



**BILLERICA SELECT BOARD  
POLICIES AND PROCEDURES**

**Revised November 03, 2025**

## Billerica Select Board Policies and Procedures

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## Billerica Select Board Policies and Procedures

### 1.0 Powers and Duties

The powers and duties of the Select Board (“Board”) are set forth in Section 3-2 of the Billerica Home Rule Charter (“Charter”) and are summarized as follows:

1. The executive powers of the Town are vested in the Select Board.
2. The Select Board serve as the policy making agency of the Town.
3. Neither an individual member of the Select Board, nor a majority shall attempt to become involved in the day-to-day administration of the Town.
4. The Select Board shall act only through policy directives and guidelines which are to be implemented by the Town Manager and other officers and employees appointed by or under its authority.
5. The Select Board shall cause all of the laws and orders for the Town to be enforced and a record to be kept of its official acts.
6. The Select Board shall appoint a Town Manager to aid the Select Board in the performance of their duties and also be the appointing authority for a Town Accountant, Zoning Board of Appeals, Conservation Commission, Constables, Registrars of Voters and other election officers (not including the Town Clerk) and other such officers and/or employees as may be provided by Charter or by-law.

The Board shall reorganize and choose officers at the first meeting after the annual Town election. The duties of the officers shall be as follows:

1. The Chair shall preside at all regular and special meetings of the Board including all public hearings and public meetings called by the Board, call special meetings of the Board as may be required and perform ceremonial duties for the Board unless another member is designated.
2. The Vice Chair shall perform all the duties of the Chair in his/her absence.
3. The Secretary shall announce all agenda items, sign any relevant document that has been approved by a majority vote of the Board and which the Secretary is legally authorized to sign on the Board’s behalf, handle all correspondence relating to the work of the Board unless the Chair has designated another member including himself/herself and update the Board’s Policy and Procedures book as new items are voted and provide updated material to each Board member. The Secretary shall be responsible to ensure minutes are recorded, maintained, and released in a timely fashion.

## Billerica Select Board Policies and Procedures

### 2.0 Select Board Meetings

#### 2.1 Standing Rules

Regular meetings of the Board shall be held on the first and third Monday of each month and shall convene promptly at 6:00 P.M. unless rescheduled by a vote of the Board due to holidays or unforeseen circumstances with the exception of the months of July and August when the Board shall meet once in each month. In order to properly plan its meeting schedule so that all members can be present, members shall provide vacation notification, if possible, to the Secretary to the Select Board.

Special meetings may be called by the Chair, or in the Chair's absence, the Vice Chair or the Secretary, or by a majority request of the Board at any time. In either case, every effort and accommodation shall be made to schedule any such meeting(s) so as to include all Select Board members. Emergency meetings shall be scheduled with as much notice and scheduling accommodation as possible so all members may attend. All meetings shall be posted in accordance with Open Meeting Law requirements. The agenda of any special and/or emergency meeting may be limited by a majority vote of the Board at a properly posted meeting.

Emergency meetings may be called by the Chair, or in the Chair's absence, the Vice Chair or the Secretary, or by a majority request of the Board without notice for situations where immediate, underlying action is deemed to be imperative.

Except in emergencies, written notice of all meetings shall be filed with the Town Clerk at least 48 hours before each meeting is to convene.

Any meeting may be postponed by the Chair, or in the Chair's absence, the Vice Chair or Secretary provided all members are contacted.

The minutes to be kept by the Board shall report the date, time and place of the meeting; the members present or absent; the decision made, and action taken, including a record of all votes; a summary of the discussion on each subject; a list of all documents and exhibits used at the meeting; and the name of any member who participated in the meeting remotely. The meetings shall be recorded.

#### 2.2 Procedures

1. Pursuant to the Open Meeting Law (M.G.L Chapter 30A, Sections 18-25), the Chair shall preside over all meetings of the Select Board.
2. At the appointed time, the Chair will call the meeting to order and take attendance. The clerk does not need to be present and may create the minutes from viewing a recording of the meeting.
3. Minutes must be taken of all meetings.
4. Upon review and approval of minutes from a previous meeting, the Chair shall ask the members if they have any changes to the minutes. Any such changes should be proposed in the form of a motion which then needs to be seconded in order for a discussion.
5. Once the Chair has determined no further discussion is required, he/she shall call for a vote to amend the minutes, if necessary, then approve the minutes as amended or if no amendments are proposed, simply adopt the minutes as presented.
6. The meeting will proceed according to the agenda. The Secretary shall read each agenda item as an introduction to discussion on the item.
7. The Chair shall allow the Town Manager or the sponsor of the agenda item to present the subject matter and recommend the action requested.
8. The Chair shall allow any member of the Board to address the issue.

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9. The Chair shall allow Town officials and/or members of the public who are in attendance to address the issue.
10. Once the Chair is satisfied the matter has been fully discussed, the Chair shall request that a motion be made and seconded and ask if there is any discussion on the motion as presented.
11. Once discussion on the motion is completed, the Chair shall ask for a vote by requesting those in favor, those opposed and those abstaining and shall announce the results. If the meeting is a hybrid meeting, all votes shall be roll call votes.
12. At the end of the agenda, the Chair shall request a motion to adjourn, which if accepted, shall result in the end of the meeting.

### **2.3 Executive Session**

The Select Board may meet in Executive Session per purposes stated in M.G.L. Chapter 30A, Section 21 to discuss certain selected issues. The Executive Session may be called provided that:

1. The body has first convened in an open section pursuant to Section 21;
2. A majority of members of the Board have voted to go into Executive Session and the vote of each member is recorded by roll call and entered into the minutes;
3. Before the Executive Session, the Chair shall state the purpose for the Executive Session, stating all subjects that may be revealed without compromising the purpose for which the Executive Session was called;
4. The Chair shall publicly announce whether the open session will reconvene at the conclusion of the Executive Session; and
5. An accurate record of the Executive Session shall be maintained pursuant to Section 23.

Once the executive session is over, a motion and second should be made to come out of executive session and voted with a roll call vote. Once back in open session, the Select Board can either continue with the public portion of the meeting or adjourn.

The Secretary or their designee shall be responsible to take minutes of any executive session.

### **2.4 Conduct of Meetings**

No person(s) shall address a public meeting of the Board without leave of the presiding officer at such meeting, and all persons in audience shall, at the request of such presiding officer, be silent. If after warning from the presiding officer, said person(s) persists in disorderly behavior, said officer may order the person(s) to withdraw from the meeting, and, if the person(s) does not withdraw, said officer may order a constable or other appropriate authority to remove the person(s) from the meeting room. In the event a constable or other appropriate authority is not present, the Chair of the Board, by a majority vote, may recess until the person(s) is removed.

Petitioners will be limited to a ten-minute presentation, unless permission to speak for a longer period is requested and granted by a majority vote of the Board.

Visitors may be permitted to speak on any matter properly posted on the agenda before the Board, but only after each member of the Board who so desires, has spoken.

Visitors should refrain from talking on cell phones or other visitors during any Board meeting.

Board members should refrain from text messaging or emailing during the Board's meeting. If a Board member feels it is necessary to respond to cell phone calls, they are to leave the meeting room.

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### 2.5 Setting the Agenda

All agenda requests shall be placed on the agenda in the proper segment, group, and in the order they are received by email date and time or via date stamp.

All requests received up to 12:00 p.m. of the third business day (usually a Thursday) preceding a meeting shall be included on the agenda at which time the agenda shall be closed. All requests shall be in writing, stating the purpose for the agenda item, parties to be present (if applicable), and as much information as possible to permit Board review in advance of the meeting.

The agenda shall be posted and available to the public per M.G.L Chapter 30A, Section 21 requirements which will be at least 48 hours prior to the proposed meeting. This does not apply to an emergency, which is defined in the Open Meeting Law as “a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.” per M.G.L. Chapter 30A, Section 18. The Open Meeting Law and Regulations state that “in an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting.” M.G.L. Chapter 30A, Section 20; Mass Code Regulations 29.03.

### 2.6 Agenda Format of Meetings

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

1. Call to Order (Regular Session)
2. Open Microphone
3. Moment of Silence (when applicable)
4. Announcements
5. Proclamations and Public Recognition
6. Public Hearings
7. New Business (Quick Items - 5 minutes or less)
8. Appointments
9. Presentations
10. Committee Reports
11. Old Business
12. New Business
13. Approval of Meeting Minutes
14. Meeting Schedule
15. Executive Session (when applicable)
16. Adjournment (Regular Session)

All agenda items, except public hearings, shall be taken in the order of the agenda, subject to the discretion of the Chair and/or Secretary. Public hearings shall be held at the scheduled times or as soon thereafter as possible. In cases where parties fail to appear at the time when the agenda item is taken up, these items shall be deferred to later in the meeting. If upon the conclusion of all other business and the parties are still not present, these items will be continued to the next meeting.

### 2.7 Open Microphone

In an effort to make the Select Board more accessible to the people of Billerica, it is proposed to offer residents the opportunity to address the Board on a first come, first heard basis.

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The purpose of the open microphone is for residents to address concerns, complaints and, most importantly, to make suggestions as to how we govern locally. As stewards of the Town, we invite residents to voice any concerns or issues that should be brought to the Select Board's attention. The Board should encourage residents to participate in local government, thus empowering them to become part of the process.

The open microphone is not intended to circumvent the day-to-day management or to rectify concerns on the spot but is intended to keep the Board in step with the people.

The open microphone will work as follows: Residents wishing to address the Board must sign in between 5:30 PM and 6:00 PM. A sign-in sheet will be made available in the Select Board's Hearing Room during this period for residents.

Residents who arrive after the meeting commenced may address the Board, through its Chair, time permitting. Open microphone is limited to the first half hour of each regularly scheduled meeting.

Residents will have three (3) minutes to address the Board.

Residents speaking during the open microphone period are encouraged to exercise civility, may not disrupt others and must conduct themselves in an orderly and peaceable manner.

The Board is not expected to answer any questions or make any votes during open microphone. Action will be deferred to the Town Manager or placed on the agenda for a later meeting.

The open microphone portion of the meeting is intended to encourage and allow residents to address the Select Board on any topic. It is not intended to create or provide an opportunity for Select Board members to introduce or speak on topics not included in the posted meeting agenda. Therefore, in order to provide residents with sufficient time to address the Board, and to ensure compliance with any applicable provisions of the Open Meeting Law, sitting Select Board members are prohibited from addressing the remainder of the Select Board during the open microphone portion of the meeting.

## Billerica Select Board Policies and Procedures

### 3.0 Appointments to Town Boards, Commissions, Committees

#### 3.1 Process

The Board recognizes the importance of appointing qualified people to town positions and that each individual the Board appoints performs a key Town function and represents Town government to the community at large.

The Board will encourage as many people as possible to apply for Town positions. The Board believes that the larger the applicant pool the greater the likelihood of making quality appointments.

Available positions will be posted, and advertised at least once, if possible, in at least one local newspaper and on Billerica Access Television and the Town's web page, at least (2) weeks prior to the application deadline. To be considered for a position, completed applications must be returned by the date specified. Late applications will be accepted when the number of applicants is less than the number of vacancies.

A copy of the Appointment policy will be provided to all prospective applicants when they obtain an application.

Applications submitted for positions on boards, committees and commissions in the Town of Billerica will be kept on file to be used for vacancies that occur during the year. At the end of each fiscal year, the applications will be discarded.

It is the policy of the Board to appoint the best qualified candidate(s) to available positions after due consideration of the Town's best interest. Among many factors, consideration will be given to a candidate's relevant education, training, work and other pertinent experience, as well as to communication skills, reason(s) for seeking the position, understanding of the relevant subject matter and time available to serve.

While previous service on a board, commission or committee is an important factor to consider, it is not the sole or most important criterion for a Board appointment decision.

In making any appointment, the Board will also consider what it views to be the best interest of the Town in terms of short- and long-term goals and objectives.

Whenever the Board receives a number of applications which exceed the number of available positions, the Board will attempt to interview each candidate, if feasible.

Applicants must be in attendance for the interview to be considered for appointment.

The Secretary shall make a motion to enter all names into consideration for appointment. The Board will then vote on each applicant in the order in which the application was received by the Board as confirmed by the time stamp on the application.

When funding is available or training programs are available at no cost to the Town, the Board shall encourage, and may require as a condition of appointment, that appointees attend training in the subject area of their respective appointment.

Training is particularly important for boards, commissions, committees (such as the Conservation Commission, the Zoning Board of Appeals and others) that require members to have specialized, technical or legal knowledge or experience.

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### 3.2 Appointments to Bonded Constables

Appointments shall be made pursuant to M.G.L. Chapter 41, Sections 91A-95, subject to the completion of the "Town of Billerica Constable Application" (See Attachment C-1 through C-3) and ratification by the Board.

The Select Board shall not make appointments to the office of "Constable of Billerica" to a resident of another city or town if that city or town will not appoint Billerica residents who hold the office of Constable to that city or town.

Cities and towns that WILL appoint Billerica residents are: Chelmsford, Lowell, North Andover, Tewksbury, Wilmington and Dracut.

Cities and towns that will NOT appoint Billerica residents are: Burlington, Lynn, Medford, Wakefield and Woburn.

It shall be the duty of the Constable to serve civil process only.

The Chief of Police shall provide a written recommendation to the Board concerning any applicant for this position.

After being appointed by the Select Board, the Constable must meet with the Police Department to obtain an Identification Card, which will include a picture, all necessary information and term of appointment.

### 3.3 Other Appointments

The Chair of the Board shall annually appoint no more than two (2) Board members to each of the following Standing Committees of the Board, unless otherwise indicated: Billerica Community Alliance (All SB Members), Cable Advisory, Capital Needs Assessment Committee, Community Funds (broken into subcommittees) (All SB Members), Council on Aging Board (SB Liaison), Green Up Day, Kent Fund Scholarship, Northern Middlesex Council of Government, Open Space and Recreation, Street Acceptance and Discontinuance Committee, Town/School Fiscal Subcommittee, Water/Sewer Oversight Board, the Yankee Doodle Bike Path and Billerica Housing Partnership Committee. Select Board members appointed to these committees shall keep the entire Board apprised of important committee developments. These appointments will occur after the election and at the meeting following the appointment of the new Chair.

When the term of a Select Board member on a Town Meeting Committee appointment ends, the Chair at that time will appoint a Select Board member for the term established by Town Meeting.

The Select Board members shall annually appoint either a current Board member or its designee to the Lowell Regional Transit Authority. Appointees shall apprise the Board of developments.

Pursuant to Chapter 357 of the Acts of 1972, the Town Manager may annually appoint an alternate member to the Northern Middlesex Council of Government. Such appointee shall keep the entire Board apprised of developments.

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### 4.0 Select Board's Role in Town Manager Appointment

In accordance with the provisions of the Billerica Town Charter, Article 3, Section 3-3 (2), the Town Manager shall appoint all employees for whom no other method of selection is provided by the Charter or by-law. Notice of said appointment shall be filed with the Select Board. The appointment becomes effective on the 15<sup>th</sup> day after the notice is filed unless the Select Board, within that period, by a majority vote of the full Board (3 votes), rejects, with just cause, said appointment.

To clarify certain aspects of this process and in accordance with the Charter, Town Counsel offered the following parameters for the Board on this matter:

17. In considering whether to reject an appointment for just cause, the Board should evaluate whether the appointment in question will “adversely affect the public interest.” Some examples of that standard may be as follows:
  1. Does the employee meet the qualifications of the job posting?
  2. Does the employee have any record of attendance or disciplinary issues which may affect his/her ability to perform the job even if he/she is otherwise qualified?
  3. Is the appointment affected by the candidate’s kinship, rank or position in relation to other public employees/officers?

In order for the Select Board to make an informed decision, they may request, from the Town Manager, information regarding the finalists for a position. Some information may be objective in nature, such as years of experience, certifications and educational backgrounds. Other information which the Town Manager may provide may be subjective, such as the results of personal interviews with screening teams or with the Town Manager.

Written notification of an appointment shall be provided to the Board not less than 48 hours after the appointment is made and shall include information regarding the top three (3) finalists, if applicable, for the position.

If more than one candidate satisfies the qualifications, as determined by the Town Manager and/or a screening committee, preference may be given to a Billerica resident.

#### 4.1 Town Manager Review

The Town Manager’s performance will be reviewed on an annual basis. The Board shall utilize the performance evaluation forms (See Attachment A-1 through A-7) to assess the Town Manager in the areas of management, analysis, public relations and accomplishment of long and short-term goals. Through the review procedure, Board members will recognize strengths and suggest areas that require improvement.

The period of evaluation is from January 1<sup>st</sup> through December 31<sup>st</sup>. The Town Manager will submit a narrative self-evaluation, including a report on goal achievement and a completed performance evaluation form, by the first week of December. The Town Manager’s evaluation form ratings will NOT be calculated into the Board’s evaluation ratings.

The Chair shall provide each Board member with performance evaluation forms and a copy of the Town Manager’s self-evaluation report.

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Each Board member shall return his/her completed individual performance review forms to the Chair by the second meeting in December or a date specified by the Chair. Each Board Member shall indicate his/her recommended compensation change.

The Chair shall review the individual performance evaluation forms and compile a final composite Board review which includes rating averages reflective of the performance scores, goals, objectives and recommended compensation of the individual members.

The Chair will distribute the final composite review to all Board members by the end of December.

Thereafter, the Board shall conduct a public review based on the Board's composite review. Each Board Member's individual evaluation of the Town Manager shall be made public with the release of the Board's composite review.

After the public review of the Town Manager, the Chair and one (1) Board member appointed by the Chair, shall enter into negotiations with the Town Manager concerning, if applicable, an employment agreement, compensation, and/or changes to the Employment Agreement, compensation, etc.

All recommended changes, if applicable, will be provided to each Board member no less than one (1) week prior to any public discussion and vote on same.

Upon completion of the public review, and by a vote of the majority of the Select Board, the new employment agreement must be signed by both the Select Board, and the Town Manager.

### 4.2 Reports to the Board

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

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

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

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

## **Billerica Select Board Policies and Procedures**

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

### **4.3 Asset Management**

The Town Manager shall maintain an inventory of all Town owned land.

The Town Manager shall maintain a list of properties subject to tax taking by year, plate and parcel and reason; such list shall be coordinated with a similar list of properties with overdue taxes; a report shall be filed quarterly to the Select Board.

## Billerica Select Board Policies and Procedures

### 5.0 Town Meeting Warrant Articles

The Town Manager shall submit, in writing, and in sufficient time for the Select Board to approve, any Town Manager proposed Warrant Article (pursuant to Section 2-12 of the Billerica Home Rule Charter) which is intended for inclusion in any Town Meeting Warrant.

The Select Board shall set the order of any Town Meeting Warrant (pursuant to Section 2-12 of the Billerica Home Rule Charter) according to the following order:

1. The Proposed Budget for Town Meeting (pursuant to Section 5-5 of the Billerica Home Rule Charter), or revisions to it, submitted by the Town Manager and placed on the warrant by the Select Board will be placed after non-money articles unless the article is required to balance the budget.
2. Warrant Articles initiated by the Town Manager or individual members, except for money articles.
3. Warrant Articles initiated by the Town Manager and approved by the Select Board, except for money articles.
4. Warrant Articles initiated by the School Committee or individual members, except for money articles.
5. Warrant Articles initiated by the Planning Board or individual members, except for money articles.
6. Warrant Articles initiated by the Finance Committee.
7. Warrant Articles initiated by other boards, committees, commissions and agencies according to their order in the Proposed Budget, except for money articles.

The spring and Fall Town Meeting Warrants shall be made available to Town Meeting Representatives at least fourteen (14) days before the Town Meeting is to convene (pursuant to Article 1 of the General By-Laws). The Select Board's written Report of Recommendations on articles submitted by the Board and/or the Town Manager may be included in the preliminary warrant if time permits and may be included in the final warrant if time permits. The Chair of the Select Board and/or the Town Manager must provide verbal recommendations on all Select Board articles at Town Meeting.

The numbering of warrant articles shall remain the same on both the Preliminary and Final Warrants.

## **Billerica Select Board Policies and Procedures**

### **6.0 Licensing**

The Town Manager shall provide the necessary resources of the Police, Fire, Building Department and Treasurer's Office in order to properly conduct the annual license renewal process and also provide continuing enforcement and monitoring of all licenses in force. The Town Manager shall arrange for the issuance of all licenses from the Town Manager/Select Board office.

In the event that payment for the license fee is not paid by cash, bona fide check or other banking instrument, the license shall not be renewed.

In order for a license applicant to appear before the Select Board, the applicant must have completed all necessary forms and reviews by all departments involved in the application request.

A Certificate of Insurance must accompany any and all requests for a one-day liquor license whether the liquor is going to be sold or given away free.

Applicants seeking a fuel storage tank license should include a provision for a monitored type fuel storage tank (i.e. thermos bottle type, double walled fiberglass tank or a sealed concrete vault, monitored or similar type arrangements.

## **Billerica Select Board Policies and Procedures**

### **7.0 Rate Setting**

Rate schedules for Water, Sewer, Ambulance and Cemetery may be adjusted annually in order to keep these Town services as close to self-sustaining as possible.

The Town Manager shall, in cooperation with the Cemetery Commission, prepare a five (5) year business plan for the orderly expansion and maintenance of the Cemetery Department. This plan shall be a separate section of the Five (5) Year Capital Plan.

## **Billerica Select Board Policies and Procedures**

### **8.0 Permit Fees**

It is the policy of Billerica to waive permit fees according to the percentage of affordable units within subject projects developed by nonprofit organizations the Billerica Housing Authority or those qualified through the Local Initiative Program (LIP). These fee reductions shall not apply to a comprehensive permit fee.

By majority vote of the Board, the Board may waive permit fees for Town Organizations and/or Town Non-Profit Organizations (those non-profits having duly registered with and having been designated as such by the Attorney General of the Commonwealth of Massachusetts).

## **Billerica Select Board Policies and Procedures**

### **9.0 No Place for Hate**

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

## Billerica Select Board Policies and Procedures

### 10.0 Solid Waste

The policy is established to comply with the MassDEP Waste Ban Regulations and the Billerica Mandatory Recycling By-Law.

As of October 1, 2007, trash haulers will be directed to no longer collect any visible recyclables as trash. All recyclable items, most noticeably cardboard, must be prepared to be collected in the recycling truck. Items that are not prepared properly will be left behind, with a sticker explaining the problem.

Trash haulers will no longer be collecting barrels with visible recyclables.

As of October 1, 2007, the past collection procedure for White Goods and Bulky Items will remain the same. In addition, the Town will engage different vendors in town to assist the Town in selling stickers for the items listed below. The Town will provide the locations and list of vendors on its website.

As of July 1, 2008 the White Goods and Bulky Items Fees can be obtained through

<https://www.town.billerica.ma.us/195/Bulk-Items-White-Goods-Appliances>

18. White Goods with Freon include: refrigerators, freezers, air conditioners, dehumidifiers
19. White Goods without Freon include: washers, dryers, stoves, dishwasher, trash compactors, hot water heaters and water coolers

Appliance Recyclers is willing to take other items. Call for price or for questions.

As of July 1, 2008, the Town will no longer provide municipal solid waste and recycling service to any multi-family residential complex, which is subject to a condition in a Zoning Board of Appeal (ZBA) or Planning Board (PB) decision limiting such service.

The Select Board will continue to recommend to the ZBA that any proposed comprehensive permit development, which includes the cost of solid waste removal in its financial pro forma, shall be subject to a condition limiting such services by the Town.

The Town will continue to provide municipal solid waste collection and recycling services to all other residential properties (hereafter referred to as "Eligible Residential Properties") within the Town.

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

1. All Eligible Residential Properties will be required to provide their own solid waste containers and recycling containers.
2. By July 1, 2008, all Eligible Residential Properties that are multifamily complexes ("Eligible Multi-Family Complexes") with 10 units or more will be required to provide a plan to the DPW for implementing recycling in compliance with the Billerica Mandatory Recycling Bylaw, the state waste ban, and policies #1 and #4 approved by the Select Board at its June 18, 2007 meeting.
3. Failure to provide a plan on or before July 1, 2008 will result in termination of municipal solid waste and recycling service for the facility. The Eligible Multi-Family Complexes will be responsible for establishing and maintaining a system that is in compliance with these policies and bylaws.

## **Billerica Select Board Policies and Procedures**

4. For all Eligible Residential Properties, violations of the waste bans and the mandatory recycling bylaw will be enforced as follows: Notification of the violation (either by means of a sticker on the item or a letter of notification in the case of a multi-family complex) for the first violation. Subsequent violations at the same property or complex will be subject to sanctions, which may include suspension or termination of municipal solid waste and recycling service.

## Billerica Select Board Policies and Procedures

### 11.0 Licensing and Operation of Taxi Cabs

In accordance with the provisions of Chapter 40, Section 22 of M.G.L., these rules and regulations for the Licensing and Operation of Taxicabs in the Town of Billerica are hereby adopted by the Billerica Select Board (Licensing Authority) and may be amended from time to time by said Select Board.

A Taxicab is defined as any motor vehicle, and registered as such, with a taxi-meter, used or designated to be used, for the conveyance of passengers for hire from place to place, but not over a fixed route or between fixed and regular termini. Each owner of a Taxicab must have a Taxicab Owner License issued by the Select Board. A Taxicab Operator is defined as the driver of a Taxicab. Each Taxicab Operator must have a Taxicab Operator License issued by the Select Board.

The number of Taxicabs operating in the Town of Billerica shall be of sufficient number, as determined by the Select Board, to provide satisfactory service to all residents. Taxicab Owner and Taxicab Operator Licenses may be issued at the discretion of the Select Board, upon proper and complete application to the Select Board. The Select Board must license all Taxicabs operating within or from the Town of Billerica, prior to their operation.

No person shall operate a Taxicab, in/from the Town of Billerica, as an Owner and/or Operator without first having obtained such License(s) from the Select Board. All Taxicab Operators, whether regular operators or substitute operators, must have, prior to the operation of any Taxicab, a valid Taxicab Operator License issued by the Select Board.

An application for a Taxicab Owner and/or Taxicab Operator License may be filed at any time with the Select Board. An application for the renewal of any License shall be filed with the Select Board before December 31<sup>st</sup> of each year. All Licenses shall have an expiration date of January 1<sup>st</sup>, unless sooner revoked or suspended.

No person shall be eligible to receive a Taxicab Operator License who is not a citizen of the United States or has not filed his/her intention to become a citizen of the United States or who has been convicted of a felony within ten (10) years prior to the date of application or has been convicted of more than three (3) motor vehicle violations, other than parking, in the five (5) years preceding the date of said application.

Each applicant for a new or renewal Taxicab Owner License and/or new or renewal Taxicab Operator License must annually submit his/her application on forms provided by the Select Board and no License shall be issued unless approved by the Select Board.

All Taxicab trade names shall have prior approval by the Select Board and shall be recorded with the Billerica Police Department and the Office of the Town Clerk. Each Taxicab vehicle shall prominently display the word "TAXI" and the Taxicab's trade name on both sides and the rear of the vehicle. Lettering shall be permanent and not less than four (4) inches high and two (2) inches wide. An illuminated roof marker shall likewise be required. Each Taxicab vehicle must have the telephone number of the company prominently displayed on both sides and rear of the vehicle. This telephone number must be a local Billerica exchange telephone number.

Each Taxicab vehicle must display the Taxi Operator License and Schedule of Rates so as to be visible for passengers in the rear seat.

No Taxicab Owner License(s) shall be sold, transferred, pledged, or assigned without having first obtained the approval of the Select Board.

Each applicant for a Taxicab Operator License must annually file an application with the Select Board. The application must be accompanied by two (2) current personal color photographs (passport photo

## Billerica Select Board Policies and Procedures

style) to be of a size 2 ½" X 2 ½". One (1) photograph will be mounted on the Taxicab Operator License when issued and the Select Board will maintain one (1) photograph on file with the original application. Photographs will not be returned in the event a license application is denied, revoked, or not renewed.

The Taxicab Operator License, issued by the Select Board, shall be posted, with the Schedule of Rates, in a conspicuous place in the Taxicab vehicle. The Select Board shall approve the Schedule of Rates prior to being placed in effect and no changes shall be made without the prior approval of the Select Board.

Proposals for revised rates must be filed with the Select Board at least thirty (30) days before any effective date of proposed revisions. Revised rates are not effective until approved by the Select Board.

Any licensed Taxicab Owner who shall cease to operate a Taxicab shall at once surrender his/her License(s) to the Select Board. Any licensed Taxicab Operator who ceases to drive a Taxicab shall so notify the Select Board in writing, upon termination of his/her duties and shall immediately surrender his/her Taxicab Operator License to the Select Board.

Each licensed Taxicab Operator must maintain a log of all trips made, together with a list of all articles found in the Taxicab. These records shall be kept by the Taxicab Owner and available for inspection at any time.

All Taxicabs must be kept in good condition, suitable for occupancy, and mechanically fit for the safety of the passengers. The interior and exterior shall be clean and sanitary at all times. The licensed Taxicab Owner must inspect each Taxicab at least once each day and immediately take any corrective action(s) that may be required and/or necessary. Taxicabs will be subject to periodic inspections. All Taxicab Owner records and Taxicab Operator records shall be available at any time, upon request, for inspection as required and/or necessary. Taximeters shall annually be inspected and certified for accuracy. No Taxicab shall operate without a certified taximeter.

No licensed Taxicab Owner or licensed Taxicab Operator shall knowingly convey, or permit to be conveyed or placed therein a Taxicab, any person sick or infected with a contagious disease or the body of any deceased person.

Each licensed Taxicab Owner or licensed Taxicab Operator shall maintain their Taxicab vehicles and operations in full compliance with all applicable federal, state, and Town laws, codes, By-Laws, and regulations. All taxes and fees owed to the Town of Billerica must be paid on a current basis. Failure to be current with any taxes or fees to the Town of Billerica and/or failure to comply with any laws, codes, By-Laws, and regulations shall be sufficient cause for revocation, suspension, or modification of the License(s).

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

Before employing any Taxicab Operator(s), the Taxicab Owner must verify that the operator possesses a valid current Taxicab Operator's License issued by the Select Board. It shall also be the responsibility of the licensed Taxicab Owner to insure that each operator possesses a valid current motor vehicle license issued by the Registry of Motor Vehicles of the Commonwealth of Massachusetts.

A Taxicab Owner and/or Taxicab Operator may not refuse, unless previously engaged, to carry any passenger lawfully entitled to be carried in a taxicab. A Taxicab Owner and/or Taxicab Operator may not demand, from any passenger, more than the fare indicated on the taxi-meter regardless of the number of passengers involved.

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Every Taxicab Operator shall be suitably dressed while driving/operating a taxicab.

A Taxicab Operator shall not pick up or carry any other passenger(s) after the taxicab is occupied by the current passenger(s) until the current passenger(s) has/have discharged said taxicab, except with the consent of the current passenger(s).

A Taxicab Operator is not required to convey any passenger(s) that is/are noisy, disorderly, or intoxicated. Should any passenger(s) become noisy or disorderly, the Taxicab Operator may appeal to any Police Officer for assistance.

Each Taxicab vehicle and/or Operator must be capable of immediate communications and access via two-way radio or telephonic means.

The Billerica Police Department shall administer and enforce these Rules and Regulations. Complaints and violations shall be administered and enforced by the Billerica Police Department. Any suspension and/or revocation of any License(s) shall be by the Select Board. The Select Board may levy any fine(s), penalties and/or administrative action(s) it deems appropriate to any Licensee. Any such violation(s) and/or administrative action(s), fine(s), and/or penalties shall not interfere with the normal procedure of any violation of M.G.L. Chapter 89 or Chapter 90 nor the normal enforcement duties of any Police agency or authority. Any licensed Owner and/or Operator convicted of three (3) or more traffic violations, other than parking violations, in a five (5) year period shall be subject to automatic suspension and/or revocation of any License issued by the Select Board. Any licensed Owner and/or Operator convicted of a felony shall be subject to automatic revocation of any License(s) granted by the Select Board.

Should any Taxicab vehicles be added or replaced, with different vehicle(s), said added or replaced Taxicab shall meet all applicable Rules and Regulations prior to being placed in service.

Any License(s), issued by the Select Board, not put into use within thirty (30) calendar days from date of issue shall be automatically null and void. No fees will be returned in such cases.

Should any section of these Rules and Regulations be deemed to be unenforceable, then only that section shall be removed and those Rules and Regulations remaining shall be in full force. The Select Board reserves the right to make any changes to this policy as it deems necessary.

## Billerica Select Board Policies and Procedures

### 12.0 Road Adequate Access

It is the policy of the Select Board, when considering whether or not to grant a waiver or partial waiver of the Adequate Access General By-Law (Article IV, Section 3), to consider the best interest of the Town, relying on the following factors:

1. The best interest of the affected neighborhood
2. The condition of the road as objectively determined by the Department of Public Works (DPW) utilizing its Pavement Condition Index
3. The recommendation of the Planning Board or any other Town department, board or commission, if any.
4. Whether or not residents of the affected neighborhood support or oppose the waiver.
5. Other interests or goals of the Town that may be advanced by the granting of the waiver or partial waiver such as the provision of affordable housing or assisting local students in hands on building course work.
6. The preservation of Open Space or other municipal needs or interests.
7. Whether the proposed building is a new structure or the replacement of, or addition to, an existing structure.
8. Whether the applicant has a demonstrated commitment to the affected neighborhood.
9. The history of building and road construction and/or improvement in the affected neighborhood, including past actions of the DPW or other Town departments and any prior waiver requests.

The Board may condition any waiver or partial waiver in any manner it deems appropriate and in the best interest of the Town, including, but not limited to, by requiring the posting of a bond to secure the completion of the necessary roadwork and/or by requiring a petitioner to live in the subject dwelling for a set period of time.

A copy of this policy shall be provided by the DPW to anyone requesting from the DPW a Certificate of Waiver as provided in the Adequate Access By-Law.

This Policy shall also be posted on the Town's web site and shall be provided to anyone that so requests.

## **Billerica Select Board Policies and Procedures**

### **13.0 Land Donations**

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

## **Billerica Select Board Policies and Procedures**

### **14.0 Press Release**

Any press release involving the Select Board must be approved by the Chair prior to its release.

## **Billerica Select Board Policies and Procedures**

### **15.0 Towing**

The Select Board shall award contracts for the towing and storage of vehicles removed and stored under this paragraph, by competitive bids, for which advertisements shall appear, once in a newspaper of local circulation, at least seven (7) days prior to the opening of proposals. Such contract shall provide that there shall be no obligation on the part of the Town for the payment of towing or storage charges.

If the proposer's (individual, partnership, or corporation) structure of officers should change in any way, the Select Board should be notified, forthwith, in writing.

## **16.0 Temporary Traffic Regulations**

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

## Billerica Select Board Policies and Procedures

### **17.0 Amendments, Additions, Changes or Deletions**

At any time, by a majority vote of the Select Board, these Policies and Procedures may be amended, deleted, changed, or added thereto.

To allow all members to review proposed changes, all policies and procedures for consideration shall be placed as an agenda item for the Board to discuss (1<sup>st</sup> reading) and then at a minimum, placed as a subsequent agenda item for the Board to vote upon if the change is ready. Additional readings may continue until the Board agrees to a final version of the change.

## **Billerica Select Board Policies and Procedures**

### **18.0 Town of Billerica Workplace Violence**

The Town of Billerica maintains a policy of zero tolerance regarding workplace violence, involving any of its employees, customers, the general public and/or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is free from intimidation, threats or violent acts.

#### **18.1 Definitions**

Workplace violence includes, but is not limited to, harassment, threats, physical attack or property damage. A threat is the verbal or physical expression of perceived intent to cause emotional harm, regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional, hostile, physical contact with another person such as hitting, fighting, pushing, shoving or throwing objects. Property damage is intentional damage to property that includes property owned by the Town, its employees or others.

#### **18.2 Prevention of Workplace Violence**

The Town of Billerica subscribes to the concept of a safe work environment and seeks to establish a workplace free of threats and/or violence. Prevention efforts shall include, but are not limited to, informing employees of this policy, educating (training) employees regarding the dangers of workplace violence, communicating sanctions imposed for violating this policy, and providing management with the lines of authority to report incidents of violence. Management personnel are encouraged to document reported incidences of violence and consider the necessity of "duty to warn" potential victims. This process can only be initiated through the Town Manager or his designee.

#### **18.3 Procedure for Reporting Threats**

Incidents of violent behavior and or threats, whether the incidents are committed by a co-worker or non-employee, such as a customer, vendor or resident, must be reported to the Department Head. An assessment and possible investigation procedure will be implemented. The Town Manager will be notified of all reported incidents of workplace violence and/or threats.

In critical incidents in which serious threats resulting in injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. At the discretion of the Town Manager the Critical Incident Team may be called upon for consultation in terms of a management response.

The Critical Incident Team is a management response resource for maintaining a zero tolerance policy towards workplace violence and threats of violence, including:

1. Assessing potential incidents of violence;
2. Determining an employee's fitness for duty (through the use of mental health professionals);
3. Developing safety planning procedures on behalf of employees and other potential victims;
4. Coordinating with affected parties such as victims, families, employees, medial or law enforcement personnel;
5. Providing employees appropriate assistance and referrals to resources.

Employees reporting real or implied violent behavior or threats, who are concerned with retaliation or harassment, should confide same to their Department Head. These concerns will be taken seriously and an appropriate management response will occur. The Town Manager must be kept abreast of such concerns, investigations and decisions related to a protective response.

## **Billerica Select Board Policies and Procedures**

### **18.4 Prohibited Actions**

It is a violation of this policy to engage in any acts of workplace violence. Any employee who has been determined to be in violation will be subject to disciplinary action, up to and including termination, and, depending upon the violent act, may be subject to criminal sanctions.

### **18.5 Departmental Security Audits**

Whenever the physical layout of the workspace is significantly altered, the Department/Division Manager will examine the escape routes of the work area and communicate any changes to all department/division employees. On an as-needed basis, the Department Manager may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for, or actual occurrence of, a violent incident.

### **18.6 Employee Training**

The Town Manager, or his designee, will orient all new employees to departmental/divisional procedures regarding reporting incidents of violence and what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects (post-traumatic stress) of an act of violence.

### **18.7 Employee Assistance Program**

Should an employee become the victim of an incident of workplace violence, the Town Manager may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence, and it is determined in the investigation that the employee did, in fact, commit the violent act, she or he may be referred to EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

## **19.0 American Flag and Black Bunting**

The Town of Billerica will display the proper size United States flag on the flagpole in the Town Center Common as well as in front of Town Hall. The flag shall be lit after dark or, removed by sunset, and in inclement weather.

The United States flag is to be flown at half-staff per the order of the President of the United States or the Governor of the Commonwealth.

The following is the policy for the hanging of the black bunting on the front of Town Hall. The hanging of the black bunting shall only take place given one or more of the following circumstances:

1. Death of a former or sitting local elected official (Select Board, School Committee, Town Clerk, Planning Board, etc.). Bunting displayed for ten (10) days from the date of death.
2. Death of a current employee of the Town/ School. Bunting displayed for ten (10) days from date of death.
3. Death of a former or retired employee of the Town/School. Bunting displayed for ten (10) days from date of death.

Any request for the hanging of bunting, which meets the above stated requirements, shall be directed to and approved by the Office of the Town Manager.

## Billerica Select Board Policies and Procedures

### 20.0 Town Counsel

Each appointment for Town Counsel or special Town Counsel shall be for a term not exceeding four (4) years. Evaluations of Town Counsel(s) shall be conducted midway through each such term. The Chair of the Select Board shall cause such evaluations to occur and provide all reports to the full Select Board for review and appropriate action by the Board. The process for such performance evaluations shall be as follows:

1. Boards, Commissions, and Committees are to review, vote, and send a performance evaluation of Town Counsel(s) to the Select Board within thirty (30) days after notification by the Chair of the Select Board. Minority opinions, if any, shall be incorporated into such evaluations.
2. Department Managers are to send their performance evaluation of Town Counsel(s) to the Select Board within thirty (30) days after notification by the Chair of the Select Board.

Criteria to be rated: An evaluation form shall be provided for any evaluation of Town Counsel(s) (Attachment C).

Town Counsel(s) shall provide quarterly summaries of legal activities as follows:

1. Total dollars billed for "Departmental/Administrative" services to be itemized by Department;
2. Total dollars billed for "Litigation" services to be itemized by Department;
3. Status of open/pending litigation/cases to be provided by confidential memorandum in executive session, per M.G.L. Chapter 39, Section 23B (3).

Each February, the Select Board shall review such quarterly summaries with respective Town Counsel(s).

### 20.1 Inquiries to Town Counsel.

It shall be a policy of the Board to use the following procedure when obtaining information from Town Counsel. The following will have access to Town Counsel:

1. All five (5) members of the Select Board; the Town Manager; the Assistant Town Manager; the Town Moderator; Department Heads with the approval of the Town Manager; the Chair of the following with approval of the Town Manager (in the absence of the Chair, the Vice-Chair and then the secretary): Finance Committee, Planning Board and Zoning Board of Appeals
2. If the contact is to be made by email, the Town Manager shall be copied on all inquiries to and responses from Town Counsel.
3. In cases where any member may need to contact Town Counsel on a matter relating to the Town Manager as provided in sections one and two of this policy.
4. In cases where the Select Board may be contacting Town Counsel on question of potential personal conflict of interest, such contact is exempt from this policy.

The Select Board shall provide an up-to-date and accurate copy of the Select Board Policies and Procedures to Town Counsel.

Town Counsel shall review the Policies and Procedures annually to ensure compliance with Massachusetts General Law and Town of Billerica General By-Laws.

1. Any new policies shall be sent to Town Counsel after the first reading by the Select Board so that legal feedback will be received by the next meeting to be considered at the final reading of the Select Board.
2. Once approved, any new policy will be sent to the Town Counsel in its final form.

## **Billerica Select Board Policies and Procedures**

### **21.0 Water/Sewer Oversight Board**

Select Board shall appoint four (4) residents to the Board:

20. Two (2) for three-year terms each (to be renewed as three-year terms)
21. One (1) for a two-year term (to be renewed as a three-year term)
22. One (1) for a one-year term (to be renewed as a three-year term)

Thus the terms of members appointed by the Select Board will be staggered and shall be renewable.

The Town Manager shall appoint three (3) residents to the Board:

23. One (1) for a three-year term (to be renewed as a three-year term)
24. One (1) for a two-year term (to be renewed as a three-year term)
25. One (1) for a one-year term (to be renewed as a three-year term)

Thus the terms of members appointed by the Town Manager will be staggered and shall be renewable.

At least four residents shall not otherwise be associated with Billerica Water and/or Sewer operations.

The Oversight Board shall operate at the direction and discretion of the Select Board;

The Oversight Board shall review and make recommendations to the Select Board and Town Manager regarding the Water and Sewer Departments (focus of this Board shall be on infrastructure, short- and long-term capital improvements, etc.). This Board shall not involve itself in the day-to-day operations of either the Water or Sewer Department.

The Oversight Board shall review both water and sewer rates making recommendations annually (at the Select Board's first meeting in November).

Ex Officio Members of the Water/Sewer Oversight Board shall include:

1. The Town Accountant
2. The Director of the DPW
3. The Wastewater Department Manager
4. The Water Department Manager

## Billerica Select Board Policies and Procedures

### 22.0 Rules and Regulations for the Licensing and Sale of Alcoholic Beverages

#### 22.1 Licensing Authority

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

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

#### 22.2 Filing of Applications

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

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

Town of Billerica Applications and Rules and Regulations are available on the Town of Billerica's website: <https://www.town.billerica.ma.us/363/Rules-Regulations>

Applicants for renewal will sign a copy of the Rules and Regulations acknowledgement page and turn it in at the Select Board's office with the renewal application. This acknowledgement page can be found on the Town of Billerica's website: <https://www.town.billerica.ma.us/363/Rules-Regulations>

All applicants will use the ABCC web site online applications: <https://www.mass.gov/orgs/alcoholic-beverages-control-commission>

#### 22.3 Filing Fee

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

Town of Billerica filing fees, if paid for by check, shall be made payable to the "Town of Billerica". Filing fees required by the Alcoholic Beverages Control Commission shall be in accordance with the

## **Billerica Select Board Policies and Procedures**

ABCC policy. Filing fees are not returnable once an application has been accepted by the office of the Select Board.

### **22.4 Annual License Fees**

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

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

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

### **22.6 Corporate and Trade Names**

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

### **22.7 Cessation of Operations**

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

### **22.8 Bankruptcy and Court Proceedings**

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

### **22.9 Corporate Transactions and Change of Managers**

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

### **22.10 Foreclosure on Loans**

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

## Billerica Select Board Policies and Procedures

### 22.11 Manager

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

### 22.12 Manager's Responsibilities

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

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

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

1. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who engaged with the public in any capacity;
2. Training of employees in all matters relating to the sale or service of alcoholic beverages;
3. Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises; Reporting any criminal activity that occurs on the licensed premises to the Police Department immediately.
4. Immediately reporting to the Police Department all instances of attempted purchase or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and the nature of the appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confirmation of the name and address of any minor presenting a liquor identification card or motor vehicle operator's license; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
5. Enforcement of all laws, regulations and rules relating to the operation of the licensed business.

## **Billerica Select Board Policies and Procedures**

6. Ensuring that the licensed premises, including the exterior, are maintained in a safe, clean, neat and sanitary condition at all times.

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

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

### **22.13 Service Prohibited to Certain Individuals**

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

### **22.14 Identification Cards**

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

### **22.15 Discrimination Prohibited**

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

### **22.16 Employees of the Licensee**

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

1. Employees working at a licensed premise must comply with the requirements of M.G.L Chapter 138, and any other applicable State of Town law, Bylaw, rule or regulation.
2. All employees serving alcohol to the public are required to have successfully completed an alcoholic beverage server training program, which has been approved by the Town. This shall include the Manager, Assistant Manager, and persons responsible for viewing identification cards to determine the age of patrons for service of alcohol. Managers and Assistant Managers shall be certified prior to assuming the duties of Manager or Assistant Manager. All alcohol

## **Billerica Select Board Policies and Procedures**

servers are strongly encouraged to attend periodic retraining programs at least bi-annually that reinforce their certification training. Records of retraining shall be submitted to the Billerica Police Department annually in December and will be kept on file. The retraining programs underscore the importance of proper server training to minimize the dangers associated with alcohol abuse on a licensed premise.

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

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

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

#### **22.17.1 Determination of Penalties**

The Board shall endeavor to be fair and judicious in the determination of penalties imposed for violations of the terms and conditions of licenses. Penalties shall be progressive in nature, and may, in the discretion of the Board, be increased or decreased based on certain aggravating or mitigating factors, but nor limited to, the following:

#### **22.17.2 Aggravating factors**

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

#### **22.17.3 Mitigating factors**

1. Reasonable reliance upon a identification card or operator's license for proof of identity or age. (M.G.L. Chapter 138 Section 34B)
2. Acceptance of responsibility by license as evidenced by;
  - a. Substantial and voluntary assistance offered in investigation.

## **Billerica Select Board Policies and Procedures**

- b. Public acknowledgement of responsibility.
- c. Agreement to participate in training program by licensee, manager, and servers.
- d. Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.
- e. Licensee agreement to participate in an effective program to detect and prevent future offenses.
- f. Age of past violations (beyond 7 years).

### **22.17.4 Suggested Penalty Guideline**

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

- 26. 1<sup>st</sup> Violation: Letter of reprimand/Warning to 5-day suspension
- 27. 2<sup>nd</sup> Violation: 5 days to 10 days suspension
- 28. 3<sup>rd</sup> Violation: 10 days to 30 days suspension, with revocation considered in aggravated circumstances
- 29. 4<sup>th</sup> Violation: Revocation or Termination of License

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

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

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

### **22.18 Display of Licenses and Permits**

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

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

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

## **Billerica Select Board Policies and Procedures**

### **22.20 Employees on Premises After Closing**

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

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

### **22.21 Access to Premises By Police and Agents**

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

### **22.22 Inspection of Premise**

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

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

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

### **22.24 Refuse Removal**

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

### **22.25 Food Service Required**

Licenses issued under Massachusetts General Laws, Chapter 138, Section 1 and Section 12, which are restaurant licenses, may be issued only to those who have been granted a Common Victualler license under Massachusetts General Laws, Chapter 140. These two sections also apply to holders of Innholder

## **Billerica Select Board Policies and Procedures**

licenses. Common Victuallers must have adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other-patrons as required by Massachusetts General Laws, Chapter 138 and Chapter 140.

### **22.26 Service Limited to Approved Areas**

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

### **22.27 Service Limited to Food Service Areas or Approved Lounge**

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

### **22.28 Consumption on Premises**

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

### **22.29 Serving Containers**

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

### **22.30 Server Training – For Managers and Others**

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

### **22.31 Verification of Server Training**

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

## **Billerica Select Board Policies and Procedures**

### **22.32 Entertainment**

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

### **22.33 Coin-Operated Automatic Amusement Machines**

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

### **22.34 Annual Financial Reports - Restaurants**

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

### **22.35 Extension of Hours Requests**

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

### **22.36 Delivery off premises – Malt Beverages/Kegs**

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

### **22.37 One-Day Special License**

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

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

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

## **Billerica Select Board Policies and Procedures**

### **22.38 Separability**

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



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

**RULES AND REGULATIONS ACKNOWLEDGEMENT FORM**

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

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

**Name of Establishment:** \_\_\_\_\_

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

Billerica, MA

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

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

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

## Billerica Select Board Policies and Procedures

### 23.0 Priority Development Site Chapter 43D Projects

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

#### 23.1 Permitting Procedures

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

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

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

Timeframes are not mutually exclusive. For example, items 3 & 4 can be ongoing during the time frame that item 2 is taking place.

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

## Billerica Select Board Policies and Procedures

After permit applications are filed:

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

From the date that applications are certified as complete, the Town of Billerica must make a decision on all permits within 180 days. (This does not include building permits, ANR Plans or subdivisions.)

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

## Billerica Select Board Policies and Procedures

After Local Boards and Commissions Open Public Hearings:

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

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

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

## Billerica Select Board Policies and Procedures

### 24.0 Investment Policy

#### 24.1 Objective

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

#### 24.2 Delegation of Authority

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

#### 24.3 Legal Requirements

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

1. Certificate of Deposit with a maturity of less than one year, issued by commercial banks, mutual savings banks, savings & loans and cooperative banks;
2. Money Market Deposit Account from commercial banks, mutual savings banks, savings & loans and cooperative banks;
3. Repurchase Agreement with a maturity of less than 90 days, issued by a bank and secured by a U.S. Government or Agency obligation; Pooled Investment Fund operated under the authority of the State Treasurer;
4. U.S. Treasury instruments or U.S. Government Agency obligation with a maturity of less than one year;
5. Money Market Mutual Funds registered with the SEC must be "AAA" rated from one nationally recognized rating organization (Moody's, S&P, Fitch, etc.).

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

#### 24.4 Investing Guidelines

1. Safety is the foremost objective of the investment policy. Billerica Select Board Policies and Procedures (01/09/22)

## Billerica Select Board Policies and Procedures

2. Credit Risk may be mitigated by limiting the investments to the safest types of securities and by investing in banks in accordance with the aforementioned policy
3. The Town will maintain liquidity in its operating funds by limiting the investments in shorter term securities to 90 days or less
4. Trust funds will be invested in accordance with Chapter 44 Section 54 of the Massachusetts General Laws
5. Diversification – The Town of Billerica will diversify its investments by security type and institution. With the exception of U.S. Treasury securities or U.S. Government Agency funds and the State Treasurer’s investment pools, no more than 75% of the Town’s total investment portfolio, excluding U.S. obligations and Government Agency Funds will be deposited with a single financial institution.
6. Selection of banks for investments – It is the responsibility of the Treasurer to assess the financial condition of the banks that the Town of Billerica invests with. This is achieved by the review of bank rating guides, review of Banks’ Reports of Financial Condition and annual discussions with the banks regarding their financial position. The Town will only invest in banks with a VERIBANC rating of green light. The Town will divest its money from banks that fall below the green light rating. Primary emphasis will be placed on a bank’s capital adequacy, loan quality and profitability before determining suitability for Town investments. Consistent with Chapter 44, Section 55 of the Massachusetts General Laws, the Town will not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the institution’s total equity presented on the institution’s annual audited financial statements. In addition, it is the Town’s policy that at no time shall any single bank or bank holding company, hold in excess of 75% of the Treasurer’s cash balance for more than three consecutive days.
7. Investment Size & Collateralization – The amount of available funds that the Town of Billerica has in its possession at any one time makes it impractical to invest in banks and maintain the advantage of FDIC insurance. Most of the Town’s Certificates of Deposit are purchased in \$1,000,000 blocks in order to take advantage of higher rates. Currently, Massachusetts is one of only four states that have no legal requirement for collateralizing public deposits. Legislation is currently pending to require collateralization. Until adoption of such legislation, the Treasurer will provide as much security as possible for the Town of Billerica’s bank investments through the prudent selection process described above. Preference will be given to banks that offer DIF insurance or collateralized deposits so long as the banks provide a comparable yield on investments. Utilization of State Treasurer’s Investment Pool – The Massachusetts Municipal Depository Trust (MMDT) combines the funds of Massachusetts public units and invests on their behalf in short term instruments of U.S. Treasury and Government Agencies and large corporations and financial institutions, thus offering investors (such as the Town of Billerica) the opportunity to earn higher yields through a professionally managed fund. Since its inception, the State Treasurer has employed Fidelity Investments as the Fund’s manager. It is recognized that these investments are neither fully collateralized nor backed by the good full faith and credit of the Commonwealth of Massachusetts. However, there is a high degree of safety as a result of the pool’s use of: delivery versus payment for many of their securities; utilization of full disclosure to ensure that investing officials are aware of significant investment and administrative policies, practices and restrictions; collateralization of all repurchase agreements; the application of FDIC pass through insurance; and limiting investments to high quality marketable securities as defined in the Billerica Select Board Policies and Procedures (01/09/22) enabling legislation.

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This degree of safety is recognized by the Government Accounting Standard Board in its qualification of state investment pools in financial statements. The Town of Billerica will continue to utilize this highly liquid, comparatively safe instrument as an integral part of its overall investment strategy contingent upon the competitiveness of its yield.

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

## Billerica Select Board Policies and Procedures

### 25.0 Water Conservation Fund

#### 25.1 Establishment of Water Conservation Fund

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

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

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

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

#### 25.2 Goal

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

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

#### 25.3 Policy

Effective Tuesday May 3, 2011, all new development within the Town will be required to achieve the following water conservation thresholds. These requirements will apply to all commercial and industrial development, new residential housing and the addition of new bedrooms to existing housing.

Conservation measures will apply to new and expanded municipal buildings but the conservation fee will not be assessed.

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

Conservation fees will be assessed for the addition of bedrooms only when they are accompanied by the addition of a new bathroom. In such cases, the fee will be calculated on a 65 gallon per day per bedroom fee. The fee may be waived however if the owner agrees to replace an existing toilet and washing machine with approved water conservation units, replace existing conventional toilets, and washing machines with qualified water efficient toilets and washing machines. In doing so, over time, the increased demand created by the addition will be eradicated by the lower demand appliances.

#### 25.4 Conservation Measures Within New Developments

All new residential developments articulated in this policy will be required to meet daily water use of 65 gallons per capita per day by implementing the following water conservation actions within the new development:

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1. Installing USEPA Energy Star rated faucets, shower heads, toilets, dishwashers and washing machines in all parts of the development, including common areas. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.
2. Maximizing the use of low water-use plants, maximize the use of low water demand planting and using, where possible, drip irrigation systems in place of conventional sprinklers for all landscaping within the development. The use of low water demand landscaping and irrigation systems shall be documented in submittals to the Town.
3. Equipping all automatic lawn watering systems with an adjustable timing device, a moisture sensing device and an approved backflow prevention device.

All new commercial and industrial developments will be required to conserve water by:

1. Installing Energy Star rated faucets, shower heads and toilets for employees and patrons. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.
2. Installing similar, conservation rated devices for commercial dishwashers and washing machines. The use of Energy Star rated devices shall be documented in submittals to the Department of Public Works and the Building Department as part of the development approval process.
3. Maximizing the use of low water use plants, minimizing the use of high-water demand lawn areas and installing where possible drip irrigation systems in lieu of conventional sprinklers in all landscaping within the development. The use of low water demand landscaping and irrigation systems shall be documented in submittals to the Department of Public Works and the Building Department.
4. Equipping all automatic lawn watering systems with an adjustable timing device, a moisture sensing device and an approved backflow prevention device.

All new developments will be required to comply with all water conservation restrictions that from time to time may be declared by the Town.

### **25.5 Conservation Fee**

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

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

### **25.6 Implementation**

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

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

## **Billerica Select Board Policies and Procedures**

1. Public Outreach and Education for Water Conservation
2. Reimbursement for Energy Star rated toilet and/or washing machine – over and above the cost of a non-Energy Star rated appliance - to the owner of record who installs qualified appliances. Reimbursement to residents will be made from the fund as available.
3. For purposes of the Water Conservation Fund Program, the owner of record shall be defined as: the owner of record listed on the Town's Real Estate Tax Records
4. The cost of Energy Star rated toilets, urinals and wash machines for use in public buildings. The installation of an Energy Star rated toilet, urinals and washing machines must be verified by the Plumbing Inspector.
5. Administrative costs of the Water Conservation Fee Program.
6. Other Water Conservation purposes as recommended by the Director of Public Works and approved by the Town Manager, Select Board and Town Meeting.

### **25.7 Modifications**

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

### **25.8 Water Conservation Fee**

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

### **25.9 Water Conservation Rebate Program**

#### **25.9.1 Who qualifies for a Rebate?**

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

#### **25.9.2 Eligible Rebates**

*Toilet* – (\$100 ea.) - Qualifying toilets must be WaterSense certified High Efficiency toilets.

*Urinals* – (\$25 ea.) - Qualifying urinals must be WaterSense certified High Efficiency urinals.

*Washing Machines* – (\$225 ea.) - Eligible washing machines must be ENERGY STAR WaterSense certified High Efficiency.

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

1. Complete rebate form and submit it to the Town's Water Billing Office, located at 365 Boston Road, Billerica.
2. You MUST attach to the application form an original unaltered sales receipt showing the make, model, and date of purchase. If submitting an ENERGY STAR rebate, attach the yellow ENERGY STAR label with the application.
3. An appointment will be scheduled to confirm the installation.

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4. Applications must be submitted within 90 days of purchase *and* rebates will be processed in order received as funds are available.

### 25.9.4 How are rebates processed?

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

**Table A**  
**Calculation for Water Conservation Fee**

<b>3 Bedroom Home (Water Conservation Fee) using 65 gallons per bedroom:</b>	
3 X 65 Gallons Per Day (GPD) =	195 GPD
195 GPD X 365 days per year =	71,175 GPD
Saving 50% by replacing washing machines =	35,587 gallons
Saving 50% by replacing toilet bowls =	35,587 gallons
<b>Based on average use using industry standards:</b>	
New water conserving toilets annual gallons save =	9,709 gallons per year
New water conserving washing machines annual gallons saved =	7,458 gallons per year
<b>Number of toilets needed replacement to offset saving</b>	
<u>35,587 (25% annual gallons of water requested) =</u>	3.7 toilet units
9,709 (annual gallons of water the toilet unit conserves)	
3.7 X \$100.00 (25% estimated unit cost) =	\$370
<b>Number of washing machines needed replacement to offset saving</b>	
<u>35,587 (25% annual gallons of water requested) =</u>	4.8 washing machines
7,450 (annual gallons of water the washing machine unit conserves)	
4.8 X \$225.00 (25% estimated unit cost) =	\$1,200
The Water Conservation Fee for One Single Family Home (3 bedrooms at 65 gallons per bedroom) = \$370+\$1,270=\$1,570	
Average per gallon \$1,570/195 g =	\$8.05/g
Use ratio 65/110 X \$8.05 =	\$4.75
Water Conservation Fee \$4.75 per gallon	

## Billerica Select Board Policies and Procedures

### 26.0 Fraud Risk Assessment

The Town Accountant will coordinate the policy.

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

Attachment D will serve as a guideline for evaluation and documentation.

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

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

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### **28.0 Naming of Memorial Squares, Memorial Islands, Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings**

#### **28.1 Purpose**

The purpose of this policy is to provide the criteria, policy, and procedures for the naming of a memorial square, memorial island, parks, playgrounds, fields, town building, and rooms in town buildings under the control of the Select Board, as the policy making agency and “Road Commissioners”, in the Town of Billerica.

#### **28.2 Policy for the Naming of Memorial Squares, Memorial Islands, Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings:**

1. The naming of squares, islands, parks, playgrounds, fields, town building, and rooms in town buildings shall be limited to deceased Veterans, who resided in Billerica for at least ten years, or persons that have demonstrated outstanding civic achievement, as determined by the Select Board, who resided in Billerica for at least ten years or less if the Select Board finds a compelling reason to waive the time period.
  - a. Deceased Veterans shall have been either killed in action or honorably discharged;
  - b. Persons of outstanding civic achievement shall have demonstrated outstanding civic contributions and good citizenship, as determined by the Select Board.
2. Placement of all signs shall be as approved by the Select Board. All signs shall be of the same style and size as determined by the Select Board. However, all Memorial signs shall only be placed in the public right of way. Memorial Islands shall only be those islands in the public right of way.
3. Any naming is with the intention that it will be permanent. Hence, changes are to be strongly resisted. The renaming of any square, island, parks, playgrounds, fields, town building, and rooms in town buildings shall be subject to the most critical examination so as not to diminish the original justification for the same.
4. In naming a square, island, parks, playgrounds, fields, town building, and rooms in town buildings consideration shall be given to geographical location, historical or other pertinent significance.
5. Square shall be defined as an intersection of two public ways in the Town of Billerica.
6. An Island shall be a traffic control island within a public right of way.
7. All Memorial requests shall be subject to the availability of funding.

#### **28.3 Procedure for the Naming of Memorial Squares or Islands:**

1. Written requests for Memorial naming of a square or island for a Veteran shall be directed to the Office of Veterans Services. Requests for persons of outstanding civic achievement shall be directed to the Town Manager’s Office. Such requests must include supportive information as appropriate to justify the recommendation, in 500 words or less, and the location shall be clearly described.
2. The Office of Veteran Services shall investigate all veteran requests and shall:
  - a. certify the veteran is deceased;
  - b. certify the veteran was honorably discharged or killed in action;
  - c. obtain written certification from the Town Clerk’s office that the veteran lived in Billerica for at least ten (10) years or less if the Select Board finds a compelling reason to waive the time period;

## Billerica Select Board Policies and Procedures

- d. obtain written certification from the Billerica Department of Public Works Engineering Department that the requested location is within the public right of way;
  - e. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard.
3. Upon completion of their investigation, the Office of Veterans Services shall provide their written approval to the Select Board accompanied by the original memorial request, supporting documents, all written certifications, and all other documentation in relation to the request.
4. Civic requests shall be submitted to the Office of the Town Manager and a report by the Town Manager shall be made to the Select Board as to the accuracy of the request submitted. The Town Manager's Office shall:
  - a. obtain written certification from the Billerica Department of Public Works Engineering Department that the requested location is within the public right of way;
  - b. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard.
5. Upon receipt by the Select Board, the matter will be scheduled at one of the next three regularly scheduled meetings of the Select Board. The Select Board will announce the name of the person and location at the preceding meeting and vote at the next regularly scheduled meeting. The Office of Veterans Services will be accordingly notified for Veteran's requests to attend the Select Board's meeting to make the presentation. For veteran requests, it shall be the responsibility of the Office of Veterans Services to notify all interested parties of the date of this meeting so all interested parties may attend. For civic requests, it shall be the Office of the Town Manager to notify all interested parties of the date of the meeting.
6. The naming shall be decided at the specified meeting by a majority of Select Board. For veteran requests, the Select Board shall notify, in writing, the Office of Veterans Services of its decision. The Office of Veterans Services, or the Town Manager's Office for civic requests, shall be responsible for notification to the appropriate Billerica departments to insure the timely erection of the approved Memorial. Additionally, for veteran memorials, the Office of Veterans Services shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such Memorials in the Town of Billerica. For civic requests, The Town Manager's Office shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such civic Memorials in the Town of Billerica.

### **28.4 Procedure for the Naming of Playgrounds, Fields, Town Buildings and Rooms in Town Buildings:**

1. Written requests for Memorial naming parks, playgrounds, fields, Town buildings, and rooms in town buildings for a Veteran shall be directed to the Office of Veterans Services. Requests for persons of outstanding civic achievement shall be directed to the Town Manager's Office. Such requests must include supportive information as appropriate to justify the recommendation, in 500 words or less, and the location shall be clearly described.
2. The Office of Veteran Services shall investigate all veteran requests and shall:
  - a. certify the veteran is deceased;
  - b. certify the veteran was honorably discharged or killed in action;
  - c. obtain written certification from the Town Clerk's Office that the veteran lived in Billerica for at least ten (10) years or less the Select Board finds a compelling reason to waive the time period.

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- d. obtain written certification from the Billerica Department of Public Works Engineering Department that the requested location is within the public right of way;
- e. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard.
3. Upon completion of their investigation, the Office of Veterans Services shall provide their written approval to the Select Board accompanied by the original memorial request, supporting documents, all written certifications, and all other documentation in relation to the request;
4. Civic requests shall be submitted to the Office of the Town Manager and a report by the Town Manager shall be made to the Select Board as to the accuracy of the request submitted. The Town Manager's Office shall:
  - a. obtain written certification from the Town Manager that the requested location is within the care custody and control of the Town;
  - b. obtain approval of the Billerica Police Department Traffic Safety Officer that the location of the requested memorial will not pose a safety hazard;
  - c. the person has been a resident for over 25 years or less the Select Board finds a compelling reason to waive the time period.
  - d. the person has made a significant contribution to the Town of Billerica, through civic volunteerism of extreme proportion. (To be decided by the Select Board).
  - e. their contribution is of historical value to the Towns history. (To be decided by the Select Board).
5. Upon receipt by the Select Board, the matter will be scheduled at one of the next three regularly scheduled meetings of the Select Board. The Select Board will announce the name of the person and location at the preceding meeting and vote at the next regularly scheduled meeting.

### **28.5 Policy for Renaming Memorial Squares, Islands, Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings:**

1. The Office of Veterans Services will be accordingly notified for Veteran's requests to attend the Select Board's meeting to make the presentation. For veteran requests, it shall be the responsibility of the Office of Veterans Services to notify all interested parties of the date of this meeting so all interested parties may attend. For civic requests, it shall be the Office of the Town Manager to notify all interested parties of the date of the meeting.
2. The naming shall be decided at the specified meeting by a majority of Select Board. For veteran requests, the Select Board shall notify, in writing, the Office of Veterans Services of its decision. The Office of Veterans Services, or the Town Manager's Office for civic requests, shall be responsible for notification to the appropriate Billerica departments to insure the timely erection of the approved Memorial. Additionally, for veteran memorials, the office of Veterans Services shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such Memorials in the Town of Billerica. For civic requests, The Select Board's office shall coordinate any appropriate naming ceremony and shall maintain an inventory of all such civic Memorials in the Town of Billerica.

### **28.6 Procedure for Renaming Memorial Squares, Islands, Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings:**

1. Any naming is with the intention that it will be permanent. Therefore, changes are to be strongly resisted and the renaming of any memorial square, island, park, playground, field,

## **Billerica Select Board Policies and Procedures**

town building, and room in a town building already named, shall be undertaken by the Select Board only if one or more of the following is found to be true.

- a. In the case of a veteran naming, it is found that one or more of the criteria required is un-true;
- b. In the case of a civic naming, it is found that one or more of the criteria required is un-true;
- c. In all cases if the person or persons have been convicted of a felony or above.

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### 29.0 Community Funds

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

The Fund will be administered as a grant, with project applications reviewed by a subcommittee of the Select Board and a representative of each company. In the spirit of maintaining a strong town/business relationship, the Select Board will make every effort to fund the projects recommended by the companies funding these grants. At a minimum the Select Board will NOT change the chosen projects without informing the companies. Each year priority will be given to projects which have not previously received funds. The full Select Board will then vote the awards. Failure to submit a completed Community Funds Grant Application Form and provide and/or meet **all** the criteria information requested will result in the rejection of the application from consideration.

#### 29.1 Criteria

1. A completed Community Funds Grant Application Form (Attachment E) must be submitted with each Community Funds Grant request. The Community Funds Grant Application Form includes:
  - a. a brief project description, legal name and address of the organization, the amount requested, and the name/address of the contact person;
  - b. a one page executive summary of the project;
  - c. a brief description of the organization applying, including its mission, history, programs and/or achievements, or other information which would indicate the capacity to implement the project. Also, the names/addresses of the officers or directors of the organization are provided;
  - d. an explanation of the community need and resulting benefit of the project indicating how it will enhance the quality of life in Billerica;
  - e. a description of how the project would be sustained after the grant period;
  - f. the organization's fiscal year budget as well as the project budget with narrative justification, including other funding sources and in-kind contributions. In the cases where services are being provided the applicant must provide proof of actual expense to the organization.
  - g. Two (2) hard copy sets and an electronic copy of the complete application emailed to [selectboard@town.billerica.ma.us](mailto:selectboard@town.billerica.ma.us), non-returnable, must be submitted to the Select Board by 12:00 PM on DAY, December XX, XXXX.
2. The Select Board recommends that all applicants comply with the Attorney General's requirements of a charitable organization such as being a 501c3, 501c19 (Veteran's), AG Account #, or IRS SS-4.
3. Applicants may be required to give a presentation to a subcommittee, or to the full Select Board as needed.
4. The awards may be made in such a way as to allow more than one company to support a project.
5. Projects may receive funds from more than one company, though only one application is required.

## Billerica Select Board Policies and Procedures

6. Recipients shall recognize the contributions(s) of the company (ies) in a suitable way, both at the time the grant is announced and also on an ongoing or long-term basis.
7. The Select Board reserves the right to withhold any or all of the Community Funds Grant in the event there are no projects meeting the criteria this year.
8. As a condition of any award(s), all Recipients agree to provide, no later than twelve (12) months from the date of receiving any Community Funds Grant, written certification (receipts, credit card statements, invoices marked as paid or written proof of who the money went to and what part of the application it served) of the completion of the project must be submitted to the Select Board. Such certification shall provide written details of all fund(s) expenditures in accordance with the grant award(s).
9. Should the applicant need additional time to complete the awarded project they can request an extension in writing to the Select Board and have the request voted on at a public meeting of the Select Board.
10. Any funds not expended at the conclusion of this twelve (12) month period shall be forfeited and promptly returned to the Select Board unless an extension has been granted by the Select Board. In this case, any unused money will be returned at the end of the extension.
11. Until such written certification and unused funds are returned (if applicable) to the Select Board, the Recipient(s) shall not apply and shall not be eligible for any additional Community Funds Grant.
12. Community Funds Grant applications should include a civilian CORI form filled out by the submitter of the application.

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

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

Two (2) hard copy sets and an electronic copy of the complete application emailed to [selectboard@town.billerica.ma.us](mailto:selectboard@town.billerica.ma.us), non-returnable, must be submitted to the Select Board by 12:00 PM on DAY, December XX, XXXX. The Board expects to announce the awards at its meeting on Monday, February XX, XXXX. Awards will be presented at the meeting following the announcement and vote.

## Billerica Select Board Policies and Procedures

### 30.0 Community Cable Capital Fund Grant Criteria

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

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

#### 30.1 Criteria

A completed Community Cable Fund Grant Application Form (Attachment F) must be filed with each Community Cable Fund Grant request. The Community Cable Fund Grant Application must include all the following:

1. a brief project/needs description, legal name and address of the organization, the amount requested, and the name/address of the contact person;
2. a one page executive summary of the project/needs;
3. a brief description of the organization applying, including its mission, history, programs and/or achievements, or other information which would indicate the capacity to implement and/or sustain the project/needs. Also, the names/addresses of the officers and/or directors of the organization must be provided;
4. an explanation of the community need and resulting benefit of the project/needs indicating how it will enhance the quality of life in Billerica;
5. a description of how the project/needs would be sustained after the grant period;
6. the organization's fiscal year budget with narrative justification for the project/need;
7. brief narrative demonstrating project/needs are cable related;
8. Ten (10) sets of the application, non-returnable, must be submitted with each Grant Application by the specified deadline.

Grant applications will only be accepted from non-profit entities or groups serving the Town of Billerica.

Applicants may be required to give a presentation to a subcommittee, or to the Select Board, as needed.

Recipients shall recognize the contributions of the Community Cable Fund in a suitable way, both at the time the grant is announced and also on an ongoing or long-term basis.

Community Cable Fund Grants are not to be used to supplement an organization's operating budget or capital budget.

The Select Board reserves the right to withhold any or all of the Community Cable Funds in the event there are no projects meeting the criteria.

As a condition of any award(s), all Recipients agree to provide, within twelve (12) months of receiving any Community Cable Capital Fund Grant(s), written certification of the completion of the project to the Select Board. Such certification shall provide written details of all fund(s) expenditures in accordance with the grant award(s). Any funds not expended at the conclusion of this twelve (12) month period shall be forfeited and promptly returned to the Select Board. Until such written certification is provided to the Select Board, the Recipient(s) shall not apply and shall not be eligible for any additional Community Cable Capital Fund Grants.

## **Billerica Select Board Policies and Procedures**

Should the applicant need additional time to complete the awarded project they can request an extension in writing to the Select Board and have the request voted on at a public meeting of the board.

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

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

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

### 31.0 Town of Billerica Overall Financial Management Policies

#### 31.1 Introduction

Recognizing the importance of sound financial policies and continuity in their application, the policy makers and senior management of the Town of Billerica adopted broad policies on finance, investment and debt codifying many of the practices that have been in place for over a decade. It is and has been the policy of the Town to ensure that there is sound financial planning to enact budgets for the Town that provide a high level of service to the residents of the Town in a manner to which they are accustomed and recognize. These services are provided in the most efficient manner possible and senior management and the policy makers constantly strive to reinvent the way services are provided to improve these efficiencies.

The review and codification of these principles, as also done in 2012, demonstrate our resolve to affirm to Town Meeting and the taxpayers that Billerica will continue to conduct business on a fiscally responsible basis.

##### 31.1.1 General Financial Policies

The following financial principles set forth the broad framework for overall fiscal planning and management of the Town resources. In addition, these principles address both current activities and long-term planning. The principles are intended to be advisory in nature and serve as a point of reference for all policy-makers, administrators and advisors with the understanding that Town Meeting retains the full right to appropriate funds and incur debt at levels it deems appropriate, subject to statutory limits such as Proposition 2½. The principles outlined in this policy are designed to ensure the Town's sound financial condition now and in the future; sound financial condition as defined below:

30. The ability to pay bills in a timely fashion.
31. The ability to annually balance the budget.
32. The ability to pay future costs.
33. The ability to provide needed and desired services.
34. Provide full value to Billerica residents and businesses by delivering quality services on a cost-effective basis.
35. Preserve the Town's quality of life by providing and maintaining financial resources to sustain a sufficient level of services.
36. Maintain flexibility in its finances to ensure that the Town can react and respond to changes in the economy and new service challenges without measurable financial stress.
37. Provide guidance to Town leaders for the stability of Billerica's finances.

##### 31.1.2 Financial Goals

38. Maintain the highest possible bond rating.
39. Achieve and maintain a balance in the General Stabilization Fund between 5% and 10% of the operating budget.
40. Include in the annual budget amounts sufficient to fully fund the agreed payment schedules related to the Town's pension and other post-employment benefits (OPEB) obligations.

## Billerica Select Board Policies and Procedures

The financial goals are necessary to maintain a sustainable budget model and provide complete disclosure of current and future conditions. Annually the Town Manager shall include a statement in the comprehensive Budget Message identifying progress toward meeting the above goals.

### 31.1.3 Budget Policies

The Town should strive to meet annual budget increases of 2.5%. All sources of revenue shall be recurring revenue sources except for appropriations from the Debt Stabilization Fund which has a planned funding schedule described in the previous section. The Town Manager shall annually produce a five-year revenue forecast.

1. The Town Manager shall annually prepare a balanced budget and comprehensive Budget Message as required by state law and Town charter. The Budget Message shall include a detailed examination of trends in the tax levy, new growth revenues, local receipts, state aid, available funds and a report on the status of maintaining or achieving the goals stated herein.
2. The Town will avoid budgetary actions that balance current expenditures at the expense of meeting future expenses, such as postponing expenditures, accruing future years' revenues and rolling over short-term debt.
3. The Town follows the matching principle where ongoing operating costs will be funded by ongoing operating revenue sources. This protects the Town from fluctuating service levels and avoids concern when one-time revenues are reduced or removed.
  - a. The annual unrestricted fund balance ("Free Cash") should be used only for one- time expenditures such as capital improvements, capital equipment and unexpected or extraordinary expenses such as unbudgeted snow and ice removal expenses.
  - b. The annual unrestricted fund balance shall not be considered in balancing the current year budget. Once certified, however, the Free Cash from the prior year shall be available for appropriation at any Town Meeting. The Free Cash should be 3% to 5% of the total budget in accordance with Massachusetts Department of Revenue Guidelines.
  - c. New operating costs associated with capital projects should be funded through the operating budget but reflected in the capital improvement plan.
4. The Town will maintain a General Stabilization Fund as its main financial reserve in the event of an emergency or extraordinary need. Expenditures of the General Stabilization Fund can only be made with a two-thirds majority vote of Town Meeting.
5. Annual debt service, exclusive of debt exempt from Proposition 2 ½ limits and financed directly with additional taxes, should be no more than 10% nor less than 5% of the annual operating budget. The Town should strive to issue debt for shorter periods than the maximum allowable when the statutory limit exceeds 10 years. Please refer to the Town's "Debt Management Policy" for a more complete discussion of this subject matter.
6. Investment practices will be in accordance with the Town's "Investment Policy."
7. Capital planning and capital expenditures will be in accordance with the Town's "Capital Policy."

## Billerica Select Board Policies and Procedures

### 31.2 OPEB Policy

The Town's OPEB consultant has recommended changes to our OPEB policy. Initially, the Town needed to aggressively fund the OPEB liability. Due to the aggressive funding up front, the Town is now able to lower the contribution percentage increase from 15% to 5%. Our current contributions for FY24 was \$2.3 million. The number for FY25 will be roughly \$2.4 million. The Town will also level out the payment at the \$4,000,000 yearly contribution.

### 31.3 Debt Management Policy

#### 31.3.1 Introduction

The use of long-term debt is a common and often necessary way for a community to address major infrastructure and equipment needs. It is also a means of spreading the cost of large capital projects over a larger, changing population base as well as spreading the cost burden across generations of taxpayers that will benefit from the capital outlay. When local government incurs long-term debt, it establishes a fixed obligation for many years. Municipal governments must ensure that these obligations do not make paying both its operational costs and debt service charges untenable. Great care and planning must therefore be taken when incurring long-term debt to avoid placing a strain on future revenues. The purpose of this policy is to establish guidelines governing the use of long-term debt and demonstrate our commitment to full and timely repayment of all debt issued. This policy also establishes a projected debt service levy schedule over time that manages impact to the taxpayer over time.

Massachusetts General Laws, Chapter 44, Sections 7 & 8 regulate the purposes for which municipalities may incur debt, and the maximum maturity for bonds issued for each purpose. M.G.L Ch 44, Sec 10 specifies that the debt limit for towns is 5% of Equalized Valuation. Based upon Billerica's current valuation, the debt limit would be 5% of the total valuation or \$479,623,214 million. The proposed equalized valuation for the Town for 2023 is \$9,592,464,382.00. There are two "annual" limitations applicable to municipal debt. First if a municipality borrows \$5 million in a fiscal year, it may be required to rebate to the federal government any interest earnings on tax exempt bond proceeds that exceed the yield on the bonds (the "rebate requirement"). However, if it absolutely necessary to borrow that much in a year, the rebate requirement may be avoided by spending the bond proceeds within a certain time period (10% within 6 months; 45% within 12 months; 75% within 18 months; 100% within 2 years-5% contingency allowed). If the Town issues more than \$10 million in tax exempt debt in a calendar year, including bonds, notes, and leases, the Town is unable to designate any of the debt as "bank qualified". Bank qualified tax-exempt debt is generally more attractive to investors and can result in lower interest rates for the Town. (N.B. These bank qualified limitations do not apply to loans from a state agency, such as the MWRA and MWPAT.) "Non-qualified" issues are less attractive to some banking and underwriting institutions since the investor is unable to deduct a portion of their interest carrying expenses (IRS Code 1986 Section 265 (b)(3)).

Massachusetts General Law allows communities, subject to voter approval, to exclude certain debt from the limits imposed by Proposition 2 ½. A voter-approved exclusion for the purpose of raising funds for debt service costs is referred to as a debt exclusion. The Town considers this to be an important component its debt management program. All references to debt service ceiling limits and debt strategies which follow are exclusive of such voter approved exclusions.

## Billerica Select Board Policies and Procedures

### 31.3.2 Debt Guidelines

General Fund Debt Service: A limit on debt service costs as a percentage of the town's total budget is especially important because of Proposition 2 ½ constraints on town's budget. At the same time, the community's regular and well-structured use of long-term debt signifies the municipality's commitment to maintaining and improving its infrastructure. Municipal credit analysts often use 10% as a maximum benchmark for financial soundness. The Town of Billerica will, by policy, establish a debt service "ceiling" of 10%, meaning that annual debt service payable on bonded debt should not exceed 10% of the annual operating budget. The Town will also, by policy, establish a debt service "floor" of 4% as an expression of support for continued investment in the town's roads, sewers, public facilities and other capital assets.

Debt Maturity Schedule: As previously stated, Chapter 44 of the General Laws specifies the maximum maturity for bonds issued for various purposes. A town may choose to borrow for a shorter period than allowed by the statutory limit. A reasonable maturity schedule not only reduces interest costs but balance the need to continually address capital improvements. The Town of Billerica will, by policy, establish a goal of issuing debt for shorter periods than the maximum allowable when the statutory limit exceed 10 years. Exceptions may be made when grants, reimbursements or other situations warrant.

### 31.3.3 Debt Service Strategy

Additionally, the Town will adhere to the following debt services policy adopted by the Select Board based on the Town's current Short and Long-Term Capital Plan. This plan can be modified if the Capital plan changes:

The Town of Billerica currently maintains an annual levy commitment of \$9.066 million. This policy was established in Fiscal Year 2013. It requires the Town to appropriate money to the debt stabilization Fund in fiscal years that do not reach the amount of \$9.066 appropriated for debt service. Conversely, in fiscal years that exceed the debt service levy limit, the Town would appropriate funds from Debt Stabilization in the amount necessary to cover the exceedance. Additionally, the Town appropriates \$1.8 Million from free cash annually to the Debt Stabilization Fund.

Due to the anticipated significant expansion of the capital plan which may include a new DPW facility, a new COA center, a new Recreation Center, and extensive water infrastructure work along with smaller, less financially impactful projects like improvements to the Town Center and the North Billerica Fire Station, the prior policy needs to be updated to accommodate this updated capital plan. The existing debt policy accommodated the Comprehensive Wastewater Management Plan as well as the recent construction of two new schools.

The Town is proposing to change the levy commitment for debt over the course of the next ten years as seen in Table 1. This plan can be adjusted if any of these projects do not come to fruition.

Debt Levy Limit	
2024	9,066,000
2025	10,000,000
2026	11,000,000
2027	12,000,000
2028	13,000,000
2029	14,000,000
2030	15,000,000
2031	15,000,000
2032	15,000,000
2033	15,000,000

Table 1

## Billerica Select Board Policies and Procedures

### Town of Billerica Debt Stabilization Fund Schedule (Scaled Down)

Fiscal Year	Beginning Balance	Interest	Appropriations		Draw Down		Ending Balance
			Levy	Free Cash	Wastewater et al	HS Debt Exclusion	
2016	9,094,440	173,191	0	1,800,000	0		11,067,631
2017	11,447,593	161,273	823,277	3,000,000	0		15,432,143
2018	15,423,143		60,434	1,800,000	-1,232,670	-1,400,000	14,650,907
2019	14,650,907	112,101	766,198	1,800,000	-1,232,670	-1,625,000	14,471,537
2020	18,283,776	347,392	641,324	1,800,000	-1,232,670	-950,000	18,889,822
2021	20,249,673	404,993	91,101	1,800,000	0	-1,160,000	21,385,767
2022	21,385,767	427,715	0	1,800,000	-649,457	-1,125,000	21,839,026
2023	22,157,854	-132,123		1,800,000	-912,618	-1,100,000	21,813,113
2024	21,813,113	436,262	0	1,800,000	-812,760	-1,350,000	21,886,615
2025	21,886,615	437,732	1,079,905	1,800,000	0	-1,350,000	23,854,252
2026	23,854,252	477,085	1,523,315	1,800,000	0	-1,300,000	26,354,652
2027	26,354,652	527,093	0	1,800,000	-4,007,482	-1,350,000	23,324,263
2028	23,324,263	466,485	0	1,800,000	-5,305,904	-1,300,000	18,984,844
2029	18,984,844	379,697	0	1,800,000	-5,617,232	-1,250,000	14,297,308
2030	14,297,308	285,946	0	1,800,000	-4,090,346	-1,250,000	11,042,908
2031	11,042,908	220,858	0	1,800,000	-3,622,741	-1,200,000	8,241,026
2032	8,241,026	164,821	0	1,800,000	-3,352,958	-1,200,000	5,652,888
2033	5,652,888	113,058	0	1,800,000	-3,102,616	-1,150,000	3,313,330
2034	3,313,330	66,267	0	1,800,000	-2,431,987	-750,000	1,997,610
2035	1,997,610	39,952	0	1,800,000	-2,563,160	-700,000	574,402
2036	574,402	11,488	0	1,800,000	-1,204,190	-700,000	481,700
2037	481,700	9,634	0	1,800,000	-903,884	-700,000	687,449
2038	687,449	13,749	0	1,800,000	-202,390	-650,000	1,648,808
2039	1,648,808	32,976	1,553,057	1,800,000	0	-650,000	4,384,842
2040	4,384,842	87,697	1,831,675	1,800,000	0	-650,000	7,454,213

**Table 2**

In the years that the town debt service requirement is below the commitment in Table 1, the difference is appropriated to a debt stabilization fund (Table 2 ex. 2025). In the years that the debt service spikes over that commitment, the town will appropriate the difference from the stabilization fund (Table 2 ex. 2027).

A further example of how the debt stabilization policy works can be seen in Table 3. For example, In 2030 the projected debt number is \$19,090,346.26. The debt levy limit target is \$15,000,000. The Town would appropriate \$4,090,346 from the debt stabilization fund to bring the levy burden from \$19 million to \$ 15 million.

Fiscal Year	Projected	Targeted	Over/Under
2024	10,298,669.60	9,066,000	1,232,670
2025	8,920,095.32	10,000,000	-1,079,905
2026	9,476,685.35	11,000,000	-1,523,315
2027	16,007,482.14	12,000,000	4,007,482
2028	18,305,904.28	13,000,000	5,305,904
2029	19,617,232.22	14,000,000	5,617,232
2030	19,090,346.26	15,000,000	4,090,346
2031	18,622,740.98	15,000,000	3,622,741
2032	18,352,957.73	15,000,000	3,352,958
2033	18,102,616.36	15,000,000	3,102,616

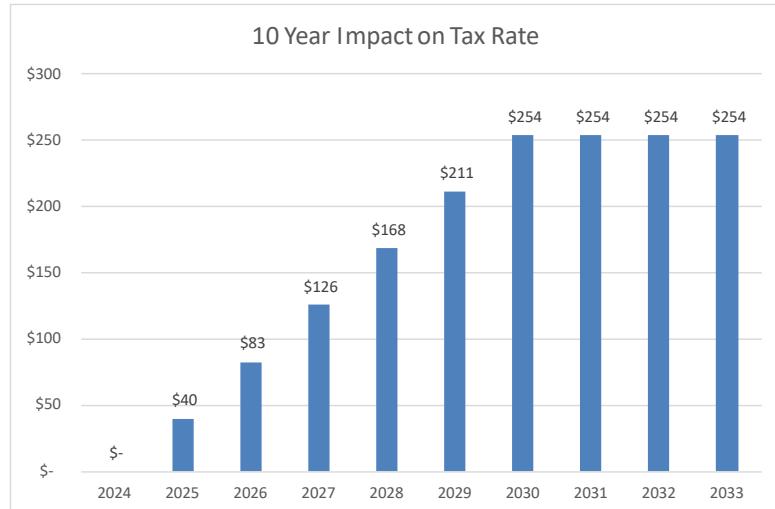
**Table 3**

## Billerica Select Board Policies and Procedures

As seen in the examples above this policy helps lessen the tax burden on the residents. For every additional million dollars added to the levy as seen in Table 1 the impact on the median single-family home is \$43 dollars. The cumulative impact over ten years for the expanded capital program on the median single-family home is projected to be \$254 as seen in Table 4.

The Town will continue to appropriate \$1.8 million in free cash to support this policy.

The Town needs approximately \$55 million from debt stabilization to fund the long-term capital plan for the two debt-excluded schools, continued sewer expansion, a new DPW facility, a new COA center, a new Recreation Center, extensive water infrastructure work, and other smaller projects. The Town has approximately \$22 million in the debt stabilization fund as of the fall of 2023.



**Table 4**

The Town Debt Stabilization Policy has two objectives. One is maintaining a predictable general fund debt level that promotes investment but is also within Generally Accepted Accounting Principles adopted by the Governmental Accounting Standards Board (GASB).

The second is using debt stabilization to buffer the impact of the debt exclusions and expanded capital program. As well as stabilize and create predictability for the tax impact on the residents.

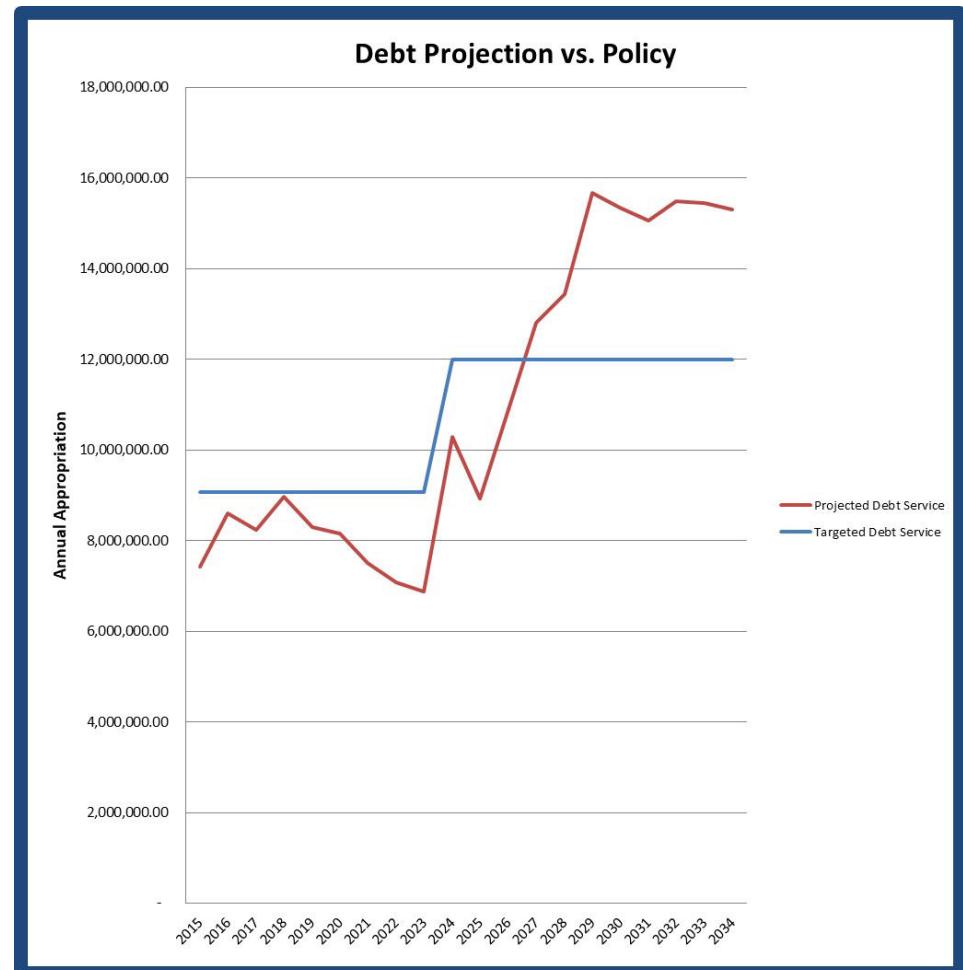
### **31.3.4 Debt Stabilization Policy (Updated with Information from February of 2023 for context): 2016-2023**

The Town of Billerica maintains a levy commitment every year of \$9.066 Million dollars for debt. In the years that the town debt service requirement is below this commitment, the difference is appropriated to a debt stabilization fund. In the years that the debt service spikes over that commitment, the town will appropriate the difference from the stabilization fund.

## Billerica Select Board Policies and Procedures

The Town appropriated \$2.012 million from the Debt Stabilization fund in FY 2023 to fulfill the policy of remaining at the \$9.066 Million Debt Levy. This appropriation also ensured that the tax impact on the median household does not exceed \$200 annually.

This graph and the table below project when the Town will need to use stabilization funds and how much it will need to fund the Town's long term capital needs. The Town needs approximately \$21.2 Million to fund the long term capital plan for the two debt excluded schools to limit the impact to \$200 annually on the median household. The Town has approximately \$22 million in the debt stabilization fund as of the fall of 2022. An additional \$30 million will be needed to maintain a \$9 to \$12 million impact on the levy of all general debt. This can be attained by appropriating \$1.8 million from free cash annually.



## Billerica Select Board Policies and Procedures

The Town Debt Stabilization Policy has two objectives. One is maintaining the general fund debt at \$9 - \$12 Million by using this fund. The second is using debt stabilization to buffer the impact of debt exclusions. It is projected that \$21 Million will be needed to contain the impact of two debt exclusion on the median single family tax bill to \$200 annually. The total debt stabilization need over 21 years is \$51.1 Million.

Town of Billerica Debt Stabilization Fund Schedule							
Fiscal Year	Beginning Balance	Interest	Appropriations		Draw Down		Ending Balance
			Levy	Free Cash	Wastewater et al	H S Debt Exclusion	
2016	9,094,440	173,191	0	1,800,000	0		11,067,631
2017	11,447,593	161,273	823,277	3,000,000	0		15,432,143
2018	15,423,143		60,434	1,800,000	0	-1,400,000	15,883,577
2019	15,883,577	112,101	766,198	1,800,000	0	-1,625,000	16,936,876
2020	18,283,776	347,392	641,324	1,800,000	0	-950,000	20,122,492
2021	20,249,673	404,993	91,101	1,800,000	0	-1,160,000	21,385,767
2022	21,385,767	427,715	1,983,849	1,800,000	-649,457	-1,125,000	23,822,875
2023	22,157,854	-132,123		1,800,000	-912,618	-1,100,000	21,813,113
2024	21,813,113	436,262	1,701,330	1,800,000	-812,760	-1,200,000	23,737,946
2025	23,737,946	474,759	3,079,905	1,800,000	0	-1,100,000	27,992,609
2026	27,992,609	559,852	1,095,998	1,800,000	0	-1,100,000	30,348,459
2027	30,348,459	606,969	0	1,800,000	-807,818	-1,100,000	30,847,611
2028	30,847,611	616,952	0	1,800,000	-1,433,859	-1,100,000	30,730,704
2029	30,730,704	614,614	0	1,800,000	-3,680,555	-1,050,000	28,414,763
2030	28,414,763	568,295	0	1,800,000	-3,343,916	-1,000,000	26,439,142
2031	26,439,142	528,783	0	1,800,000	-3,066,559	-1,000,000	24,701,367
2032	24,701,367	494,027	0	1,800,000	-3,498,348	-950,000	22,547,046
2033	22,547,046	450,941	0	1,800,000	-3,449,930	-950,000	20,398,056
2034	20,398,056	407,961	0	1,900,000	-3,309,795	-550,000	18,846,223
2035	18,846,223	376,924	0	1,900,000	-4,824,862	-500,000	15,798,285
2036	15,798,285	315,966	0	1,800,000	-3,694,910	-500,000	13,719,341
2037	13,719,341	274,387	0	1,800,000	-3,742,823	-450,000	11,600,905
2038	11,600,905	232,018	0	1,800,000	-3,257,154	-450,000	9,925,769
2039	9,925,769	198,515	0	1,800,000	-2,841,594	-400,000	8,682,690
2040	8,682,690	173,654	0	1,800,000	-2,816,114	-400,000	7,440,230
2041	7,440,230	148,805	0	1,800,000	-3,258,288		6,130,747
2042	6,130,747	122,615	0	1,800,000	-1,885,178		6,168,183
2043	6,168,183	123,364	0	1,800,000	-1,876,939		6,214,608
2044	6,214,608	124,292	0	1,800,000	-1,323,533		6,815,367
2045	6,815,367	136,307	0	1,800,000	-1,323,533		7,428,142
2046	7,428,142	148,563	1,491,467	1,800,000	0		10,868,172
2047	10,868,172	217,363	2,276,867	1,800,000	0		15,162,403
2048	15,162,403	303,248	3,116,867	1,800,000	0		20,382,519
2049	20,382,519	407,650	6,077,187	1,800,000	0		28,667,357
Totals			10,557,631	23,205,806	72,247,593	-29,790,477	-21,160,000

### 31.4 Capital Improvement Plan

The Town will establish and maintain a five (5) year Capital Improvement Plan (CIP), including all proposed projects and major pieces of equipment that may require debt financing. The town's long-term debt strategies will be structured to reflect its capital needs and ability to pay and shall be updated and reassessed with each new budget. It shall contain but not be limited to the following:

- 41. Five Year Capital Plan
- 42. Long Term Capital Plan
- 43. Comprehensive Wastewater Management Plan Water Capital Improvement Plan
- 44. Roadway and Sidewalk Management Recommendation
- 45. School Capital Plan

### 31.5 Bond Rating

The community's bond rating is important because it determines the rate of interest it pays when selling bonds and notes as well as the level of market participation (number of bidders). Other things being equal, the higher the bond rating, the lower the interest rate. The Town recognizes that Bond analysts such as, Moody's, Standard & Poor's, Fitch, typically look at four sets of factors in assigning a credit rating and will adhere to these financial policies accordingly:

1. Debt Factors: debt per capita, debt as a percentage of equalized valuation, rate of debt amortization and the amount of exempt versus non-exempt debt.
2. Financial Factors: operating surpluses or deficits, free cash as a percent of revenue, unassigned fund balances, state aid reliance, property tax collection rates, unfunded pension liability.
3. Economic Factors: property values, personal income levels, tax base growth, tax and economic base diversity, unemployment rates and population growth.
4. Management Factors: governmental structure, the existence of a capital improvement plan, the quality of accounting and financial reporting, etc.
5. The town will continually strive to improve its bond rating through sound financial management, improved receivables management, accounting and financial reporting, and increased reserves such as the Stabilization Fund.

### 32.0 Remote Participation

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

#### 32.1 Reasons for Remote Participation

1. Personal illness
2. Personal disability
3. Emergency
4. Military service
5. Geographic distance

#### 32.2 Approved Technology for Remote Participation

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

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

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

#### 32.3 Procedure for Utilizing Remote Participation

1. Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
2. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation. This information shall also be recorded in the meeting minutes.
3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

## **Billerica Select Board Policies and Procedures**

4. A member participating remotely may participate in an executive session but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.
5. When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting and shall be listed in the meeting minutes and retained in accordance with M.G.L. Chapter 30A, Section 22.

### **32.4 Remote Participation by the Public**

All Boards, Committees and Commissions under the purview of the Select Board shall provide access to the meeting to members of the public and access shall be provided through “adequate, alternative means.” The meeting notice must include clear instructions for accessing the meeting remotely. A public body may require members of the public to call, email, or “register” (such as in the Zoom Webinar platform) to obtain access information for the meeting, provided that the meeting notice includes clear instructions, and that members of the public can gain meeting access up until and throughout the duration of the meeting (members of the public cannot be required to register in advance).

### **33.0 Adoption of Statutory Speed Limits In Thickly Settled Zones**

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

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

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

Factors for the Select Board to consider during the hearing should include but not be limited to: Recommendations from Town Departments regarding road characteristics, shoulder condition, grade, alignment, sight distance, pace and speed statistics, roadside development, environment, reported crash experience, and resident input.

### 34.0 Minimum Mandatory Conditions

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

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

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

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

1. The Contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. Chapter 152 and provide documentary proof of such coverage to the Building Commissioner to be maintained as a public record.
2. The Contractor must properly classify employees rather than Independent Contractors and treat them accordingly for purposes of minimum wages and overtime, worker's compensation insurance coverage, unemployment taxes, social security taxes and state and federal income withholdings. (G.L. Chapter 149, §148B on employee classification).
3. The Contractor must comply with G.L. Chapter 151, §1A and G.L. Chapter 149, §148 with respect to the payment of wages.
4. The Contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority.
5. The General Contractor, or if none, the person to whom the Building Permit is issued, shall provide the Building Department with a list of Sub-Contractors by using the Commonwealth of Massachusetts must be submitted before Contractor or Subcontractors work on permitted project.
6. The Commonwealth of Massachusetts Workers Compensation Insurance Affidavit form is to be updated and to be resubmitted to the building department. Resubmittal shall be prior to new contractors or subcontractors working on permitted project.

<https://www.mass.gov/doc/affidavits-for-builders-contractors-plumbers-and-electricians/>

If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project. If the town is notified of a violation. The Town will

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

### **34.1 Remedies**

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

### **34.2 Appeals**

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

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

### **35.1 Licensing Authority**

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

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

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

### **35.2 Definitions**

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

### **35.3 Filing of Applications**

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

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

Applicants can obtain the certified abutters list from the Assessor's Office for notification; proof of such notification shall be filed with the Select Board.

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

## **Billerica Select Board Policies and Procedures**

relevant laws, rules and regulations pertaining to marijuana operations. Ignorance of the said laws, rules, regulations and procedures shall not constitute a defense for procedural mistakes or illegal behavior.

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

### **35.4 Annual License Fees**

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

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

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

### **35.5 Evaluation Criteria**

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

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

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

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

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

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

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

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

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

### **35.8 Corporate and Trade Names**

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

### **35.9 Cessation of Operations**

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

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

### **35.10 Bankruptcy and Court Proceedings**

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

### **35.11 Foreclosure on Loans**

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

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### **35.12 Manager**

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

### **35.13 Manager's Responsibilities**

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

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

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

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

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

1. Careful selection of qualified employees of the licensed business, including clerks and persons who engaged with the public in any capacity;
2. Training of employees in all matters relating to the sale or service of adult use of marijuana in accordance with 935 CMR 500.105, as may be amended from time to time;
3. Training of employees to spot and confiscate fraudulent identification and to turn over such identification to the appropriate law enforcement authorities.
4. That no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises; Reporting any criminal activity that occurs on the licensed premises to the Police Department immediately.
5. Immediate reporting to the Police Department all instances of attempted purchase or procurement of service of marijuana by minors, including attempts to gain access to premises which minors are excluded from, and the nature of the appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confirmation of the name and address of any minor presenting a motor vehicle operator's license; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
6. Enforcement of all laws, regulations and rules relating to the operation of the licensed business.
7. That the licensed premises, including the exterior, are maintained in a safe, clean, neat and sanitary condition at all times.

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

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

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

### **35.15 Employees of the Licensee**

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

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

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

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

#### **35.16.1 Determination of Penalties**

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

#### **35.16.2 Aggravating factors**

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

## **Billerica Select Board Policies and Procedures**

16. The occurrence of any personal injuries or fatalities related to the underlying violation.

### **35.16.3 Mitigating factors**

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

### **35.16.4 Suggested Penalty Guideline**

The following penalties represent guidelines for the minimum action to be taken by the Select Board for violations of the laws, rules and regulations relating to the Medical Marijuana Treatment Center and/or Adult Use Marijuana Establishment operations. They do not preclude the Board from taking such further or additional action as the specific circumstances and merits of each case may warrant.

Suspensions of licenses shall take place on consecutive days, unless other timeframes are specifically designated by the Board.

53. 1st Violation: Letter of reprimand/warning to 5-day suspension, with revocation considered in aggravated circumstances.
54. 2nd Violation: 5 days to 10 days suspension, with revocation considered in aggravated circumstances.
55. 3rd Violation: 10 days to 30 days suspension, with revocation considered in aggravated circumstances
56. 4th Violation: Revocation or Termination of license

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

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

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

### **35.17 Display of Licenses and Permits**

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

## **Billerica Select Board Policies and Procedures**

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

Hours of Operation for Medical Marijuana Treatment Centers and/or Marijuana Establishments will be from 9:00 AM – 11:00 PM seven days a week, unless otherwise limited by the Town.

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

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

### **35.20 Inspection of Premises**

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

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

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

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

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

### **35.23 Consumption on Premises**

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

### **35.24 Annual Financial Reports**

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

### **35.25 Separability**

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



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

**RULES AND REGULATIONS ACKNOWLEDGEMENT FORM**

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

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

**Name of Establishment:** \_\_\_\_\_

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

Billerica, MA

**Signature:** \_\_\_\_\_

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

I am the Manager or duly authorized designee of the above listed establishment and I hereby certify that I have read and understand the Town of Billerica Rules and Regulations for the Licensing and Sale of Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers.

## **Billerica Select Board Policies and Procedures**

### **36.0 Legal Notices**

Certain Public Hearings before the Select Board require prior publication of Legal Notice in a newspaper of general circulation. It has historically been the standard practice and procedure of the Board that the applicant/appellant requesting the hearing pay the costs for such Legal Notices. The Select Board hereby formalizes this practice into a written policy. Hence, the costs for advertising or publishing Legal Notices for Public Hearing, of whatever nature, before the Select Board shall be the responsibility of the applicant/appellant.

Upon the filing of an application or appeal to the Select Board, an Authorization Form must be completed acknowledging that the applicant/appellant accepts full responsibility for the costs relating to publication of Legal Notice. The completed Authorization, an application for hearing or appeal shall be deemed incomplete, and no Legal Notice shall be published. Without publication of the Legal Notice, as may be required by applicable statute, bylaw, rule or regulation, the application/appeal process shall not proceed and a Public Hearing will not be scheduled.

## **Billerica Select Board Policies and Procedures**

### **37.0 Advertising for Affordable Housing Units**

The Select Board shall seek to promote affordable housing within the Town. While the Board reviews any right of first refusal pending before the Board, the Board shall cause notice of such unit to be posted on the Town's website and/or any other media source to gauge the interest of individuals in acquiring such unit to maintain it as affordable. Should the Board not exercise any right of first refusal, it shall continue to encourage disposition of any such unit for affordable housing purposes.

## Billerica Select Board Policies and Procedures

### 38.0 Billerica Select Board Code of Conduct

#### 38.1 Purpose

The Town recognizes that all members of the Select Board and individuals appointed to positions by the Select Board should maintain respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town, and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for Select Board members and appointees of the Select Board.

#### 38.2 Applicability

This policy shall apply to members of the Select Board and appointees of the Select Board **acting in their official capacity**.

#### 38.3 Code of Conduct

All members of the Select Board and appointees of the Select Board are expected to act honestly, conscientiously, reasonably, and in good faith at all times in regard to their official responsibilities, the interests of the Town, and the welfare of Town residents.

The members of the Select Board and appointees of the Select Board shall refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Manager or Town employees.

Moreover, members of the Select Board and appointees of the Select Board shall fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, members of the Select Board and appointees of the Select Board shall assume the following responsibilities:

1. Conduct Generally and in Relation to the Community
  - a. Conduct Generally and in Relation to the Community
  - b. Be well informed concerning the duties of your position.
  - c. Recognize that the chief function of local government is to serve the interests of the public.
  - d. Demonstrate respect for the public that you serve.
  - e. Properly safeguard confidential information.
  - f. Unless specifically exempted by provision of law, conduct the business of the public in a manner that promotes open and transparent government.
  - g. Comply as fully as possible with all Town policies, including, without limitation, the following:
    - No Place for Hate Policy
    - Workplace violence Policy
    - Anti-fraud Policy
  - h. Comply as fully as possible with all applicable laws, including, without limitation, the following:

## **Billerica Select Board Policies and Procedures**

- The Open Meeting Law
- Procurement Laws
- The Conflict of Interest Law (G.L. Chapter 268A)
- The Public Records Law.

2. Conduct in Relation to other elected and appointed officials
  - a. Treat all members of the board/committee to which you belong with respect despite differences of opinion, keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
  - b. Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
  - c. Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
  - d. Recognize that official action taken may only be taken at properly posted public meetings and that individual board/committee members cannot speak for or bind the board/committee unless authorized by a vote of such board/committee.
  - e. Uphold the confidentiality of executive sessions and the documents presented therein and respect the privileged communication that exists in executive session.
  - f. Make decisions only after all facts on a question have been presented and deliberated at a properly posted public meeting or hearing.
3. Conduct in Relation to the Town Manager
  - a. Recognize the provisions of the Town Charter and refer complaints as appropriate to the Town Manager for resolution.
  - b. Give the Town Manager full responsibility for discharging his or her authority and obligations as specified in the Town Charter.
  - c. Refrain from giving orders or directions to the Town Manager for action as an individual board/committee member.
  - d. Refrain from providing information to the Town Manager that you would not be willing to share with other board/committee members.
4. Conduct in Relation to the Town Employees
  - a. Treat all employees as professionals and respect the abilities, experience, and dignity of each individual.
  - b. Refrain from giving instructions or directions to Town employees but rather refer all such matters to the Town Manager for resolution.

## **Billerica Select Board Policies and Procedures**

- c. Direct concerns about employee performance to the Town Manager for resolution.
- d. Officials who interact with Town employees shall do so in a respectful manner and understand employees should not be expected to take direction from any individual Select Board member.

### **38.4 Distribution and Education**

Every individual who applies for a position that is appointed by the Select Board, will be asked to click the box on the application indicating that they have read and understand the Code of Conduct.

The Town Clerk shall provide a copy of this policy, the Town's No Place for Hate, and work place violence policy to members of the Select Board and appointees of the Select Board upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each member of the Select Board and appointee of the Select Board shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any such member or appointee declines to sign the form, that fact shall be noted by the Town Clerk on the form.

## **39.0 Recording Policy for Public Meetings**

### **39.1 Purpose**

To provide electronic recording of meetings for the Select Board and all appointees of the Select Board. The intent is to capture Boards and Committees that have impacts on resident's lives relevant to compliance or financial cost. This policy will also aid with the preparation of meeting minutes.

### **39.2 Scope**

This policy applies to Regular and Special Meetings of all listed Boards and Committees, provided, however, that failure to comply with this policy will not serve to invalidate any actions taken at such meetings. All Boards and Committees will be required to comply with the provisions of the Open Meeting Law and the Public Records Law.

### **39.3 Policy**

1. Public Meetings - Boards and Committees shall endeavor to the extent practicable to record all sessions of meetings, except when Boards or Committees meet in Executive Session.
2. Spring & Fall Town Meeting - to the extent practicable all sessions of Town Meetings will be recorded.

The recording shall not replace the minutes maintained in accordance with the Open Meeting Law, and a transcript of the recording will not be required.

The recording may be used by staff to assist with the preparation of the minutes or by Boards or Committees to clarify the content of the minutes.

The recording of all meetings will be retained for a minimum of 12 months.

At a minimum recording of the listed meetings will be made available on Town's website.

Public requests for copies of Board or Committee meeting recordings will be subject to the requirements of the Massachusetts Public Records Law.

### **39.4 Principles**

To Align with the Town of Billerica's Transparent Government

### 40.0 Outdoor Dining

#### 40.1 Purpose and Scope

During the 2020 COVID-19 pandemic, the Billerica Select Board enacted a temporary outdoor dining regulation to help restaurants mitigate the economic impacts. Due to the popularity of that policy, this regulation is intended to replace the temporary outdoor dining regulation with a permanent outdoor dining policy and regulations. This will allow local restaurants to establish outdoor seating on sidewalks, parking lots, on street parking spaces, or landscaped yard areas around their restaurants to provide desirable outdoor seating space for seating their patrons. Temporary Seasonal Outdoor dining license applications will be reviewed annually by the Select Board, as described, and regulated below. In addition, all Outdoor Dining installations must comply with existing building and zoning codes, and licensing required for food service and service of alcoholic beverages, if any. Use of public space and/or Town property, such as public streets, sidewalks, and parking lots, may require an additional license from the public authority charged with the care, custody, and control of those spaces.

#### 40.2 Eligible Businesses

Eligible Businesses include restaurants, cafes, coffee shops, and other similar places of public accommodation currently offering food, beverages, or alcoholic beverages for on-premises consumption.

#### 40.3 Design and Appearance

Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence or barrier. Appropriate perimeter materials include but are not limited to demountable wrought-iron fences, bollards and chains, or individual planters of wood, masonry, or terra cotta. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. Cafe umbrellas are allowed; umbrellas and furniture should be of a design appropriate to the character of the building and appropriately anchored. Trash receptacles should be integrated in the design and materials with other outdoor cafe elements. Site improvements or structural alterations are subject to building permit, site plan, and/or special permit processes.

#### 40.4 Pedestrian and Wheelchair Passage

These regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to a portion of sidewalk while still providing safe, adequate circulation for patrons and pedestrians. All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

#### 40.5 Food Preparation

Outdoor food preparation is not allowed unless specifically authorized by the Board of Health.

#### 40.6 Hours of Operation

Outdoor seating authorized under this regulation must close by 10:00 PM on Sundays - Thursdays and by 11:00 PM on Fridays and Saturdays. Any noise emanating from outdoor dining must comply with Noise Ordinance regulations, Section XXIII of the Town's General Bylaws.

#### 40.7 Alcoholic Beverages

Approval of an outdoor dining area license shall not to be construed as an approval for the alteration or extension of premises where alcoholic beverages are served. An Eligible Business must obtain such licenses as may be required to serve alcoholic beverages.

## Billerica Select Board Policies and Procedures

### **40.8 Temporary Seating & Parking**

Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be interpreted as an increase in the number of seats serving a restaurant or eating establishment as it pertains to minimum off-street parking requirements or other permanent site improvements. The increased seating capacity will still be subject to performance standards, such as Health and Accessibility standards, and the Zoning Bylaws.

### **40.9 Application Procedure**

Applications for outdoor dining licenses shall be submitted to the Select Board who will review the application and plan for outdoor seating and will consult with the Health, Building, Fire, Police and Planning Departments. Applications shall include application form, private property owner consent (including where proposed outdoor seating area is on private property or expands along the frontage of an adjacent storefront area), a site map, and copy of insurance, as detailed below.

Outdoor seating permits may include conditions of approval such as design or operation. If additional information is needed or a revision to the seating plan is required, the Select Board or designee will contact the applicant. The Town of Billerica will waive the license fee for this use. If the outdoor seating plan is acceptable, Town Departments have provided comments, and application is complete, the Select Board may approve.

### **40.10 Plan Requirements**

A site map with clear dimensional information will be submitted depicting the precise area of the proposed outdoor dining area, the arrangement of outdoor dining furniture, perimeter fencing, cafe umbrellas, outdoor heaters, and any other equipment. Temporary tents are considered “structures” and require approval of the Building Commissioner. Any areas designated for takeout orders and curbside pickup shall also be shown on the plan.

### **40.11 Insurance**

The Restaurant Owner shall ensure that their Comprehensive Public Liability and Property Damage Liability Insurance will cover the outdoor dining area. Upon application, Proof of liability insurance for the period covered by the license in at least the amount of \$500,000 combined limit for bodily injury and property damage.

### **40.12 Approval by the Select Board**

Following receipt of a favorable review from other departments, the Select Board may approve an outdoor dining license. The Board shall make a determination that the design and location of an outdoor dining area is suitable to its environs, and that all other requirements (insurance, maintenance, litter control, etc.) of the license have been met. The Board may require a public hearing as it sees fit where liquor licensing or other standards are being affected.

### **40.13 Effective Date**

These rules were adopted at a regular meeting of the Select Board on February 27, 2023 and became effective as of that date.

## **41.0 Town of Billerica Flag Policy**

### **41.1 Introduction**

This policy is intended to address flags allowed to be flown on Town of Billerica flagpoles.

### **41.2 Flags Allowed to Be Flown**

The Select Board authorizes the following flags to be flown on Town owned flagpoles as an expression of the Town's government speech:

1. The official flag of the United States of America
2. The official flag of the Commonwealth of Massachusetts
3. The official flag of the Town of Billerica
4. The official flag of the various branches of the military services of the United States of America
5. The official MIA-POW flag.

No other flags shall be allowed to be flown on Town owned flagpoles as those flagpoles and this policy are not intended to establish or serve to create a forum for private expression.

### 42.0 Town of Billerica Public Hearing Notice Policy for Pole Petitions

#### 42.1 Introduction

This policy is intended to set the procedure for the public hearing process for pole petitions in compliance with M.G.L. Chapter 166, Section 22.

1. The Petitioner will email the hearing application to [selectboard@town.billerica.ma.us](mailto:selectboard@town.billerica.ma.us).
2. The Executive Confidential Secretary for the Select Board will prepare and submit the Abutters list “Option A” to the Assessor’s Officer. The Assessor will provide the certified abutters list with the cost associated with it.
3. The Executive Confidential Secretary for the Select Board will schedule the public hearing and prepare the legal notice to be sent to the abutters and required Town Departments (DPW, Electrical Inspector, Police Department).
4. The Executive Confidential Secretary for the Select Board will prepare and send out the legal notice to all certified abutters at least 7 days prior to the hearing. All notices will be sent out through USPS by certified mail return receipt.
5. An invoice will be sent to the Petitioner for the cost of the certified abutters list and actual cost of the mailings. For municipal projects, all fees will be waived.

### 43.0 Select Board Policy for Retirees

#### 43.1 Introduction

When the Town Manager's office and/or the Human Resources office is notified of a retirement, that meet the below criteria. It will be their responsibility to notify the Select Boards Office, so they can be recognized and thanked for their years of service to the Town.

1. Any person working for the Town of Billerica for more than 10 years will receive a proclamation from the Select Board outlining their service to the Town and our thanks.
2. Any person working for the Town of Billerica for more than 15 years will receive a proclamation from the Select Board outlining their service to the Town, our thanks and a small gift with their name and dates of service.
3. Any person working for the Town of Billerica for 20 years or more will receive a proclamation from the Select Board outlining their service to the Town, our thanks and a chair with their name and dates of service

### 44.0 Town of Billerica Memorial Bench Policy

#### 44.1 Scope

This policy applies to all future and replacement benches located within the Town of Billerica. This policy excludes benches that are located within the State or private property.

##### 44.1.1 Application Process

An application for a new bench within the Town of Billerica may be submitted to the Select Board office for internal review. Applicants should provide up to three (3) preferred locations for placement of the bench, understanding that the bench location will depend on current or future plans for the requested area. The Parks and Trees Superintendent will make a recommendation for final determination by the Select Board. Once the bench location is approved, the applicant will be contacted to submit a check in the total amount required for the installation. The Town of Billerica will purchase the benches and plaques through approved vendors. The bench will not be installed until payment is received.

##### 44.1.2 Maintenance and Installation

Once the bench is installed it becomes the property of the Town of Billerica. Accordingly, the Town has the duty to install and maintain the bench only for the expected life cycle of the donation. If current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle or if it becomes damaged.

The bench will be placed in areas (existing path or walkways, when possible) to be most accessible for people of varying abilities.

#### 44.2 Fees

The fees will be provided at the time of application since prices cannot be guaranteed for a certain period of time.

#### 44.3 Memorial Plaques

Approved benches may have memorial plaques which are to be directly affixed to the bench.

Personalization of the plaque is not allowed. The memorial plaque will be purchased through the Town and the cost will be part of the total cost.

#### 44.4 Specifications

##### 44.4.1 Bench Specifications

- Aluminum Park Bench
- Powder-Coated
- Seats and back to be made of a composite material similar to Trex
- Similar to Model CBPB-6A1B (See picture)
- Dimensions 73" L x 22 7/8" W x 30 7/8" H

[Contemporary Aluminum Park Bench](#) [Print](#)



*I Example of Allowed Bench*

## Billerica Select Board Policies and Procedures

### 44.4.2 Memorial Plaque Specifications

- 2" x 6"
- Choice of Wording from Below:

In Honor Of: Name Dedicated Year & Month	<b>OR</b>	In Memory Of: Name Dedicated Year & Month
--	-----------	---

- Any variation of these specifications is at the discretion of the Select Board.

### 44.5 Terms and Conditions

The Town of Billerica will maintain the bench for its natural lifetime. The bench will be removed when it becomes too unsafe, if vandalized in a manner that makes it visually unacceptable or presents other unanticipated issues to the Town. The Town of Billerica does not guarantee against the effects of weather, vandalism or theft. The Town reserves the right to move a bench as needed to accommodate changing landscapes and infrastructure. Notification will be made to the donor, if current information is on file.

### 44.6 Accessories

No accessories items will be allowed (such as plastic flowers, painted rocks or other adornments). These will be removed by the Town and disposed of.

## Billerica Select Board Policies and Procedures

### Memorial Bench Application

<b>Name:</b>			
<b>Address:</b>			
<b>Phone #:</b>			
<b>Email:</b>			
<b>Preferred Location:</b>			
	1.		
	2.		
	3.		
<b>New or Existing?</b>	<input type="checkbox"/> New		<input type="checkbox"/> Existing
<b>Plaque Selection:</b>			
<input type="checkbox"/> <b>In Honor Of:</b>	<b>Name:</b>		<b>Dedicated Month &amp; Year</b>
<input type="checkbox"/> <b>In Memory Of:</b>	<b>Name:</b>		<b>Dedicated Month &amp; Year</b>
I have read the Memorial Bench Policy and agree to abide by its terms.			
<b>Signature:</b>			
<b>Please submit this application to:</b> Town of Billerica Select Board Office 365 Boston Road Room 203 Billerica, MA 01821			

## **45.0 Electronic Signature on Petition Policy**

### **45.1 Introduction**

This policy is intended to allow electronic signatures on Petitions to local government offices pursuant to M.G.L. Chapter 110G, §§1-18. The intent is to easily allow residents to exercise their right to redress their government with technology available in today's society.

### **45.2 Definitions:**

The following words shall have the following meanings:

*"Electronic signature"*: An electronic entry of their full name attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

### **45.3 Use of Electronic Signatures**

In addition to the use of wet signatures, the Select Board authorizes the following to be accepted for Electronic Signatures on Petitions:

1. A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
2. If a law requires a record to be in writing, an electronic record satisfies the law.
3. If a law requires a signature, an electronic signature satisfies the law.
4. Addresses of registered voters must be listed for verification and certification purposes as it relates to referendum processes.

### **45.4 Legal Effect and Enforceability**

An electronic signature may not be denied legal effect or enforceability solely because it is in electronic form.

A prescribed form may not be denied legal effect or enforceability solely because an electronic signature was used.

### **45.5 Attribution of Electronic Signatures**

An electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic signature was attributable, e.g. entering their email address, mailing address and any other comments noted responsive to the petition issue.

The effect of an electronic record or electronic signature attributed to a person under subsection (1) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

### **45.6 Use of Wet Signatures Still Authorized**

Nothing in this policy shall preclude a Petitioner from using physical forms with wet signatures for all or some of its forms and transactions.

A Petitioner retains the right to sign a prescribed form with a wet signature upon his or her request.

## Billerica Select Board Policies and Procedures

### 46.0 Gift Acceptance Policy

#### 46.1 Purpose:

This policy establishes a clear and consistent process for the Select Board's acceptance of gifts, donations, grants, or contributions made to the Town in accordance with Massachusetts General Law, Chapter 44, Section 53A.

#### 46.2 Policy:

##### 1. Authority to Accept Gifts

The Select Board may accept, on behalf of the Town, any gift of funds, personal property, or real property for a public purpose, in accordance with M.G.L. Chapter 44, Section 53A.

##### 2. Submission

A completed Gift Acceptance Form must accompany each proposed gift and be submitted via email to both the Select Board Office and Town Accountant Office. The current form is available from the Town Accountant Office.

- a) For a gift of funds, check(s) or cash must be submitted directly and immediately to the Town Accountant's office with a copy of the Gift Acceptance Form being submitted to the Select Board's Office via email. The Town Treasurer shall hold the funds in escrow pending the decision on formal acceptance by the Select Board.
- b) For non-monetary items such as personal property or real property, a Gift Acceptance Form is sufficient.
- c) The Select Board will review and vote on gift acceptances quarterly during posted public meetings.

##### 3. Conditions of Acceptance

- a) All gifts must be accepted by a vote of the Select Board at a posted public meeting.
- b) Any conditions or restrictions attached to a gift shall be reviewed by the Select Board and, if necessary, by Town Counsel prior to acceptance. This will be done prior to the acknowledgement of these gifts.
- c) Gifts will not be accepted if they impose undue obligations on the Town, create a conflict of interest, or are inconsistent with existing Town policies or applicable laws.

##### 4. Use of Gifts

Accepted gifts shall be expended or used only for the purposes specified by the donor and in compliance with applicable laws and regulations. Unrestricted gifts may be used for general municipal purposes as determined by the Select Board.

##### 5. Recordkeeping

All accepted gifts shall be recorded by the Town Accountant and/or Town Treasurer and reported as required by law. Both departments play a role in this process. The Town Treasurer's Office records the receipt of the funds and the Town Accountant's Office verifies or records certain (non-monetary) donations.

A written acknowledgment shall be provided to the donor.

## **Billerica Select Board Policies and Procedures**

If it is anticipated that there will be a number of small donations for a particular project or purpose, the Select Board may authorize the acceptance of all such donations which are then to be held in a single, consolidated account.

### **6. Effective Date:**

This policy shall take effect upon adoption by the Select Board and shall remain in effect until amended or rescinded.

## 47.0 Industrial/Commercial Economic Development Policy

### 47.1 Objective

This Industrial/Commercial Economic Development Policy (“Policy”) is for the sole purpose of helping to fill Vacant Commercial and Industrial zoned properties in Billerica, and to help retain existing business, that meet the conditions outlined below. This Policy is aligned with the Town General By-law Article IX, Subsection 3.

### 47.2 Conditions For Approval

The Select Board will evaluate requests to waive Fees on a case-by-case basis and reserves the right to deny fee waivers if such waivers are not in the best interest of the Town. The owner of a property or properties, the tenant, the Building Commissioner and/or the Planning Director may appear before the Select Board to request a waiver of Fees under the following conditions:

7. The property or properties must be Vacant for a minimum of one year or be occupied by an existing business that intends to leave Billerica or expand in a way that ultimately benefits the community.
8. The owner of the property or properties must be in good standing with the Town regarding payment of real estate taxes, personal property taxes, water and sewer bills, and any other taxes or fees owed to the Town.
9. The owner or their representative may request the Select Board to submit a warrant article to Town Meeting for a Tax Increment Financing (TIF) agreement, provided that the property meets the legal requirement for a TIF as described by M.G.L. c. 40, § 59 and M.G.L. c. 23A.
10. Businesses that receive a waiver of Fees under this Policy are also deemed economic development priorities.

### 47.3 Definitions

1. **VACANT** : Any property that has not had a tenant occupying the property for a minimum of one year or the owner has not collected rent for the property for a minimum of one year .
2. **FEES**: fees charged for all permits issued by the Town, including without limitation fees charged for all Building Permits issued by the Building Department and fees for inspections conducted by the Town. This Policy only applies to fees charged pursuant to the by-laws, regulations or other legal authority of the Town of Billerica.

**ATTACHMENTS**

**ATTACHMENT A-1 through A-7**

**A. Town Manager Review - Individual Performance Evaluation Form**

**Instructions**

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

**Rating Scale (1.0-5.0)**

**Unsatisfactory (1.0 - 1.9)**

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

**Improvement Needed (2.0 - 2.9)**

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

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

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

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

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

**Outstanding (5.0)**

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

## Billerica Select Board Policies and Procedures

### ATTACHMENT A-2

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

<b>2. Professionalism</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Is fully knowledgeable and committed to the field of local government management.						
2. Seeks to enhance skills and abilities through educational opportunities.						
3. Actively participates in professional municipal management organizations.						
4. Encourages staff training and development.						
Comments:						
<b>TOTAL SCORE - SECTION 2 = _____</b>						
<b>(AVG. OF ITEMS A-D)</b>						

## Billerica Select Board Policies and Procedures

### ATTACHMENT A-3

<b>3. Public Relations/Communications</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Projects a positive image in the community.						
b. Is reasonably open and available to the public and responsive to citizen complaints or requests,						
c. Communicates effectively to the media.						
d. Keeps the citizenry informed of current issues in Town Government.						
Comments:						
<b>TOTAL SCORE - SECTION 3 =</b> _____ (AVG. OF ITEMS A-D)						

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

## Billerica Select Board Policies and Procedures

### ATTACHMENT A-4

5. Community Leadership	1	2	3	4	5	N/A
a. Provides leadership within the community by being visible and approachable.						
b. Maintains good communications with the business Community.						
c. Supports and recognizes the efforts of volunteer citizens and groups.						
d. Maintains effective communications with other Communities, state agencies, & municipal organizations to enhance the Town's position.						
e. Maintains effective communication with state and Federal elected positions to enhance the Town's Position.						
Comments:						
<b>TOTAL SCORE - SECTION 5 = _____</b>						
(AVG. OF ITEMS A-E)						

6. Organizational Leadership	1	2	3	4	5	N/A
a. Provides leadership, motivation and support within the organization..						
b. Effectively delegates tasks and assignments.						
c. Builds and motivates a team, provides direction & monitors/adjust performance as required.						
d. Recruits, selects and retains qualified personnel.						
e. Has respect of Department Heads and members of the Organization.						
Comments:						
<b>TOTAL SCORE - SECTION 6 = _____</b>						
(AVG. OF ITEMS A-E)						

## Billerica Select Board Policies and Procedures

### ATTACHMENT A-5

7. Personnel Management	1	2	3	4	5	N/A
a. Evaluates performance and takes necessary action to resolve negative results.						
b. Effectively delegates tasks and assignments.						
c. Provides leadership in negotiating labor contracts.						
d. Maintains positive employee relations.						
e. Develops and maintains personnel management system.						
Comments:						
<b>TOTAL SCORE - SECTION 7 = _____</b> (AVG. OF ITEMS A-E)						

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

## Billerica Select Board Policies and Procedures

### **ATTACHMENT A-6**

<b>9. Town's Operations &amp; Infrastructure</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Provides effective oversight and coordination of Town programs and services.						
b. Seeks to improve the Town's infrastructure.						
c. Seeks to enhance municipal services and delivery.						
d. Promotes automation and innovation in service delivery.						
Comments:						
<b>TOTAL SCORE - SECTION 9 =</b> _____ <b>(AVG. OF ITEMS A-D)</b>						

<b>10. Planning and Organization</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Creates and facilitates an environment of long range and strategic planning.						
b. Develops proposals for cost effective reorganization of Town operations.						
c. Establishes appropriate goals and objectives for Performance.						
d. Negotiates and keeps realistic commitments.						
e. Manages expectations of others appropriately.						
Comments:						
<b>TOTAL SCORE - SECTION 10 =</b> _____ <b>(AVG. OF ITEMS A-E)</b>						

## Billerica Select Board Policies and Procedures

### ATTACHMENT A-7

#### **OVERALL INDIVIDUAL RATING**

**ADD TOTAL SCORES OF ITEMS 1 - 10 THEN DIVIDE BY 10 TO OBTAIN OVERALL INDIVIDUAL RATING**

**TOTAL INDIVIDUAL SCORE = \_\_\_\_\_**

Recognized Strengths:

Areas for Improvement:

#### **BOARD MEMBER GOALS/OBJECTIVES FOR TOWN MANAGER FOR UPCOMING YEAR:**

1.

## Billerica Select Board Policies and Procedures

### **ATTACHMENT B – 1 through B-3**

#### **B. Town of Billerica Constable Application**

NEW APPLICATION

RENEWAL

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

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

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

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

#### **Education:**

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

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

(Please list school and type of degree)

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

(Please list school and type of degree)

#### **Experience:**

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

YES

NO

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

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## Billerica Select Board Policies and Procedures

### **ATTACHMENT B-2**

Are you currently employed?  YES  NO

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

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

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

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

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

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

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## Billerica Select Board Policies and Procedures

### **ATTACHMENT B-3**

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

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

**NOTE:**

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

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

**C. Town Counsel Evaluation Form**

**Instructions**

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

**Rating Scale (1.0-5.0)**

**Unsatisfactory (1.0 - 1.9)**

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

**Improvement Needed (2.0 - 2.9)**

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

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

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

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

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

**Outstanding (5.0)**

Town Counsel's work performance is consistently excellent.

## Billerica Select Board Policies and Procedures

### **ATTACHMENT C-2**

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

NAME OF TOWN COUNSEL BEING EVALUATED:  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF INDIVIDUAL PROVIDING THIS EVALUATION  
\_\_\_\_\_  
\_\_\_\_\_

<b>1. Professionalism</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Has the solid legal knowledge and expertise required.						
b. Provides capable legal representation.						
c. Provides clear legal advice.						
d. Provides professional training on legal issues.						
Comments:						
<b>RATING - SECTION 1 = _____</b> <b>(AVG. OF ITEMS A-D)</b>						

## Billerica Select Board Policies and Procedures

### ATTACHMENT C-3

<b>2. Communications</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Opinions are communicated concisely and clearly						
b. Provides information on current legal issues.						
c. Is available for meetings and/or consultation.						
d. Responds promptly.						
Comments:						
<b>RATING - SECTION 2 =</b> _____ <b>(AVG. OF ITEMS A-D)</b>						

<b>3. Support/Relations</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>N/A</b>
a. Provides a quality analysis of legal issues.						
b. Consistently available for legal advice/opinions.						
c. Listens and understands legal issues.						
d. Has full knowledge of subject matter.						
Comments:						
<b>RATING - SECTION 3 =</b> _____ <b>(AVG. OF ITEMS A-D)</b>						

## Billerica Select Board Policies and Procedures

### ATTACHMENT C-4

#### **OVERALL INDIVIDUAL RATING**

ADD TOTAL SCORES OF ITEMS 1 - 3 THEN DIVIDE BY 3 TO OBTAIN OVERALL INDIVIDUAL RATING

**TOTAL INDIVIDUAL RATING = \_\_\_\_\_**

Recognized Strengths:

Areas for Improvement:

#### **GOALS/OBJECTIVES FOR TOWN COUNSEL FOR THE UPCOMING YEAR:**

1.

## Billerica Select Board Policies and Procedures

### ATTACHMENT D

#### **TOWN OF BILLERICA**

#### **D. Fraud Risk Management Plan**

• Department:

Location:

Cash Collection:

Who collects cash?

Are receipts given?

# of Employees:

FY \_\_\_\_ Budget:

•

	Identified Area of Fraud Risk		Control and Monitoring Procedures

**Prepared by:**

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

**Approved by:**

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

## Billerica Select Board Policies and Procedures

### **ATTACHMENT E-1 through E-8**

#### **E. 20XX Community Fund Grant Application Form**

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

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

Please Check the Appropriate Box And  
Provide One of the Following (If Applicable): \_\_\_\_\_

501c3 #,  501c19 (Veteran's),  AG Account #,  IRS SS-4 for a Nonprofit Org. Tax ID#

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

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

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

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

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

Has this organization previously received a Community Funds Grant?

NO:  YES:

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

Year	Award
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

## **Billerica Select Board Policies and Procedures**

**ATTACHMENT E-2**

# 20XX Community Fund Grant Application Form

## **Please Provide an Executive Summary of the Project:**

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

## **Billerica Select Board Policies and Procedures**

**ATTACHMENT E-3**

## 20XX Community Fund Grant Application Form

**Please Provide a Brief Description of the Organization Applying for this Grant, Including Its Mission, History, Programs, and/or Achievements, or Other Information Which Would Indicate the Organization's Capacity to Implement the Project.**

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

# **Billerica Select Board Policies and Procedures**

**ATTACHMENT E-4**

# 20XX Community Fund Grant Application Form

**Name, Address, Contact # of Members of the Organization and Any Official Position Held**

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

## **Billerica Select Board Policies and Procedures**

**ATTACHMENT E-5**

# 20XX Community Fund Grant Application Form

**Please Provide an Explanation of the Community Need and Resulting Benefit of the Project Indicating How the Project Will Enhance the Quality of Life in Billerica.**

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

## **Billerica Select Board Policies and Procedures**

## **ATTACHMENT E-6**

# 20XX Community Fund Grant Application Form

**Please Describe How the Project Would be Sustained AFTER the Grant Period. Please Indicate How the Contribution(s) of the Company (IES) Will Be Recognized In a Suitable Way, Both at the Time the Grant is Announced and Also on an On-Going or Long-Term Basis:**

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

## **Billerica Select Board Policies and Procedures**

**ATTACHMENT E-7**

# 20XX Community Fund Grant Application Form

**Please Provide the Organization's Current Fiscal Year Budget. Also provide a Separate Project Budget with Narrative Justification Including Other Project Funding and In-Kind Contributions:**

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

## Billerica Select Board Policies and Procedures

### **ATTACHMENT E-8**

#### **20XX Community Fund Grant Application Form**

This Completed Application Must Be Submitted with Any Grant Request. Failure to Provide and/or Meet All Criteria Information Requested Will Result in the Rejection of the Application from Consideration.

#### **CERTIFICATION:**

The undersigned hereby attests to having received a copy of the 2023-24 Community Funds Grant Criteria and to having the authority to submit this Grant Application on behalf of the applying Organization and, if successful, to receive any awards, on behalf of the applying Organization. Additionally, the undersigned understands and agrees that any and all awards are final. The undersigned hereby understands and agrees:

1. No later than twelve (12) months from the date of receiving any Community Funds Grant, written certification (receipts, credit card statements, invoices marked as paid or written proof of who the money went to and what part of the application it served) of the completion of the project must be submitted to the Select Board. Such certification shall provide written details of all fund(s) expenditures in accordance with the grant award(s).
2. Should the applicant need additional time to complete the awarded project they can request an extension in writing to the Select Board and have the request voted on at a public meeting of the Select Board.
3. Any funds not expended at the conclusion of this twelve (12) month period shall be forfeited and promptly returned to the Select Board unless an extension has been granted by the Select Board. In this case, any unused money will be returned at the end of the extension.
4. Until such written certification and unused funds are returned (if applicable) to the Select Board, the Recipient(s) shall not apply and shall not be eligible for any additional Community Funds Grant.

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

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

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

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

*NOTE: Two (2) hard copy sets **and** an electronic copy of the complete application emailed selectboard@town.billerica.ma.us, non-returnable, must be submitted to the Select Board by 12:00 PM on DAY, December XX, XXXX.*

## Billerica Select Board Policies and Procedures

### ATTACHMENT E-9

#### 20XX Community Fund Grant Application Form

##### **COMMUNITY FUNDS GRANT COMPLETION CERTIFICATION:**

Please fill out the following information and attach documentation of expenditures (invoices marked paid, receipts, credit card statements, written proof of who the money went to and what part of the application it served, etc.) to show compliance with the Community Funds Grant criteria listed in Section 29 of the Select Board Policies and Procedures.

<b>Amount Awarded:</b>		<b>Grant Year</b>	
<b>Legal Name of Organization:</b>			
<b>Non Profit #: Please List # and Check Appropriate Box Below (If Applicable):</b>			
<input type="checkbox"/> 501c3 #, <input type="checkbox"/> 501c19 (Veteran's), <input type="checkbox"/> AG Account #, <input type="checkbox"/> IRS SS-4 for a Nonprofit Org. Tax ID#			
<b>Legal Address of Organization:</b>			
<b>Responsible Person:</b>			
<b>Address of Contact Person:</b>			
<b>Phone #:</b>			
<b>Email:</b>			
<b>Funds Returned?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No - If Yes, Amount Returned - \$		
<b>Under penalty of perjury, I declare that the information furnished in this certification, including all attachments, are true and correct to the best of my knowledge.</b>			
<b>Signature:</b>			
<b>Title:</b>			
<b>Date:</b>			

## Billerica Select Board Policies and Procedures

### **ATTACHMENT F** **ATTACHMENT F-1 through F-5**

#### **F. Community Cable Capital Fund Grant Application Form**

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

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

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

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

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

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

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

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

NO:  YES:

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

Year	Award
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

**Billerica Select Board Policies and Procedures**

**ATTACHMENT F-2**

**Community Cable Capital Fund Grant Application Form**

**Please Provide an Executive Summary of the Cable-Related Project/Need Including a Project Timeline and Financial Justification:**

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

**Billerica Select Board Policies and Procedures**

**ATTACHMENT F-3**

**Community Cable Capital Fund Grant Application Form**

**Please Provide an Explanation of the Community Benefit of the Project/Need Indicating How the Project/Need Will Enhance Cable Television Programming/Service for the Subscribers of Billerica.**

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

**Billerica Select Board Policies and Procedures**

**ATTACHMENT F-4**

**Community Cable Capital Fund Grant Application Form**

**Please Provide a Brief Description of the Applicant Applying for this Grant, If the Applicant is a Community Organization or Entity, the Application Must Include Its Mission, History, Programs, and/or Achievements, or Other Information Which Would Indicate the Capacity to Implement and/or Sustain the Project/Need. If Applicable, Include the Names/Addresses of the Officers and/or Directors of the Organization:**

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

## Billerica Select Board Policies and Procedures

### **ATTACHMENT F-5**

#### **Community Cable Capital Fund Grant Application Form**

This Completed Application Must Be Submitted for any Grant Request. Failure to Provide and/or Meet All Criteria Information Requested Will Result in the Rejection of the Application from Consideration.

#### **CERTIFICATION:**

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

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

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

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

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

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

**NOTE:** Six (6) non-returnable Hard Copy Sets and an electronic version emailed to [selectboard@town.billerica.ma.us](mailto:selectboard@town.billerica.ma.us), containing the complete application and any associated documents in pdf format, must be submitted to the Select Board for each grant application. Applications will be forwarded by the Select Board to the Cable Advisory Committee for a preliminary review and recommendation to the Select Board with the expectation that the Select Board will make its determination on the application in a timely fashion.

**Billerica Select Board Policies and Procedures**

**ATTACHMENT G-1 through G-2**

**G. Administrative Fee Schedule**

<b>License Type</b>	<b>Admin Fee</b>	<b>License Fee</b>	<b>Total Fee</b>
<b>Alcohol Applications</b>			
New or Transfer	\$100		\$100
Changes to Existing	\$25		\$25
Non-Profit Club	\$25		\$25
One-Day Special	\$5 +	\$10/day	\$15
<b>Alcohol Renewals</b>			
<i>All Alcohol</i>			
Restaurant	\$100 +	\$2,500	\$2,600
Club	\$100 +	\$750	\$850
Inn Holder	\$100 +	\$3,000	\$3,100
Package Store	\$100 +	\$1,500	\$1,600
Drug Store	\$100 +	\$300	\$400
<i>Wine and Malt</i>			
Restaurant	\$100 +	\$1,000	\$1,100
Inn Holder	\$100 +	\$1,750	\$1,850
Package Store	\$100 +	\$1,000	\$1,100
<b>Amusement Device</b>	\$25 +	\$100/Year Per Device or Per Billiard Table (Max. fee \$1,500 – Adopted 12/3/90)	
<b>Auctioneer</b>			
Annual	\$25 +	\$15/Year	\$40
One-Day	\$25 +	\$10 For One-Day	\$35
<b>Bowling</b>	\$10	Per Lane	
<b>Carnival</b>		\$10/Year	\$10
<b>Cinema/Theatre</b>	\$25 +	\$150/Year Per Screen	
<b>Class I &amp; II</b>	\$100 +	\$50/Year	\$150
<b>Class III</b>	\$150 +	\$50/Year	\$200
<b>Common Victualler</b>	\$50 +	\$25/Year	\$75

## Billerica Select Board Policies and Procedures

License Type	Admin Fee	License Fee	Total Fee
<b>Entertainment</b>			
Weekday	\$25	\$5/Year	\$30
Sunday	\$25		\$25
<b>Fuel Storage</b>			
New or Add'l Storage	\$50 +	\$30/Year	\$80
1-999 gallons	\$50 +	\$5/Year	\$55
1,000–14,999 gallons	\$50 +	\$10/Year	\$60
15,000 gallons +	\$50 +	\$15/Year	\$65
<b>House Trailer Storage</b>		\$10/Year	\$10
<b>Limousine</b>	\$50		\$50
<b>Metals</b>	\$50		\$50
<b>Other</b>	\$50		\$50
<b>Self Service Filling Station</b>	\$25		\$25
<b>Taxi</b>	\$25/Taxi +	\$10/Year Per Taxi	
<b>Taxi Driver's Permit</b>		\$5/Year Each	\$50

Adopted 12/15/1980

# **Billerica Select Board Policies and Procedures**

## **ATTACHMENT G-2**

## **FIRE DEPARTMENT LICENSES**

**Approved by Select Board on  
April 4, 2011**

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

**New or Amended Licenses** **\$70.00**

**Annual Renewal \$70.00**

## **Pounds (Flammable solids, explosives, Fireworks)**

**New or Amended Licenses** **\$70.00**

**Annual Renewal** **\$70.00**

### **Cubic feet (Flammable Gases)**

**New or Amended Licenses** \$70.00

**Annual Renewal \$70.00**

## Billerica Select Board Policies and Procedures

### ATTACHMENT H

#### **H. Water and Sewer Fees**

The current water and sewer fees can be found on the Town of Billerica website:

<http://ma-billerica.civicplus.com/222/Water-Billing>

Residents can find the most up to date water and sewer regulations on the Town of Billerica website:

Water: <http://www.town.billerica.ma.us/188/Water>

Sewer (Wastewater): <http://www.town.billerica.ma.us/883/Rules-Regulations>

## Billerica Select Board Policies and Procedures

### I. Licensing – Public Hearing Requirements

Type of License	Abutters	Newspaper	Agenda Location/Notes
<b>1-Day Special Liquor License</b>	NO	NO	New Business - Must be submitted to office 10 day prior to meeting
<b>ALCOHOL</b> New License, Alteration of Premises, and Change of Location, Change of Category, Change of Classification	YES	YES	Public Hearing required by ABCC
Transfer of License, Change of Ownership Interest, Change of Stock Interest, Change of License Type	NO	YES	Public Hearing required by ABCC
Change of Manager, Change of Officers/Directors/LLC Manager, Change of Corporate Structure, Change of Corporate Name, Change of DBA, Change of Hours, Change of Pledge of License, Stock or Inventory, Management Agreement, Non-Profit Club Change of Manager, Non-Profit Club Change of Officers/Directors, 1-Day Liquor License or Farmer's Market license.	NO	NO	New Business
Auto Amusement	NO	NO	New Business
Class I and II	YES	NO	New Business
Class III	YES	NO	Public Hearing required by M.G.L, Chapter 140, §59
Common Victualler	NO	NO	New Business
Entertainment (§183A) in conjunction with a liquor or common victualler license	YES	NO	New Business
Entertainment (§181) theatrical exhibitions, public shows, public amusement, etc. ie: carnival	YES	NO	New Business
Hazardous Material (Fuel) Storage	YES	YES	Public Hearing and Newspaper notice required per M.G.L, Part 1, Title XX, Chapter 148, Section 13
Marijuana	YES	NO	Public Hearing
NGRID (New Pole Hearings)	YES	NO	Public Hearing required by M.G.L, Chapter 166, §22
Second Hand Dealers	NO	NO	New Business
Taxi	NO	NO	New Business

## Billerica Select Board Policies and Procedures

### J. Change Table

Section #	Title	Date	Brief Description
<b>1.0</b>	<b>Powers and Duties</b>	<b>10/15/07</b>	<b>Former Section 1</b>
<b>2.0</b>	<b>Select Board Meetings</b>		
2.1	Standing Rules	10/15/07	Former Section 2
2.1	Standing Rules	02/27/12	Amended
2.2	Procedures	10/15/07	Former Section 3
2.3	Executive Session	10/15/07	Former Section 4
2.4	Conduct of Meetings	02/23/09	Former Section 5
2.5	Setting the Agenda	10/15/07	Former Section 6
2.6	Agenda Format of Meetings	10/15/07	Former Section 7
2.6	Agenda Format of Meetings	03/24/08	Amended
2.7	Open Microphone	10/15/07	Former Section 8
2.7	Open Microphone	09/25/17	Added that open microphone was not for Select Board members to address other members – Formerly Section 8.8
2.0	Select Board Meetings	10/21/24	Updated section to include: time change, Executive Session reasons, clarifications
<b>3.0</b>	<b>Appointments to Town Boards, Commissions, Committees</b>	<b>10/15/07</b>	<b>Former Section 9</b>
3.2	Appointments to Bonded Constables	01/02/11	Former Section 10
3.3	Other Appointments	11/17/08	Former Section 11
3.3	Other Appointments	06/17/13	Amended 11.4
3.3	Other Appointments	12/19/22	Removed inactive committees and aligned appoints to the election

## Billerica Select Board Policies and Procedures

Section #	Title	Date	Brief Description
<b>4.0</b>	<b>Select Board's Role in Town Manager Appointment</b>	<b>10/15/07</b>	<b>Former Section 12</b>
4.1	Town Manager Review	11/17/08	Former Section 13
4.1	Town Manager Review	09/26/22	Changed Evaluation to Calendar Year instead of Fiscal Year
4.2	Reports to the Board	10/15/07	Former Section 14
4.3	Asset Management	10/15/07	Former Section 15
<b>5.0</b>	<b>Town Meeting Warrant Articles</b>	<b>10/15/07</b>	<b>Former Section 16</b>
<b>6.0</b>	<b>Licensing</b>	<b>10/15/07</b>	<b>Former Section 17</b>
<b>7.0</b>	<b>Rate Setting</b>	<b>10/15/07</b>	<b>Former Section 18</b>
<b>8.0</b>	<b>Permit Fees</b>	<b>10/15/07</b>	<b>Former Section 19</b>
<b>9.0</b>	<b>No Place for Hate</b>	<b>10/15/07</b>	<b>Former Section 20</b>
<b>10.0</b>	<b>Solid Waste</b>	<b>07/14/08</b>	<b>Former Section 21</b>
10.0	Solid Waste	03/04/13	Added 21.10
<b>11.0</b>	<b>Licensing and Operation of Taxi Cabs</b>	<b>10/15/07</b>	<b>Former Section 22</b>
<b>12.0</b>	<b>Road Adequate Access</b>	<b>10/15/07</b>	<b>Former Section 23</b>
<b>13.0</b>	<b>Land Donation</b>	<b>10/15/07</b>	<b>Former Section 24</b>
<b>14.0</b>	<b>Press Release</b>	<b>10/15/07</b>	<b>Former Section 25</b>
<b>15.0</b>	<b>Towing</b>	<b>10/15/07</b>	<b>Former Section 26</b>
<b>16.0</b>	<b>Temporary Traffic Regulations</b>	<b>10/15/07</b>	<b>Former Section 27</b>
<b>17.0</b>	<b>Amendments, Additions, Changes, Deletions</b>	<b>10/15/07</b>	<b>Former Section 28</b>
<b>18.0</b>	<b>Town of Billerica Workplace Violence</b>	<b>10/15/07</b>	<b>Former Section 29</b>
<b>19.0</b>	<b>American Flag and Black Bunting</b>	<b>11/05/07</b>	<b>Former Section 30</b>

## Billerica Select Board Policies and Procedures

Section #	Title	Date	Brief Description
<b>20.0</b>	<b>Town Counsel</b>	<b>12/03/07</b>	<b>Former Section 31</b>
20	Town Counsel	12/17/12	Added 31.5
20	Town Counsel	01/06/14	Added 31.6 & 31.7
20	Town Counsel	10/28/14	Amended 31.5.1
20.1	Town Counsel	11/03/25	Removed Chair of the Select Board from #2 in 20.1
<b>21.0</b>	<b>Water/Sewer Oversight Board</b>	<b>05/05/08</b>	<b>Former Section 32</b>
<b>22.0</b>	<b>Rules and Regulations for the Licensing and Sale of Alcoholic Beverages</b>	<b>12/06/10</b>	<b>Former Section 33</b>
22	Rules and Regulations for the Licensing and Sale of Alcoholic Beverages	12/17/12	Added 33.A.38
22.33	Coin-Operated Automatic Amusement Machines	08/15/22	Removed advertised public hearing requirement
<b>23.0</b>	<b>Priority Development Site Chapter 43D Projects</b>	<b>08/04/08</b>	<b>Former Section 34</b>
<b>24.0</b>	<b>Investments</b>	<b>04/04/11</b>	<b>Former Section 35</b>
24.0	Investment Policy	12/04/23	Updated Title to Investment Policy and Update Section
<b>25.0</b>	<b>Water Conservation Fund</b>	<b>04/25/11</b>	<b>Former Section 36</b>
25.0	Water Conservation Fund	11/21/11	Added 36.2
<b>26.0</b>	<b>Fraud Risk Assessment</b>	<b>05/21/11</b>	<b>Former Section 37</b>
<b>27.0</b>	<b>Prospective Tax Title – Sale Procedure</b>	<b>03/09/09</b>	<b>Former Section 38</b>
<b>28.0</b>	<b>Policy for the Naming of Memorial Squares, Memorial Islands, Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings</b>	<b>07/18/22</b>	<b>Former Section 39 – Updated to include Parks, Playgrounds, Fields, Town Buildings and Rooms in Town Buildings</b>

## Billerica Select Board Policies and Procedures

Section #	Title	Date	Brief Description
<b>29.0</b>	<b>Community Funds Grant</b>	<b>09/12/11</b>	<b>Former Section 40</b>
29.0	Community Funds Grant	11/06/23	Revised entire Section for clarity
<b>30.0</b>	<b>Community Cable Capital Fund Grant Criteria</b>	<b>03/12/12</b>	<b>Former Section 41</b>
<b>31.0</b>	<b>OPEB Trust Funding</b>	<b>02/25/13</b>	<b>Former Section 42</b>
31.0	Town of Billerica Overall Financial Management Policies	12/04/23	Renamed Section to Overall Financial Policies – OPEB Now a Subsection (31.2)
31.1	Introduction	12/04/23	New Section
31.1.1	General Financial Policies	12/04/23	New Section
31.1.2	Financial Goals	12/04/23	New Section
31.1.3	Budget Policies	12/04/23	New Section
31.2	OPEB Policy ARC	12/04/23	New Section
31.3	Debt Management Policy	12/04/23	New Section
31.3.1	Introduction	12/04/23	New Section
31.3.2	Debt Guidelines	12/04/23	New Section
31.3.3	Debt Service Strategy	12/04/23	New Section
31.3.4	Debt Stabilization Policy	12/04/23	New Section
31.4	Capital Improvement Plan	12/04/23	New Section
31.5	Bond Rating	12/04/23	New Section
<b>32.0</b>	<b>Remote Participation</b>	<b>07/16/13</b>	<b>Former Section 43</b>
	Added Section 32.4	11/18/24	
<b>33.0</b>	<b>Adoption of Statutory Speed Limits In Thickly Settled Zones</b>	<b>01/23/17</b>	<b>Former Section 44</b>
<b>34.0</b>	<b>Minimum Mandatory Conditions</b>	<b>06/21/21</b>	<b>Former Section 45</b>

## Billerica Select Board Policies and Procedures

Section #	Title	Date	Brief Description
35.0	<b>Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers</b>	10/04/21	<b>Former Section 46</b>
35.18	Hours of Operation	09/12/22	Changed closing to 11:00 PM
35.3	Filing of Applications	08/15/22	Removed requirement for publishing in a newspaper
36.0	<b>Legal Notices</b>	09/13/10	<b>Never Added to Original Policies</b>
37.0	<b>Advertising for Affordable Units</b>	08/17/20	<b>Never Added to Original Policies</b>
38.0	<b>Billerica Select Board Code of Conduct</b>	02/28/22	<b>Never Added to Original Policies</b>
38.4	Distribution and Education	01/09/23	Added click the box on application indicating they have read the Code of Conduct
39.0	<b>Recording Policy for Public Meetings</b>	12/05/22	<b>New Section</b>
40.0	<b>Outdoor Dining</b>	02/27/23	<b>New Section</b>
41.0	<b>Town of Billerica Flag Policy</b>	09/25/23	<b>New Section</b>
42.0	<b>Town of Billerica Public Hearing Notice Policy for Pole Petitions</b>	11/06/23	<b>New Section</b>
43.0	<b>Select Board Policy for Retirees</b>	12/18/23	<b>New Section</b>
44.0	<b>Town of Billerica Memorial Bench Policy</b>	08/19/24	<b>New Section</b>
45.0	<b>Electronic Signature on Petitions Policy</b>	11/18/24	<b>New Section</b>
46.0	<b>Gift Acceptance Policy</b>	06/16/25	<b>New Section</b>
47.0	<b>Industrial/Commercial Economic Development Policy</b>	08/11/25	<b>New Section</b>
E	Community Funds Grant Application	11/06/23	Updated Application to reflect changes to Policy. Added a Completion Certificate

## Billerica Select Board Policies and Procedures

Section #	Title	Date	Brief Description
J	Licensing – Public Hearing Requirements	08/15/22	Added table as Attachment J