

TOWN OF BILLERICA

FINAL WARRANT



ANNUAL FALL TOWN MEETING

**Annual Fall Town Meeting
Tuesday, October 4, 2022 at 7:00 PM**

at the

Billerica Town Hall Auditorium

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

1	To Appoint Two Members to the Bowers Fund Committee			Select Board	Recommends
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by Select Board	Reserves Recommendation

Financial Articles

3	Fiscal Year 2023 Budget Amendment	\$589,124	Raise, Transfer & Appropriate	Town Manager; authorized by Select Board	Reserves Recommendation
4	To Transfer and Appropriate a Sum of Money from the Town Debt Stabilization Fund to Fund the Debt Service Budget	\$2,012,618	Transfer & Appropriate from the Town Debt Stabilization Fund	Town Manager; authorized by Select Board	Reserves Recommendation
5	Community Preservation Committee Appropriation Recommendations	\$625,000	Raise & Appropriate & Transfer from CPA Funds	Community Preservation Committee	Recommends
6	To Fund Collective Bargaining Agreement – School Teachers	\$1,533,008	Raise & Appropriate	Superintendent; authorized by School Committee	Reserves Recommendation
7	To Fund Collective Bargaining Agreement – School Paraprofessionals	\$397,284	Raise & Appropriate	Superintendent; authorized by School Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – School Administrators	This Article has been Withdrawn			
9	To Fund Collective Bargaining Agreement – School Custodial	This Article has been Withdrawn			
10	To Fund Collective Bargaining Agreement – School Clerical	This Article has been Withdrawn			
11	To Fund Collective Bargaining Agreement – School Cafeteria	This Article has been Withdrawn			

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
12	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (A) Patrolmen	This Article has been Withdrawn			
13	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (B) Superior Officers	This Article has been Withdrawn			
14	To Fund Collective Bargaining Agreement for IAEP Police EMT's and Paramedics	This Article has been Withdrawn			
15	To Fund Collective Bargaining Agreement for BMEA DPW Workers	This Article has been Withdrawn			
16	To Fund Fiscal Year 2023 Town and School Capital Budgets	\$4,990,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
17	To Fund Fiscal Year 2023 School Capital Budget	\$6,000,000	Transfer & Appropriate from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
18	To Fund the Replacement of Water Mains	\$1,700,000	Borrow	Town Manager; authorized by Select Board	Recommends
19	To Fund Hydrants and Valve Replacements	\$100,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Recommends
20	To Fund the Cleaning and Lining of Water Mains	\$1,400,000	Transfer from Available Funds	Town Manager; authorized by Select Board	Recommends
21	To Fund Lead Servicing Line Replacement Planning	\$750,000	Borrow	Town Manager; authorized by Select Board	Recommends
22	To Fund the Purchase of a New Fire Truck	\$750,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Recommends
23	To Fund a Structural Assessment of the North Billerica Fire Station	\$25,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Recommends

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
24	To Vote a Sum of Money from General Fund Free Cash and Sewer Retained Earnings to the Debt Stabilization Fund	\$1,800,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
25	To Vote from Free Cash to the Debt Stabilization Fund	\$6,000,000	Transfer & Appropriate from Available Funds	Finance Committee	Reserves Recommendation
26	To Vote from Free Cash to the Stabilization Fund	\$6,000,000	Transfer & Appropriate from Available Funds	Finance Committee	Reserves Recommendation
27	To Vote from Free Cash to the Land Bank Account	\$6,000,000	Transfer from General Fund Free Cash	Finance Committee	Reserves Recommendation
28	To Vote from Free Cash a Sum of Money to be Applied or Expended for the Purpose of Reducing the Fiscal Year 2023 Tax Levy		Transfer from General Fund Free Cash	Finance Committee	Reserves Recommendation

General By-Laws

29	To Restructure the Billerica Substance Awareness and Prevention Committee Appointments			Submitted by the Billerica Substance Awareness and Prevention Committee	Recommends
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Land Use & Easements

30	To Authorize the Select Board to Accept Roads as Public Ways			Town Manager; authorized by Select Board	Reserves Recommendation
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Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Zoning By-Law Amendments

31	To Make Proposed Changes to the Zoning By-Laws (Delete Expired Moratoria)			Submitted by the Zoning By-Law Review Committee	Reserves Recommendation
32	To Make Proposed Changes to the Zoning By-Laws (Updated Definitions)			Submitted by the Zoning By-Law Review Committee	Reserves Recommendation

Petitioner Articles

33	Petitioner Article			Petitioner	Does Not Recommend
34	Petitioner Article			Petitioner	Recommends

FINAL WARRANT
OCTOBER 4, 2022
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, 2022 at 7:00 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 TWO MEMBERS TO THE BOWERS FUND COMMITTEE

To see if the Town will vote to appoint two (2) members to the Bowers Fund Committee. One appointment is for a term of five (5) years and one appointment is for a term of one (1) year; or act in relation thereto.

Submitted by the Select Board

Finance Committee recommends approval.

Article 1 Explanation: The Bowers Fund Committee was established in the late 1800's when the Bower sisters left their entire estate to the Town of Billerica, approximately \$11,000, with the express intent of assisting the poor of Billerica. The current expendable balance in the fund is \$15,120.06 and the principal balance is \$132,053.91. Town Meeting appoints members to the Bowers Fund Committee. Committee member John G. Conway's term is expiring in October of 2022 and he is requesting that he be reappointed for another 5-year term. Eleanor Shea passed away and her term expires October of 2023. The Bowers Fund Committee would like to recommend Rino Moriconi to replace Eleanor Shea for the remainder of the term.

ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES AND 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 Select Board

Finance Committee has not made final recommendation.

Article 2 Explanation: This article provides an opportunity to hear and act upon reports of Town Meeting Committees.

ARTICLE 3 - FISCAL YEAR 2023 BUDGET AMENDMENT

To see if the Town will vote to raise and appropriate the sum of \$339,124 to amend various budgets for Fiscal Year 2023 as follows:

Account Name	Account Number	Beginning Balance	Change	Ending Balance
Town Buildings Utilities	19230-5256	50,000	50,000	100,000
Town Systemwide Fuel	19370-7099	415,000	50,000	465,000
Medicare	91070-7042	1,133,240	225,000	1,358,240
Town Manager Personnel	12310-5110	635,138	14,124	649,262
Total Change			339,124	

And further to raise and appropriate the sum of \$250,000 to amend the contract services line of the Sewer Enterprise Budget for Fiscal Year 2023 as follows:

Account Name	Account Number	Beginning Balance	Change	Ending Balance
Contract Services	67030-5200	1,134,450	250,000	1,384,450

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 3 Explanation: Town Buildings Utilities, Natural Gas, is increasing by \$50,000 due to increase in the cost of natural gas. The Town Contract is expiring November 1st. It is anticipated that the new contract will contain significantly higher rates. Town Systemwide Fuel is not a set price and is subject to the market. Fuel costs are also increasing significantly. This account is increasing by \$50,000. Medicare Costs were amended by \$170,000 last year and this budget is being amended to reflect that, as well an additional \$55,000 for anticipated increases due to settlement of the School Collective Bargaining Agreements and other salary changes. The Town Manager's "Assistant Town Manager" position is being changed by \$14,124 for employee retention and keeping this position competitive in the municipal marketplace.

Contract Services in the Sewer Wastewater Treatment Enterprise Budget needs to be increased by \$250,000 to accommodate the increased cost of sludge removal. The disposal costs and fuel costs are contributing to this increase.

ARTICLE 4 - TO TRANSFER AND APPROPRIATE A SUM OF MONEY FROM THE TOWN DEBT STABILIZATION FUND TO FUND THE DEBT SERVICE BUDGET

To see if the Town will vote to transfer and appropriate the sum of \$ 2,012,618 from the Town Debt Stabilization Fund to fund the Debt Service Budget; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 4 Explanation: This article is intended to address paragraph 3 and 4 of the Debt Stabilization Policy.

Paragraph 3 states that if an annual appropriation exceeds \$9.066 million, the Town will appropriate the difference from the Debt Stabilization Fund to keep the levy impact at \$9.066 million. This fiscal year the annual debt service has exceeded the policy limit in the amount of \$1,112,618.

Paragraph 4 refers to the Town's goal of ensuring the impact of the two debt exclusions does not exceed \$200 of impact on the average single-family home. The amount needed to meet that goal for this year is a transfer of \$900,000 to the Debt Service Account. These two transfers add up to a total transfer of \$2,012,618 from the Debt Stabilization Fund to the Debt Service Account.

ARTICLE 5 - COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

To see if the Town will vote to amend the Fiscal Year 2023 appropriated or reserved sums as voted under Article 14 of the May 3, 2022 Town Meeting such that such sums total \$1,100,000 from Community Preservation Fund annual revenues for Community Preservation Committee administrative expenses and special purpose fund balances as follows:

		<u>Original</u>	<u>Amended</u>
Appropriations:	Administrative Budget	\$45,000	\$55,000
Reserves:	Housing	\$100,000	\$110,000
	Historic Preservation Special Fund		
	Balance	\$100,000	\$110,000
	Open Space and Recreation Special		
	Fund Balance	\$100,000	\$110,000
	Unreserved Fund Balance	<u>\$655,000</u>	<u>\$715,000</u>
		\$1,000,000	\$1,100,000

And further,

To determine whether the Town will vote to transfer from the Community Preservation Fund or otherwise fund for community preservation purposes the sum of \$525,000 shown below for the referenced projects; and, in connection therewith, to authorize the Select Board to acquire any interests in land that may be necessary to effectuate the purposes of this vote, or to grant any interests in land as may be necessary to comply with M.G.L. c.44B; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article; all in accordance with Massachusetts General Laws c. 44B or other applicable law; with sums appropriated hereunder to be expended under the direction of the Town Manager:

<u>Open Space and Recreation</u>		
Project	Funding Source	Amount
Vining Baseball Field	Special Fund Balance / Undesignated	\$ 500,000
MBTA ROW	Undesignated	\$ 25,000
	Total Open Space and Recreation	\$ 525,000

	Total all Projects	\$ 525,000
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Or act in relation thereto.

Submitted by the Community Preservation Committee

Finance Committee recommends approval.

Article 5 Explanation: The Community Preservation Committee received applications for projects to use funds within the Community Preservation Fund, and the two projects described will be recommended to Town Meeting for approval. Refer to the Town Meeting Book for project descriptions.

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SCHOOL TEACHERS

To see if the Town will raise and appropriate a sum of \$1,533,008 to fund the first-year cost items associated with the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO, with a term of August 26, 2022 to August 25, 2025; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

Finance Committee has not yet made final recommendation.

Article 6 Explanation: This article seeks to raise and appropriate \$1,533,008 to fund the first-year cost items associated with the teacher contract. The contract term is a three-year extension of a contract that expired on August 25, 2022, and includes significant wage and language changes. Effective halfway through the current 2022-2023 school year, the base contractual teacher workday will increase to seven hours for all employees, an average increase of 5.3% of additional contractual working time. This will allow the district to extend the length of the school day by a half hour for elementary and middle school students beginning with the 2023-2024 school year.

The financial terms of the contract include a base COLA of 2.5% each year of the three-year term. As teachers are salaried employees, there are additional salary adjustments to compensate for the extra working time as follows: an additional 1% wage adjustment in FY23; a reconfiguration of the entire salary grid in FY24 with an effective impact of 1.5% adjustment; and an additional 0.25% adjustment in FY25.

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SCHOOL PARAPROFESSIONALS

To see if the Town will raise and appropriate a sum of \$397,284 to fund the first-year cost items associated with the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO, Paraprofessionals, with a term of August 26, 2022 to August 25, 2025; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

Finance Committee has not yet made final recommendation.

Article 7 Explanation: This article seeks to raise and appropriate \$397,284 to fund the first-year cost items associated with the paraprofessional contract. The contract term is a three-year extension of a contract that expired on August 25, 2022, and includes significant wage and language changes. Effective halfway through the current 2022-2023 school year, the base paraprofessional workday will increase to a minimum of seven hours. This will allow the district to extend the length of the school day by a half hour for elementary and middle school students beginning with the 2023-2024 school year.

The financial terms of the contract include a base COLA of 2.75% each year of the three-year term. As paraprofessionals are hourly employees, additional compensation is directly impacted by the lengthened workday.

ARTICLE 8 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 9 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 10 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 11 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 12 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 13 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 14 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 15 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 16 - TO FUND FISCAL YEAR 2023 TOWN AND SCHOOL CAPITAL BUDGETS

To see if the Town will vote to transfer and appropriate from available funds the sum of \$4,990,000 to fund the Town and School Capital Budgets as follows:

To transfer and appropriate from General Fund Free Cash the sum of \$795,000 for the purchase and equipping of the following department vehicles:

DPW Admin – (2) SUV	75,000
Highway Trucks – 5ton Dump	270,000
Highway Trucks – $\frac{3}{4}$ ton Utility	65,000
Highway Trucks – Bucket Truck	95,000
Highway Trucks – (2) 1 ton Dump	170,000
Parks – (2) $\frac{3}{4}$ ton Pick-up	120,000

To transfer and appropriate from Sewer Retained Earnings the sum of \$415,000 for the purchase and equipping of the following department vehicles:

Transit Van with Camera	220,000
Sewer Trucks – (3) $\frac{3}{4}$ ton Utility	195,000

To transfer and appropriate from Water Retained Earnings the sum of \$215,000 for the purchase and equipping of the following department vehicles:

Water Trucks – Utility	130,000
Water Trucks – 1 ton Dump	85,000

To transfer and appropriate from Sale of Lots the sum of \$205,000 for the purchase and equipping of the following department vehicles:

Cemetery Trucks – $\frac{3}{4}$ ton Pick-up	60,000
Cemetery Trucks – Compact Excavator	80,000
Cemetery Trucks – 1 ton Dump	65,000

To transfer and appropriate from General Fund Free Cash the sum of \$1,690,000 for the design and construction, including the payment of all costs incidental and related for the following Town projects including an ambulance for Emergency Management Services:

Ambulance	350,000
Town Hall Auditorium	600,000
Katie Durand Memorial Park	200,000
Vining Field Lighting	540,000

To transfer and appropriate from General Fund Free Cash the sum of \$670,000 for the design and construction, including the payment of all costs incidental and related, for the following School projects:

Dutile – Culvert Repair	180,000
Hallenborg Rink – Boiler Replacement	150,000
District Elementary - Playgrounds	200,000
Ditson – Sprinkler Repairs & Upgrade	20,000
Ditson – HVAC Controls Hardware Upgrade	120,000

To transfer and appropriate from Overlay Surplus the sum of \$1,000,000 for the design, including the payment of all costs incidental and related for the Town Center.

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 16 Explanation: This article addresses Capital needs across all Town departments. There is \$1.63 Million of Capital items for the DPW funded through four (4) different sources. Several Highway and Parks trucks and Admin vehicles are funded with \$795,000 of Free Cash. The Wastewater Department is requesting four (4) vehicles through Wastewater Retained Earnings in the amount of \$415,000. The Water Department is requesting two (2) vehicles in the amount of \$215,000 from Water Retained Earnings. The Cemetery Department is requesting two (2) trucks and an excavator for a total request for funding of \$205,000 from Cemetery Sale of Lots and Graves. This DPW request is bigger than usual. This is precipitated by new and more aggressive replacement policies initiated by the new DPW Director.

The Town is requesting \$1.69 Million from Free Cash for several Town Projects and the purchase of an ambulance. The Town Hall Auditorium Project is funded from several other sources in addition to this request. It is funded with \$400,000 from ARPA funds and \$140,000 from State Appropriations. This will include improved lighting, audio, HVAC and furniture. The Katie Durand Memorial Park Project is projected to cost \$266,000. This project had \$66,000 from previous appropriations and therefore needs \$200,000 to complete the project. The Vining Field Lighting Project is expected to cost \$540,000.

The School Department seeks to utilize \$670,000 from Free Cash to fund Capital Projects for the Billerica Public Schools. In particular, this article is designed to address the following projects:

2022 Fall Town Meeting – School Department Proposed Projects

School(s)	Project	Estimated Cost
Dutile	Culvert Repair	\$180,000
Hallenborg Rink	Boiler Replacement	\$150,000
District Elementary	Playgrounds	\$200,000
Ditson	Sprinkler Repair and Upgrade	\$20,000
Ditson	HVAC Controls Hardware Upgrade	\$120,000
	TOTAL:	\$670,000

The last item is an appropriation from Overlay Surplus in the amount of \$1 Million to pay for the design, including the payment of all costs incidental and related to the Town Center Project. This is a project put forward by the Select Board. It involves the redesign of the Town Center, including the sinking of utilities and the incorporation of a major streetscape project. It includes within the proposed concept two-way traffic on Boston Road and connectivity to the Town Common Proper from the west side of the Town Common. The process will be open and transparent and will include public input.

ARTICLE 17 - TO FUND FISCAL YEAR 2023 SCHOOL 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 2023 School Capital Budget; or act in relation thereto.

Submitted by the Superintendent; authorized by the School Committee

Finance Committee has not yet made final recommendation.

Article 17 Explanation: This article will be dismissed at Town Meeting as School Capital Items are included as part of Article 16.

ARTICLE 18 - TO FUND THE REPLACEMENT OF WATER MAINS

To see if the Town will vote to appropriate the sum of \$1,700,00 to pay the cost of water main replacement of the 8-inch main in Boston Road from Tufts Lane to a point near the Crosby Hill standpipe with a new 12-inch main and the replacement of the service lines on Town property and associated work, including any costs incidental or related, and that to meet this appropriation the Treasurer, with approval of the Select Board, be authorized to borrow the sum of \$1,700,000 under and pursuant to the provisions of G.L. Chapter 44, Section 7, and or any other enabling authority; and further, to authorize the Select Board to execute such documents and enter into such agreements as it deems in the best interest of the Town in the furtherance of the objectives of this article; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 18 Explanation: Under this article funds would allow for the replacement of the 8-inch main in Boston Road from Tufts Lane to a point near the Crosby Hill standpipe with a new 12-inch main. This work will be done before or in conjunction with the redesigning of the Boston Road Lexington Road intersection. The existing pipe was installed in 1913. Work is planned in advance of the TIP Project.

ARTICLE 19 - TO FUND HYDRANT AND VALVE REPLACEMENTS

To see if the Town will vote to transfer and appropriate the sum of \$100,000 from the Water Retained Earnings Enterprise Fund for the purchase and replacement of hydrants and valves in the Water Distribution System, including any costs incidental or related thereto; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 19 Explanation: Under this article existing fire hydrants and water main valves will be replaced throughout the Water Distribution System as required.

ARTICLE 20 - TO FUND THE CLEANING AND LINING OF WATER MAINS

To see if the Town will vote to transfer and appropriate the sum of \$1,400,000 from the Water Retained Earnings Enterprise Fund for water main rehabilitation of a 12-inch water main in Boston Road from Floyd Street to River Street and the replacement of the service lines on Town property and associated work, including any costs incidental or related thereto, or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 20 Explanation: Under this article funds would allow for the cleaning and lining of the 12" water main in Boston Road installed in 1898 from Floyd Street to River Street in advance of the Boston Road TIP project.

ARTICLE 21 - TO FUND LEAD SERVICING LINE REPLACEMENT PLANNING

To see if the Town will vote to appropriate the sum of \$750,000 to pay the cost of Lead Service Line Planning, including the payment of all costs incidental and related thereto; and that to meet this appropriation the Treasurer, with approval of the Select Board, be authorized to borrow the sum of \$750,000 under and pursuant to the provisions of G.L. Chapter 44, Section 7, and or any other enabling authority; and further, to authorize the Select Board to execute such documents and enter into such agreements as it deems in the best interest of the Town in the furtherance of the objectives of this article; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 21 Explanation: Under this article the Town will perform water service line data collection, inventory development, investigations, and lead service line replacement planning in preparation of the Lead & Copper Rule Revisions initial compliance date of October 16, 2024. Work is intended to be funded by the Massachusetts Clean Water Trust Lead Service Line Planning Program which is offering \$20 million in loans with 100% forgiveness for disadvantaged communities. Securing local appropriation is the first step in the loan application process.

ARTICLE 22 - TO FUND THE PURCHASE OF A NEW FIRE TRUCK

To see if the Town will vote to transfer and appropriate from Free Cash, the sum of \$750,000 to fund the purchase and equipping of a pumper truck for the Billerica Fire Department; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 22 Explanation: Under this article the Town would be replacing a current reserve piece from 1994. The truck has 11,431 engine hours and 126,723 miles. The new pumper fire truck would become a front-line piece at an outlying station and would move a current front-line to a reserve.

ARTICLE 23 - TO FUND A STRUCTURAL ASSESSMENT OF THE NORTH BILLERICA FIRE STATION

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$25,000 to fund a structural assessment of the North Billerica Fire Station; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee recommends approval.

Article 23 Explanation: Under this article the Town would conduct a structural assessment of the North Billerica Fire Station. In the 2018 Department and Facility assessment of all Billerica Fire Stations, it noted that the North Billerica Fire Station exterior wall, floor, and roof were rated extremely poor. It was also showing signs at the time that the concrete flooring had significant wear. The Town is proposing to further explore the issues at this station and determine a plan to mitigate these issues.

ARTICLE 24 - TO VOTE A SUM OF MONEY FROM FREE CASH AND RETAINED EARNINGS TO THE DEBT STABILIZATION FUND

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$370,000 and to transfer and appropriate from Sewer Retained Earnings the sum of \$1,430,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 24 Explanation: The Town, through the Select Board, has established a Debt Stabilization Policy that maintains the same level of appropriation from the tax levy year to year - \$9.066 million. This is accomplished in the following ways:

- *Transferring a minimum amount of Free Cash and or retained earnings annually in the amount of \$1.8 million to the Debt Stabilization Fund.*
- To appropriate the difference of any year that is lower than \$9.066 million to Debt Stabilization.
- If the annual appropriation exceeds \$9.066 Million to transfer the amount that it exceeds the desired level of appropriation (\$9.066) from the Debt Stabilization Fund into the Debt Service Appropriation.
- To ensure that the tax impact of the debt service on the new high school and the Parker Elementary does not exceed \$200 on the median Household.

This article is intended to address an annual appropriation that exceeds \$9.066 million.

ARTICLE 25 - TO VOTE FROM FREE CASH TO THE DEBT STABILIZATION FUND

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

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

Article 25 Explanation: The purpose of this fund is to set aside money to be used to fund the Town's Debt Policies. The balance as of June 30, 2022 of the Debt Stabilization Fund is \$22,336,319. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2022.

ARTICLE 26 - TO VOTE FROM FREE CASH TO THE STABILIZATION FUND

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

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

Article 26 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The balance as of June 30, 2022 of the Stabilization Fund is \$5,387,087 for the Town and \$834,676 for the School Department. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2022.

ARTICLE 27 - 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

Finance Committee has not yet made final recommendation.

Article 27 Explanation: The Land Bank Account was established by special legislation. The balance as of June 30, 2022 of the Town Land Fund is \$409,821. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2022.

ARTICLE 28 - TO VOTE FROM FREE CASH A SUM OF MONEY TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2023 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 2023 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

Article 28 Explanation: To be presented at Town Meeting. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2022.

ARTICLE 29 - TO RESTRUCTURE THE BILLERICA SUBSTANCE AWARENESS AND PREVENTION COMMITTEE APPOINTMENTS

To see if the Town will vote to restructure the Billerica Substance Awareness and Prevention Committee appointments from:

Committee of eleven members who are residents or employees of the Town. Two (2) members appointed by the Board of Selectmen; Two (2) by the Police Chief, Two (2) by the Fire Chief; Two (2) by the Billerica School Supt., Two (2) by the Board of Health and One (1) by Shawsheen Tech Supt. (Term of 3-yrs).

To:

Committee of eleven members who are residents or employees of the Town as follows:

Two (2) resident appointments from the Select Board; Two (2) resident appointments from the Board of Health; Two (2) resident appointments from the Fire Department; One (1) employee appointment from the Police Department; One (1) employee appointment from the Billerica School Superintendent; One (1) employee appointment from the Shawsheen Tech Superintendent; One (1) resident appointment from the Billerica Youth Advisory Council; and, One (1) resident appointment from the Billerica School Committee; (Term of 3-years).

Or act in relation thereto.

Submitted by the Billerica Substance Awareness and Prevention Committee

Finance Committee recommends approval.

Article 29 Explanation: The recommended restructuring of appointments to the Committee is an ongoing effort to increase diversity on the committee to include youth and student voices in our work.

ARTICLE 30 - To Authorize the Select Board to Accept Roads as Public Ways

To see if the Town will vote to accept the following listed roads as public ways in accordance with the layouts adopted by the Select Board and on file with the Town Clerk; and to authorize the Select Board to acquire by gift, purchase, or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Billerica; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article; or act in relation thereto.

Woodland Road, from Tremlett Road to Shawsheen Road, approximate length 700' and 40' width right of way, as depicted on the plan entitled '*Woodland Road - Billerica, MA – Existing Conditions*' dated February 14, 2002 by Allen & Major Associates, Inc. (Engineering Division Plan B-4-249, Sheets 1-2 of 2)

Plank Street, from the Bedford Town Line to Dunham Road, approximate length 1,200' and 40' width right of way, as depicted on the plan entitled '*Plan & Profile, Plank Street - Billerica, MA*' dated July 21, 2022 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-194, Sheets 1-2 of 2)

Dunham Road, from the Dunham Road cul-de-sac to the intersection with Enterprise Road and Progress Road, approximate length 2,700' and variable width right of way, as depicted on the plan entitled '*Plan & Profile, Dunham Road - Billerica, MA*' dated August 5, 2022 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-195, Sheets 1-5 of 5)

Progress Road, from Dunham Road to the cul-de-sac, approximate length 1,300' and 50' width right of way, as depicted on the plan entitled '*Plan & Profile, Progress Road - Billerica, MA*' dated August 5, 2022 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-196, Sheets 1-3 of 3)

Enterprise Road, from Dunham Road to cul-de-sac, approximate length 1,350' and 50' width right of way, as depicted on the plan entitled '*Plan & Profile, Enterprise Road - Billerica, MA*' dated August 5, 2022 by Lighthouse Land Surveying, LLC (Engineering Division Plan B-5-197, Sheets 1-3 of 3)

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 30 Explanation: This list of roads was developed based on citizen petitions.

ARTICLE 31 - TO MAKE PROPOSED CHANGES TO THE ZONING BY-LAW (DELETE EXPIRED MORATORIA)

To see if the Town will vote to amend the Town's Zoning By-Law by deleting expired Moratoria as found therein as Section 5.I.: "Temporary Moratorium on Medical Marijuana Treatment Centers" and 5.J.: "Temporary Moratorium on Recreational Marijuana Establishments" in their entirety, and to delete references to said sections in the Table of Contents; or act in relation thereto.

SECTION 5.I - TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

~~Whereas, by vote at the State Election on November 6, 2012, the voters of the Commonwealth approved Ballot Question 3 authorizing legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes; and~~

~~Whereas, said legislation became effective on January 1, 2013; and,~~

~~Whereas, the State Department of Public Health is required to issue regulations regarding implementation of the new law within 120 days of the law's effective date; and,~~

~~Whereas, currently under the Town of Billerica Zoning Bylaw (and other local bylaws and regulations), a medical marijuana treatment facility is not a permitted use in the Town; and,~~

~~Whereas any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers; and,~~

~~Whereas, the regulation of medical marijuana raises novel and complex legal and land use planning issues; and,~~

~~Whereas the Town needs time to study and consider the regulation of medical marijuana treatment centers and address such novel and complex issues; and,~~

~~Whereas the Town needs time to address the potential impact of the state regulations on local zoning; and,~~

~~Whereas the Town needs time to undertake a planning process to consider substantive amendments to the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to medical marijuana; and,~~

~~Whereas the Town deems it to be in the public interest and consistent with the underlying goals and objectives of the Zoning Bylaw to adopt a temporary moratorium on the use of land and structures located in the Town for medical marijuana treatment centers and related purposes so as to allow the Town sufficient time to engage in a planning process to~~

~~address the effects of such structures and uses in the Town and to enact bylaws and regulations in a manner consistent with sound land use planning goals and objectives;~~

~~Wherefore, the Town of Billerica hereby adopts the following temporary moratorium on the use of land and structures for medical marijuana treatment centers in the Town:~~

~~For the reasons set forth above and notwithstanding any other provision in the Town of Billerica Zoning Bylaw to the contrary, the Town of Billerica hereby adopts a temporary moratorium on the use of land or structures for purposes of cultivation, distribution, possession and use of marijuana for medical purposes and/or the operation of a medical marijuana treatment center. The moratorium shall remain in effect until June 30, 2014 (unless repealed earlier by action of Town Meeting). During the moratorium period, the Town will undertake a planning process to address the potential impacts of the medical marijuana legislation in Billerica, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and adopt appropriate zoning regulations to address the impact and operation of medical marijuana treatment centers and related uses in Billerica.
(Art. 37—ASTM 5-07/2013)~~

~~5.J. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS~~

~~A Purpose~~

~~On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.~~

~~B. Definition~~

~~“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”~~

~~C. Temporary Moratorium~~

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.~~

~~Amended: Art. 31—AFTM-10/03/2017~~

Submitted by the Zoning By-Law Review Committee

Finance Committee has not yet made final recommendation.

Article 31 Explanation: The two moratoria to be removed have expired and need to be formally removed from the zoning code to clean up the code.

- Section 5.I. “Temporary Moratorium on Medical Marijuana Treatment Centers” was enacted at Town Meeting vote in May 2013 and expired on June 30, 2014. In May 2014, the Town established the Medical Marijuana Overlay District, so this moratorium was no longer needed.
- Section 5.J. “Temporary Moratorium on Recreational Marijuana Establishments” was enacted by Town Meeting vote in October 2017 and expired on December 31, 2018. In October 2018, the Town established the Adult Use Marijuana Overlay District, so this moratorium was no longer needed.

Please refer to the redlined version of the zoning code submitted in this article for changes.

ARTICLE 32 - TO MAKE PROPOSED CHANGES TO THE ZONING BY-LAW (UPDATED DEFINITIONS)

To see if the Town will vote to amend the Town's Zoning By-Law, Section 2.C. Definitions, including formatting standardization, as follows, with struck-through language deleted and underlined language inserted therein; or act in relation thereto.

SECTION 2 DEFINITIONS

- **ABOVE-GROUND UTILITY:** Structures for communications or other public ~~utility~~uses-utilities that are not underground.
- **AUTOMOBILE:** A two-axle motor vehicle with a maximum ten thousand ~~(10,000)~~ pound gross vehicle weight ~~maximum~~ and a maximum one hundred thirty-five ~~(135)~~ inch wheel base.
- **BILLBOARD:** Any sign not an accessory sign, regardless of size. Refer to Section 9: Signs & Lighting.
- **COMMERCIAL VEHICLE, LIGHT:** Any commercial vehicle under ten thousand (10,000) pound gross vehicle weight, ~~not including equipment for landscaping and/or construction, which is used in construction.~~
- **COMMERCIAL VEHICLE, HEAVY:** Any commercial vehicle over ten thousand (10,000) pound gross vehicle weight, including equipment for landscaping and/or construction, ~~which is used in construction.~~
- **CONTRACTOR'S YARD:** Land that is used for the storage of construction equipment, materials, ~~and~~ supplies, ~~and-or~~ for the parking of commercial vehicles.
- **CURBSIDE PICK-UP:** means a parking place designated by a licensee for pickup of food or alcoholic beverages or an area not greater than 50 feet from an entry to a licensee's business premises
- **DRIVE-THROUGH AND DRIVE-UP ESTABLISHMENTS:** A service establishment designed to permit customers to be served while they remain in their motor vehicles. Excludes curbside pick up.
- **DWELLING UNIT:** A dwelling or portion thereof providing complete living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - **One-family dwelling:**
A building designed for and occupied exclusively as a residence for one family and may include an accessory in-law apartment.

- Two-family dwelling:
A building designed for and occupied exclusively as a residence for two families. ~~A two-family dwelling includes a duplex.~~
- Multi-family dwelling:
Any building containing more than two dwelling units.
- HOME OCCUPATION: The practice or conduct of a profession, trade, service, occupation, or business, other than a retail business, which is customarily incidental to and is conducted in a dwelling unit by the residents thereof as an accessory use, not limited to offices of an accountant, agent, architect, attorney, bookkeeper, broker, consultant, counselor, dentist, physician, registered engineer, sales representative, ~~typist or word processor~~barber shop; beauty salon, dressmaker, photographer, tailor, and teacher or tutor. Home occupation shall not include the operation of a ~~barber shop; beauty salon~~; commercial kennel or stable; or repairing or servicing of motor vehicles, boats, or contractor's equipment.
- ~~LIGHT MANUFACTURING: Includes uses such as a printing or publishing plant; bottling works, fabrication and packaging, finishing, or processing.~~
- MANUFACTURING:
 - LIGHT MANUFACTURING: Fabrication, processing, packaging, or assembly operation, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, electromagnetic radiation, heat or vibration and undertaken entirely within the confines of the building or structure. Quiet shall mean undetectable from the exterior of the building. (Allowed by right within the Industrial Zone).
 - HEAVY MANUFACTURING: Manufacturing other than light manufacturing. (Allowed by Site Plan Special Permit in the Industrial Zone).
- MASSAGE/BODYWORK/MOVEMENT EDUCATION: Treatment and education by massage therapists that promote health and well-being. ~~including but not limited to Body-Mind Centering; Body-Oriented Psychotherapy; the Feldenkrais Method; Massage Therapy; Neuromuscular Therapy; Oriental Bodywork Therapies including Acupressure, Shiatsu and Okazari Restorative Massage; Polarity Therapy; Rolfing, the Tager Approach; and Muscular Therapy.~~
- PERMIT GRANTING AUTHORITY: ~~The Zoning Board of Appeals shall be the authority having jurisdiction that authorizes performance of a specified activity.~~

- PRIVATE WAY: A way which is not:
 - 1. _____ Public as defined by Chapter 82 of the Massachusetts General Laws,
 - 2. _____ dedicated for public use prior to 1846 or
 - 3. _____ public by prescriptive use.
- STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall over four (4) feet, tent, reviewing stand, or platform bin. Fences over six feet height, sign, flagpole, recreational tramway, mast for radio antenna, or the like, including in-ground swimming pools, are structures. The word “structure” shall be construed, where the context requires, as though followed by the words, “or part or parts thereof.”
- TOWNHOUSE: A dwelling unit with finished living space on more than one story in a complex of three or more attached units as provided under the Mass. State Building Code.
- TRAILER: A closed vehicle furnished for housekeeping-living and designed to be hauled behind another vehicle.

Submitted by the Zoning By-Law Review Committee

Finance Committee has not yet made final recommendation.

Article 32 Explanation: The Zoning Bylaw Review Committee reviewed all the definitions in Section 2.C. and made amendments to standardize formatting, address inconsistencies, and modernize some of the terms. The Committee asks that Town Meeting formally adopt the definition changes as identified by the redlined version of section 2.C. delineated in this article.

ARTICLE 33 - PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$1,500,000.00 (one million five hundred thousand dollars) from General Fund Free Cash to be applied or expended for the purpose of reducing the Fiscal Year 2023 Tax Levy; or act in relation thereto.

Submitted by Michael S. Rosa and Messrs. Battcock, Rosa, Ventresca, Keller, Penrose, Torre, Busalacchi and Madames Rosa, Crane, Battcock, Rosa, Rosa, Penrose and Logue.

Finance Committee does not recommend.

Article 33 Explanation: Free Cash is surplus revenue after the Town budget is full funded. This would not cause any impact to the budget that was approved at Spring Town Meeting. Its about balance. The Town should use some of this money to pay cash for one-time expenses. The Town should put some money in Dept Stabilization Account and they should give some money back to the residential taxpayers of Billerica. This is a chance to help residents that have faced historically high cost of living, gas, food, utilities and interest rates.

ARTICLE 34 - PETITIONER ARTICLE

To see if the Town will vote to establish a permanent Town Meeting Electronic Voting Committee. The Committee's purpose is to assist the Town Clerk with the distribution and collection of electronic voting devices during annual and special Town Meeting sessions as well as aid members experiencing technical issues. The Committee will also provide information and recommendations to the Town Manager/Procurement Officer on the selection of any electronic voting services and/or equipment upgrades.

The Committee will consist of seven (7) members, each of whom shall be a resident of the Town. Four (4) members will be appointed by the Moderator and three (3) by the Select Board, each serving terms of three (3) years. The Moderator, Town Manager and Director of Technology shall be notified of all Committee meetings and actions and shall be allowed to participate in and provide input relative to Committee affairs, but they shall not be voting Committee members; or act in relation thereto.

Submitted by Kevin Conway and Messrs. Conway, Coughlin, Deslaurier, Damon, Furbush and Madames Conway, Conway, Deslaurier, O'Mahony, O'Mahony, Conway and Logue.

Finance Committee recommends approval.

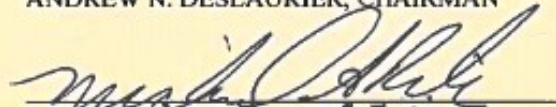
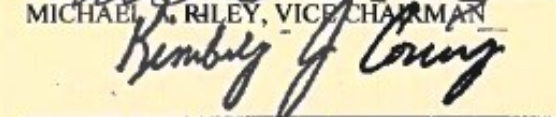
And you are hereby directed to serve this Final Warrant by posting true and attested copies thereof, one copy at Augusta Market, 599 Boston Road, one copy at Belly Buster Restaurant, 306 Boston Road, one copy at the Billerica Center Police Station, 6 Good Street, one copy at the Billerica Center Post Office, 460 Boston Road, one copy at the Billerica Public Library, 15 Concord Road, one copy at the Billerica Town Hall, 365 Boston Road, one copy at the East Billerica Fire Station, 295 Salem Road, one copy at Market Basket, Towne Plaza, 700 Boston Road, one copy at the Ninety-Nine Restaurant, 160 Lexington Road, one copy at the North Billerica Fire Station, 21 Lowell Street, one copy at the North Billerica Post Office, 95 Boston Road, one copy at the Nutting Lake Post Office, 612 Middlesex Turnpike, one copy at the Pinehurst Fire Station, 832 Boston Road, one copy at the Pinehurst Post Office, 880 Boston Road, one copy at Sal's Pizza, 328 Boston Road, one copy at Stelio's Family Restaurant, 293 Boston Road and one copy at the West Billerica Fire Station, 359 Treble Cove Road.

Given under our hands this 27th day of September 2022.

SELECT BOARD OF BILLERICA



ANDREW N. DESLAURIER, CHAIRMAN

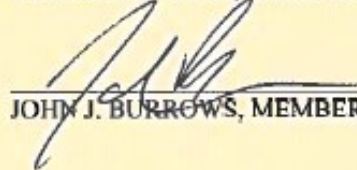



MICHAEL A. RILEY, VICE CHAIRMAN

KIMBERLY J. CONWAY, SECRETARY

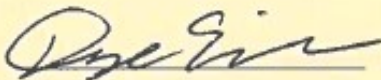


MICHAEL S. ROSA, MEMBER



JOHN J. BURROWS, MEMBER

A true copy attest



Constable, Town of Billerica