provisions of the dog bylaw. Said expenditures, or incurred liabilities, shall not exceed the available balance of the fund at any given time nor the actual amounts deposited to it during the previous fiscal year. The unexpended balance in this account at the end of each fiscal year shall be deposited into the General Fund. At the written request of the Town Clerk, to the Auditor, a portion of the unexpended balance shall remain in the Dog Fund, to provide for the purchase of supplies and technical services to maintain the Dog Program. Any veterinarian registered under the provisions of Section 55 or 56A (Ch.112,MGL) who provided emergency treatment of a dog or cat that is injured on any public way in Tewksbury shall receive (in lieu of payment allowed in Section 151B, CH.140,MGL), payment from the Dog Fund provided by this bylaw. All other provisions of Section 151B (CH.140,MGL) shall be

incorporated herein under this bylaw. The Board of Selectmen shall determine certain salaries or expenses that may not be funded with this fund but must be appropriated through the usual municipal financing procedure, and such determination shall be binding on this administration of this fund by the Treasurer/Collector.

7.02.180 MASSACHUSETTS GENERAL LAWS INCORPORATED INTO THIS BY-LAW

The provisions of the following Sections of Chapter 140 of Massachusetts General Laws, as may be

Amended from

time to time, shall be incorporated into and apply to this By-Law as referred to in this article.

Section:

137 Registration and Licenses

137B Sale of Dogs by Kennels Regulated

137D No Dog Licenses to Persons Convicted of Cruelty to Animals

138 Licenses

138A Importation of Dogs & Cats for Resale

139A Shelters; sale or gift of dog or cat not spayed or neutered

141A Penalties for failure to license

145B Rabies Vaccination

147 Issuance of licenses & disposition of fees

147A By-Laws & Ordinances relative to regulations of dogs

149 Accounts

150 Dog Listing

153 Form of Warrant

155 Liability for Damage to Persons or Property

155A Indemnification

156 Any Person may Kill Dog, Under Certain Conditions

157 Vicious Dogs

158 Killing of Vicious Dogs

159 Treble Damages for Injuries

160 Bond by Owner or Keeper

161A No Reimbursement in Certain Cases

162 Reward for Killing or Evidence in Certain Cases

163 Notice to Owner to Kill or Confine Dog

164 Penalty for Failure to Kill or Confine

166 Damaged Parties, Choice of Remedies

168 Penalty for Failure to Muzzle or Restrain

169 Neglect of Duty by any Officer, Penalty

171 Liability of Dog Owner for Damage

173A Disposition of Complaints for Violation of Dog Control Laws

174 Recovery of Fines and Penalties

174A Regulating Killing of Dogs

174B Dogs to be restrained in Certain Rest Areas

174D Research Institutions

7.02.190 EFFECTIVE IMPLEMENTATION DATE OF THIS BY-LAW

This By-Law shall go into effect on December 31, 1997, and until said date, all areas of Massachusetts General Laws and Chapter 1.08 and Chapter 6.04, Town of Tewksbury By-Laws shall remain in effect.

7.02.200 SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this By-Law is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this By-Law. No provision or interpretation of a provision of this By-Law is intended to be either in conflict with or an attempt to change any statutory provision in Chapter 140, Massachusetts General Laws, pertaining to dogs.

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

ARTICLE 48 – PETITIONERS ARTICLE

To see if the Town, pursuant to MGL Chapter 44b, will vote to amend the Billerica General By-Laws by adopting the following new Section to be entitled Article II, Section 42, “Community Preservation Committee”, to be implemented after adoption of the Community Preservation Act, or act in relation thereto:

Chapter 42.1: Establishment

There is hereby established a Community Preservation Committee (hereinafter referred to as “CPC”), consisting of seven (7) voting members pursuant to MGL Chapter 44b. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- One voting member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Conservation Commission for a term of three years.
- One voting member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Historical Commission for a term of three years.
- One voting member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Planning Board for a term of two years and thereafter for a term of three years.
- One voting member of the Recreation Commission (created by Section 2 of Chapter 45) as designated by the Recreation Commission for a term of two years and thereafter for a term of three years.
- One voting member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Commissioners for a term of 1 year and thereafter for a term of three years.
- One at-large member, citizen of Billerica who does not currently serve as a municipal employee, to be appointed by the Town Manager, for an initial term of one year and thereafter for three years.
- One at-large member, who does not currently hold elected or appointed office, nor currently serves as municipal employee, to be appointed by the Board of Selectmen, for an initial term of two years, and thereafter for a term of three years.

Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Chapter 42.2: Duties

1. (42.2.1) The CPC shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with the Town Manager, existing municipal boards, including the Board of Selectmen, the conservation commission, the historical commission, the planning board, the recreation commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.
2. (42.2.2) The CPC shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. (42.2.3) The CPC may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 42.3: Requirement for a quorum and cost estimates

The CPC committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 42.4: Amendments

The CPC shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the CPC. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Chapter 42.5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 42.6: Effective Date

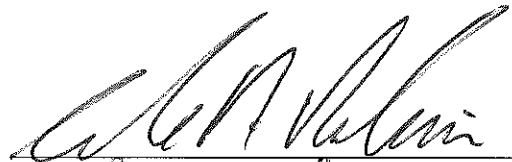
Following municipal acceptance of the Community Preservation Act and Town Meeting approval of this bylaw, this Section shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

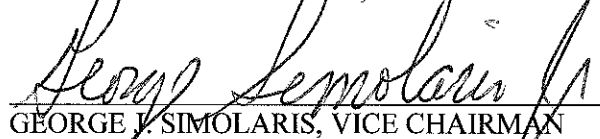
Submitted by Margaretha Henderson and Messrs. Henderson, Ingraham, Casey, O'Donnell, McKenna, Libby and Madames Card, Card, Potter, Laundry, Donahue, McKenna, McKenna and Libby.

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

Given under our hands this 25th day of August 2016.

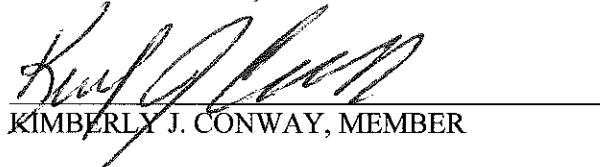
BOARD OF SELECTMEN


ANDREW N. DESLAURIER, CHAIRMAN


GEORGE J. SIMOLARIS, VICE CHAIRMAN


JOHN J. PISCATELLI, SECRETARY


DANIEL L. BURNS, MEMBER


KIMBERLY J. CONWAY, MEMBER

A true copy attest



Constable, Town of Billerica