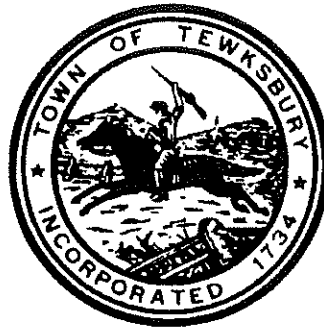


SPECIAL TOWN MEETING

**2016
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

September 28, 2016 7:00 P.M.
Town Hall 1009 Main Street

Special Town Meeting

October 4, 2016 7:00 P.M.
Tewksbury Memorial High School

Town of Tewksbury Website: <http://www.tewksbury-ma.gov>

TOWN MEETING GUIDELINES

- ** Voters and Visitors shall have their identification ribbons conspicuously displayed.
- ** Visitors shall sit in the designated VISITORS SECTION unless they are assigned to a designated area.
- ** Standing at the doors or in the aisles inside the gymnasium or auditorium is prohibited.
- ** No one shall enter the gymnasium or auditorium while voting is in progress.
- ** Everyone shall be at a seat so as to allow the vote to be counted without hindrance.
- ** Collecting signatures upon petitions or nomination papers is prohibited in the building where the Town Meeting is being held.
- ** Food and beverages are not allowed in the gymnasium or auditorium as per order of the School Committee.
- ** Smoking is not allowed in the School Building or on School Property.
- ** To prevent active interference with the conduct of the Town Meeting, any person taping, videotaping or using any other means of sonic reproduction is assigned to the designated Press Table or the side aisle perimeters of the gymnasium or auditorium.

This meeting is being held at a site which is physically accessible to persons with disabilities.

For further information please call 978-640-4355.

CART services need to be requested as early as possible, as CART providers often fill their schedule 2-3 months in advance. Other reasonable accommodations for disability related needs will be provided upon request.

WEBSITE: Town: www.tewksbury-ma.gov School: <http://www.tewksbury.k12.ma.us/> Library: www.tewksburypl.org/Pages/index

FACEBOOK: Town: www.facebook.com/pages/Town-of-Tewksbury/393895750722817

Library: www.facebook.com/TewksburyLib **Tewksbury Farmers Market:** www.facebook.com/pages/Tewksbury-Farmers-Market/1503117429909936

TWITTER: Town: [@TownofTewksbury](https://twitter.com/TownofTewksbury) Library: [@TewksburyLib](https://twitter.com/TewksburyLib) Police: [@TewksburyPD](https://twitter.com/TewksburyPD) Fire: [@TewksburyFire](https://twitter.com/TewksburyFire)

Middlesex, ss:

To any of the Constables of the Town of Tewksbury, in said County:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Tewksbury, qualified to vote in Town affairs, to meet and assemble at the Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, October 4, 2016, at 7:00 P.M. to act on the following articles:

ARTICLE 1

To see if the Town will vote to raise and appropriate the sum of \$1,146,027 to fund the following Fiscal Year (FY2017) Budgets; or take any action relative thereto.

School Budget Salaries	302,000
School Budget Operating	275,616
School Budget Capital Outlay	50,000
School Budget Health Insurance	60,000
Board of Selectmen Operating	20,000
Administrative Services Salaries	3,339
Administrative Services Operating	7,600
Elections and Town Meetings Salaries	1,951
Elections and Town Meetings Operating	900
Community Development Salaries	48,006
Community Development Capital Outlay	10,880
Building Department Salaries	21,366
Health Department Operating	2,270
Police Capital Outlay	95,819
Fire Capital Outlay	72,252
DPW Administration Capital Outlay	30,000
DPW Engineering Capital Outlay	20,000
DPW Fleet Maintenance Capital Outlay	37,000
Parks Salaries	4,035
Parks Operating	23,000
Parks Capital Outlay	16,500
COA Operating	18,493
Veteran's Services Operating	25,000
Total Town Raise and Appropriate	1,146,027

Town Manager

Executive Summary: This article raises and appropriates funds to FY2017 Budgets. The additional funds are available since State and Local revenue will be higher than projected.

ARTICLE 2

To see if the Town will vote to raise and appropriate the sum of \$1,300 in order to pay for the following outstanding bills from the previous year; or take any action relative thereto.

Krochmal Farms	1,300
Total	1,300

Town Manager

Executive Summary: According to Massachusetts General Laws Chapter 44 § 64, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

ARTICLE 3

To see if the Town will vote to amend Article 4 of the May 2, 2016 Annual Town Meeting, the General Fund Budget and reduce the FY2017 General Fund Exempt Principal Maturing debt by \$98,956; or take any action thereto.

Town Manager

Executive Summary: After the Fiscal year 2017 budget was approved at Annual Town Meeting on May 2, 2016 the assessment for Lowell Sewer was reduced which allowed the amount of debt service being transferred to the tax levy to also be reduced. This Article reflects that change.

ARTICLE 4

To see if the Town will vote to amend Article 5 of the May 2, 2016 Annual Town Meeting, the Sewer Enterprise Fund Budget and reduce the FY2017 Sewer Enterprise Fund Lowell Sewer by \$246,203 and increase FY2017 Sewer Enterprise Fund Debt by \$98,956; or take any action thereto.

Town Manager

Executive Summary: After the Fiscal year 2017 budget was approved at Annual Town Meeting on May 2, 2016 the assessment for Lowell Sewer was reduced, and that reduction is reflected above. In addition, the Lowell Sewer reduction allows for less debt to be shifted to the General Fund, which is reflected in the amount increased for sewer debt.

ARTICLE 5

To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$763,890 to be expended by the Town Manager to fund the following; or take any action relative thereto.

Engineering and Construction Demolition 984 Main Street	160,000
Engineering and Construction new Floor at the Senior Center	30,000
Engineering and Construction Roof Replacement Police Station	125,000
Fire Department Breathing Apparatus Air Compressor System	20,000
DPW Sidewalk Improvements	250,000
DPW Stormwater Mapping	90,000
Park Department Tractor with Ballfield Groomer and Attachments	40,014
Park Department F-350 4x4 Platform Truck with Snowplow	48,876
Total	763,890

Town Manager

Executive Summary: This article transfers certified free cash for the demolition of a vacant home at 984 Main Street; replacement of the Police Station roof which is 18 years old and was damaged from ice. The cost of the roof is being supplemented with insurance proceeds received from damage during the winter of 2015. This Article will also supplement the cost of replacing the floor in the Senior Center Main Hall, Fire Department air breathing compressor system for self-contained breathing apparatus, improve sidewalks, conduct stormwater mapping in accordance with the Town's permit and purchase needed vehicles and equipment for the Park Department.

ARTICLE 6

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$460,000 for School Department Capital Expenditures; or take any action relative thereto.

Technology	265,000
Building and Maintenance	150,000
Maintenance Utility Truck	45,000
	<hr/> 460,000

Town Manager

Executive Summary: Funds will be used to fund Technology improvements at the Schools such as: Mobile Device Initiative with Professional Development; Restructure Central Office; Head End HVAC Room at TMHS - Software Upgrade. They will also be used for School Building and Maintenance improvements that include modifications and updates to the Fitness Center at the High School; Storage Container at the High School; Improvements to the Ryan Courtyard / Front area; THMS Pavers Design; new Maintenance Utility Truck.

ARTICLE 7

To see if the Town will accept the provisions of Chapter 40, §13E of the Massachusetts General Laws establishing a Special Education Reserve Fund; or take any other action relative thereto.

School Committee

Executive Summary: Chapter 40, § 13E allows a school district which accepts this section, by a majority vote of the School Committee and a majority vote of the legislative body to establish a reserve fund to be utilized in the upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation. Funds shall only be distributed from the reserve funds after a majority vote of the School Committee and a majority vote of the Board of Selectmen.

ARTICLE 8

To see if the Town will vote to transfer \$725,000 from Article 15 Annual Town Meeting 2015 to the new Reserve Fund established under MGL Chapter 40 Section 13E; or take any action relative thereto.

School Committee

Executive Summary: Article 15 at Annual Town Meeting 2015 transferred \$725,000 from the Stabilization Fund for unforeseen costs related to Special Education Out-of-District Tuition. Those funds have not been expended and this Article seeks to transfer the \$725,000 to the new Reserve Fund established under MGL Chapter 40 Section 13E which purpose is consistent with Article 15 at the Annual Town Meeting 2015.

ARTICLE 9

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$275,420 to the Fiscal Year 2017 School Department Circuit Breaker Fund; or take any action relative thereto.

Town Manager

Executive Summary: Funds from the School Department Circuit Breaker Fund were closed and turned back to General Fund at the end of Fiscal Year 2016. This Article returns those funds to the account.

ARTICLE 10

To see if the Town will vote to transfer the sum of \$710,000 from Water Enterprise Fund Retained Earnings for the following purposes; or take any action relative thereto.

Water Distribution Improvements	700,000
Mobile Light Tower	<u>10,000</u>
Total	710,000

Town Manager

Executive Summary: This article allows the Town to utilize funds from Water Retained Earnings that were available as of July 1, 2016 for the installation of a new water main on Carter Street, and if funds remain, they will be used for other priority locations in Town. Funds will also be used for the purchase of a mobile light tower that is used for water breaks that occur in the evening and night hours.

ARTICLE 11

To see if the Town will vote to transfer from certified General Fund Free Cash the sum of \$25,000 to be expended by the Town Manager to fund a Senior Tax Relief Work Program and a Veterans Tax Relief Program; or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize funds from certified free cash to fund a Senior Tax Relief Program/Veterans Tax Relief Program that allows eligible Senior Citizens /Veterans of the Town to work for Town and School offices and receive a reduction in their property tax bill.

ARTICLE 12

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$350,000 to the Other Post Employment Benefit (OPEB) Account; or take any action relative thereto.

Town Manager

Executive Summary: Funds will be transferred from Free Cash certified as of July 1, 2016 into the Other Post Employment Benefit Account to fund the Town's outstanding unfunded liability of \$166 million for Retiree Health Insurance.

ARTICLE 13

To see if the Town will vote to transfer the sum of \$2,442,051 from certified General Fund Free Cash to the Town Stabilization Fund; or take any action relative thereto.

Town Manager

Executive Summary: This article seeks approval to set aside these funds in the Stabilization Fund to be used for future emergencies or one time purchases or projects.

ARTICLE 14

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Undesignated Fund Balance the sum of \$6,800.00 to rehabilitate an historic resource, the Mico Kaufman Memorial to World War II Veterans on the Town Common pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for these CPA funds to refurbish the weather worn bronze WWII Veterans Memorial on the Town Common. The Memorial is an historic resource listed on the Massachusetts Cultural Information System.

ARTICLE 15

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Undesignated Fund Balance the sum of \$9,500.00 to install a drainage system near the shed at the High School Tennis Courts, a CPA funded project; pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for these CPA funds to install a drainage system and associated site work near the shed to prevent erosion and damage to the shed area and facilities. The Friends of Tewksbury Tennis have \$500 in donations to also be used for this work, which will complete the existing tennis court project.

ARTICLE 16

To see if the Town of Tewksbury will vote to appropriate and transfer from the Tewksbury Community Preservation Undesignated Fund Balance the sum of \$125,000 for the historic rehabilitation of the State Hospital Cemetery between Livingston St and the Wynn Middle School; pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Community Preservation Committee; or to take any other action thereon.

Community Preservation Committee

Executive Summary: The CPC seeks approval for these CPC funds to rehabilitate and secure the existing State Hospital Cemetery. The Tewksbury State Hospital and the State Division of Capital Asset Management are in the process of perfecting the land transfer for the Saunders Recreational Facility. The work at this cemetery is a pre-requisite of the Commonwealth transferring title of the Livingston Street recreation fields to the Town.

ARTICLE 17

To see if the Town will accept the provisions of Chapter 90, §17C of the Massachusetts General Laws allowing the Board of Selectmen to establish a speed limit of 25 miles per hour in thickly settled or business districts; or take any other action relative thereto.

Town Manager

Executive Summary: Currently to change the speed limits a town needs to conduct a traffic study. Chapter 90, §17C is a newly adopted law that allows the Board of Selectmen to establish a speed limit of 25 miles per hour in thickly settled or business districts without a study.

ARTICLE 18

To see if the Town will accept the provisions of Chapter 90, §18B of the Massachusetts General Laws allowing the Board of Selectmen to establish "Safety Zones" having a speed limit of 20 miles per hour; or take any other action relative thereto.

Town Manager

Executive Summary: Currently to create a "Safety Zone" and change the speed limits a town needs to conduct a traffic study. Chapter 90, §18B is a newly adopted law that allows the Board of Selectmen to take such actions without a study.

ARTICLE 19

To see if the Town will vote to authorize the Board of Selectmen to accept a gift of land or interests in land from Donald P. Quinn, Trustee, ITYLO Trust, Map- 41, Parcel 24 as shown on the current Assessor's Map, for municipal purposes; or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Board of Selectmen to accept a gift of land of approximately 1.16 acres on Merrimac Drive abutting the Town's Water Treatment Plant for municipal purposes.

ARTICLE 20

To see if the Town will vote to amend the actions taken by May 2, 2016 Annual Town Meeting, article 34 which placed restrictions on the development of 1057 South Street, Map 109 Parcel 71, as shown on the current Assessor's Map to allow for no more than three houses on the lot for affordable housing purposes; or take any action relative thereto.

Town Manager

Executive Summary: This article amends the actions taken at May 2, 2016 Annual Town Meeting, Article 34. The restriction that was placed upon the development of the property stated that the lot may be divided, provided that each lot is no less than one full acre. Each lot (no more than two) shall have a maximum of one single family residence on it. This Article amends that action asking for no more than three houses on the lot. The parcel is approximately 2.86 acres.

ARTICLE 21

To see if the Town will vote to amend the Town's General By-laws by deleting the words that are stricken out and adding the words in bold print.

2.04.010 Schedule established ...

C. The Annual Town Meeting shall be divided into three sections:

Section One:

Article 1. Annual Town Election – Accomplished in April.

Section Two shall begin on the first Monday in May at 7:30 P.M. and shall include the following Articles:

- Article 2. Elected official salaries
 - Article 3. Consent calendar
 - Article 4. Budget article
 - Article(s) Budget related articles
 - Article(s) Amend Personnel bylaws
 - Article(s) Amend Town by-laws**
- General Articles**

If Section Two is completed before 11:00 P.M., the Annual Town Meeting shall adjourn to Wednesday at 7:30 P.M. to act on Section Three articles.

Section Three:

- Amend zoning bylaws
- ~~Amend town bylaws~~
- General articles

or take any other action relative thereto.

Town Manager

Executive Summary: The purpose of this Article is to move Town by-Law Articles and General Articles to Section One and allow them to be acted upon on the first night of town meeting if time allows.

ARTICLE 22

To see if the voters of the Town of Tewksbury will vote to amend the Tewksbury by-laws, Chapter 2.16 Council on Aging by deleting words that are stricken out and adding the words that are in bold print, as follows:

2.16.020 Membership.

MEMBERSHIP OF COUNCIL: The Council shall consist of eleven (11) members ~~who shall serve for as three (3) year term; appointed by the Board of Selectmen who shall serve for a three (3) year term. The Board of Selectmen shall appoint five (5) members of the Council. The remaining six (6) Council members shall be appointed by the Council chairperson from interested and representative community groups and individuals. (Art. 34 ATM 2014; rt. 34, ATM 2002; Art. 39 (part) ATM 1982; By-Laws Art. IV § 5B)~~

2.16.050 Appointment of new members.

APPOINTMENT OF NEW MEMBERS: The Board of Selectmen shall, each year, prior to June 30th ~~each year appoint persons to fill any vacancies among their five (5) appointments and each appointee to serve a three (3) year term. The new Chairperson, elected as above, shall appoint persons to fill any vacancies among the remaining six (6) appointments, on the Council on Aging, each appointed member to serve a three (3) year term. All newly appointed members shall commence their terms on July 1st. (Art. 34 ATM 2014; Art. 39 (part) TM 1982; By-laws Art. IV § 5E)~~

or take any other action relative thereto.

Board of Selectmen

Executive Summary: Currently the bylaw gives sole appointment authority to the Council on Aging Chairperson for 6 out of 11 members of the Council on Aging (COA). The remaining 5 members are appointed by the Board of Selectmen. The purpose of this Article is to give the Board of Selectmen appointment authority for all members of the COA; consistent with other appointed Boards, Commissions & Committees in Town.

ARTICLE 23

To see if the voters of the Town of Tewksbury will vote to amend the Tewksbury Town By-Laws, Chapter 3.04 Revenue and Finance by deleting the wording stricken as follows:

3.04.010 Duty of Tax Collector to report negligent parties.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall ~~annually~~ furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve (12) month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board. (Art. 8 (part), STM 1989: By-Laws Art. III § 1A)

or take any other action relative thereto.

Board of Selectmen

Executive Summary: Currently the State Law and the town By-Law requires taxes to be owed for a 12 month period before a license or permit can be revoked or not issued. The State Law has been changed to eliminate the 12 month period and this amendment allows the By-law to be consistent with State Statute avoiding any conflicts.

And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving additional copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

HEREOF, FAIL NOT, AND MAKE DUE RETURNS OF THIS WARRANT, with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 19th day of July, in the Year of Our Lord, Two Thousand and Sixteen.

BOARD OF SELECTMEN



Bruce Panilaitis, Chairman

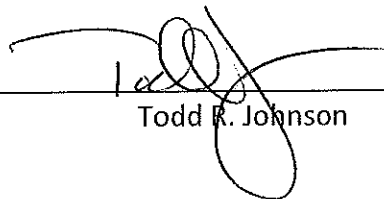


Mark Kratman, Vice Chairman



Anne Marie Stronach, Clerk

David H. Gay



Todd R. Johnson

GLOSSARY OF TERMS

Town Meeting:

A duly called meeting in which all Town of Tewksbury registered voters are eligible to participate to act upon fiscal issues, zoning changes, by-law amendments, and other matters affecting the Town. Each voter has one vote in the decision making process.

The Annual Town Meeting is held each May to decide issues for the fiscal year starting July first. Special Town Meeting(s) may be called at other times, to address issues that cannot wait for the next Annual Town Meeting; a Special Town Meeting is called by the Board of Selectmen; or by a petition of 200 registered voters.

Warrant:

Public notice of business to be considered at the Town Meeting. It is publicly posted in each Precinct throughout the Town, on the Town's Website <http://www.tewksbury-ma.gov/board-of-selectmen/pages/town-warrants> and describes all of the Articles which will be acted upon at the Town Meeting.

Article(s):

Individual subjects are described in the articles so that all voters are warned of potential action to be taken. The scope of each article sets the bounds of action that may be taken. Articles are submitted by the Town Departments or by voter petitions. Articles submitted by voter petitions require ten (10) or more registered voters signatures for insertion in the Annual Town Meeting Warrant, and one hundred (100) or more registered voters signatures for insertion in a Special Town Meeting Warrant.

General Information:

The Moderator presides at the Town Meeting and is responsible for the ruling on procedural matters, overseeing an orderly debate, announcing the result of all votes and preserving decorum.

The proceedings are governed by Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Copies are available for reference at the Town Clerk's Office, Board of Selectmen's Office and the Tewksbury Public Library.

Registered voters are entitled to attend, address and vote at the Meeting. Visitors may attend the meeting and shall sit in the "reserved for visitors" section.

A voter desiring to speak should approach the microphone, await recognition by the Moderator, and identify him or herself when recognized by name and address.

Motions, Motions to Amend, and Votes Required:

An Article in the Warrant states a question for the Town Meeting voters to answer. Separate issues are described in the Town Meeting Articles so that all voters are warned of potential action to be taken. The scope or intent of each Article set the bounds of action that may be taken.

Customarily the Finance Committee Chairman makes the first or Main Motion or if the Article relates to the Zoning By-Law the Planning Board Chairman will make the first or Main Motion. The sponsor or Petitioner of an article also may make the first or Main Motion.

The Motion is then open for discussion by the assembly.

Motions to Amend the Main Motion, which is within the scope or intent of the Article, may be made on the Town Meeting floor.

Ordinarily motions require a majority vote of the voters present and voting for an Article to pass. Certain motions require a 2/3, 4/5 or a 9/10 vote to pass because of the provisions of the Town By-Laws or Massachusetts General Laws. The Moderator will announce the voting requirement before each vote requiring more than a majority vote.

Motions For Indefinite Postponement of an Article:

A motion to Indefinitely Postpone an Article is equivalent to a motion to take no action on the Article. If the Motion to Indefinitely Postpone the Article is Adopted; the Article is defeated.

Reconsideration of an Article:

No vote on a prior Article shall be Reconsidered except to correct a procedural defect, scrivener's error or an oversight. Reconsideration for the above exceptions requires a majority vote.

Move the Question:

The voters have heard all the discussion that they wish to hear on the pending Article and prefer to vote at once.

The Moderator shall allow those presently standing, at the time of the motion, the opportunity to be heard and then he or she will take the vote to Move the Question.

Rules to Govern Speakers:

No voter shall speak twice on any one subject, if any other voter who has not spoken already and is standing to be recognized by the moderator. No voter shall speak for more than five minutes at one time, except by vote of permission of the assembly.

WEBSITE: Town: www.tewksbury-ma.gov School: <http://www.tewksbury.k12.ma.us/> Library: www.tewksburypl.org/Pages/index

FACEBOOK: Town: www.facebook.com/pages/Town-of-Tewksbury/393895750722817

Library: www.facebook.com/TewksburyLib Tewksbury Farmers Market: www.facebook.com/pages/Tewksbury-Farmers-Market/1503117429909936

TWITTER: Town: @Town ofTewksbury Library: @TewksburyLib Police: @TewksburyPD Fire: @TewksburyFire