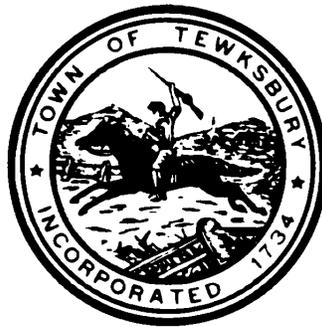


ANNUAL TOWN MEETING

2024
WARRANT



TOWN OF TEWKSBURY COMMONWEALTH OF MASSACHUSETTS

Finance Committee Public Hearing

April 22, 2024, 7:00 P.M.
Tewksbury Town Hall

Annual Town Meeting

May 6, 2024, 7:30 P.M.
Tewksbury Memorial High School

Town of Tewksbury Website: <https://www.tewksbury-ma.gov>
Facebook: Town of Tewksbury Twitter: @TownofTewksbury

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 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.

<u>Annual Town Meeting</u>	<u>Annual Town Meeting</u>	<u>Special Town Meeting</u>
MONDAY May 6, 2024 7:30 P.M.	WEDNESDAY May 8, 2024 7:30 P.M.	WEDNESDAY May 8, 2024 7:00 P.M.
<ul style="list-style-type: none"> • Consent Calendar Articles • Annual Budget • Budget Related Articles • Personnel Bylaw Amendments • Town Bylaw Amendments • General Articles 	<ul style="list-style-type: none"> • Zoning Bylaw Amendments 	

For more information about Town Meeting:

<https://www.tewksbury-ma.gov/399/Town-Meeting-Information>

FACEBOOK: Library: www.facebook.com/TewksburyLib

Tewksbury Community Market: <https://www.facebook.com/tewksburymarket/>

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

TWITTER: Library: @TewksburyLib Police: @TewksburyPD Tewksbury Community Market: @TewksburyMarket Town: @TownofTewksbury

WEBSITE: Library's Website: www.tewksburypl.org/Pages/index Town's Website: www.tewksbury-ma.gov

Middlesex, s.s.

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 Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Monday, May 6, 2024, at 7:30 p.m. to act on the following articles:

SECTION 1

ARTICLE 1

To choose all necessary Town Officers, by ballot, Two (2) members of the Select Board for three years; Two (2) members of the School Committee for three years; One (1) member of the Planning Board for three years; Two (2) members of the Board of Library Trustees for three years; Two (2) members of the Board of Health for three years; One (1) member of the Board of Health for a two year unexpired term; One (1) member of the Housing Authority for five years, and One (1) member of the Shawsheen Valley Technical High School Committee for three years.

SECTION 2

Article 2	Elected Official Salaries	Elected Official Salaries
Article 3	Consent Calendar	Consent Calendar
Article 4	Budget Related	Fiscal Year 2025 Budget
Article 5	Budget Related	Funding for Collective Bargaining Agreement between the Town and the Tewksbury Massachusetts Police Patrolman’s Association (NEPBA)
Article 6	Budget Related	Funding for Collective Bargaining Agreement between the Town and the Tewksbury Police Department Superior Officers
Article 7	Budget Related	Funding for Collective Bargaining Agreement between the Town and the International Association of Firefighters (AFL-CIO, Tewksbury Firefighters Local 1647).
Article 8	Budget Related	Funding for Collective Bargaining Agreement between the Town and Local 833, the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME)
Article 9	Budget Related	Fiscal Year 2025 Sewer Enterprise Budget \$7,152,397
Article 10	Budget Related	Fiscal Year 2025 Water Enterprise Budget \$8,744,543
Article 11	Budget Related	Fiscal Year 2025 Stormwater Enterprise Budget \$722,225
Article 12	Budget Related	Fiscal Year 2025 Cable TV Enterprise Budget \$424,523
Article 13	Budget Related	Transfer \$1,354,223 from Stabilization Fund for Town Capital Equipment and Projects.
Article 14	Budget Related	Transfer \$5,568,000 from Stabilization Fund for School Capital Equipment and Projects.
Article 15	Budget Related	Transfer \$525,000 from Sewer Enterprise Fund Retained Earnings for Sewer System Improvements and Vehicle
Article 16	Budget Related	Transfer \$625,000 from Water Enterprise Fund Retained Earnings for Water System Improvements, Projects, and Vehicles
Article 17	Budget Related	Raise and Appropriate the sum of \$425,000 within the Stormwater Enterprise Fund for Drainage Improvements
Article 18	Budget Related	Authorize the borrowing of \$5,400,000 within the Water Enterprise Fund for Water Distribution Improvements
Article 19	Budget Related	Authorize the borrowing of \$1,500,000 within the Water Enterprise Fund for purchase and installation of water meters and/or water meter components.
Article 20	Budget Related	Transfer \$36,283 to reduce Town Exempt Debt Principal

Article 21	Budget Related	To Appropriate and Transfer the Sum of \$500,000 from the Community Preservation Fund Open Space Reserve for the design and construction of Boardwalks at Chandler Well Field.
Article 22	Budget Related	To Appropriate and Transfer the Sum of \$30,000 from the Tewksbury Community Preservation Fund Open Space Reserve for the removal and disposal of former pump station structures and equipment on Town Open Space Land.
Article 23	Budget Related	To Appropriate and Transfer the Sum of \$200,000 from the Community Preservation Fund Undesignated Reserve for the purpose of designing upgrades and renovations to the Ella Flemings School
Article 24	Budget Related	Fiscal Year 2025 Affordable Housing Trust Fund Allocation Plan.
Article 25	Budget Related	To Appropriate or Reserve from the Tewksbury Community Preservation Fund Annual Revenues.
Article 26	Budget Related	Authorize the Select Board to Sell Town Land.
Article 27	Budget Related	Easement Acquisition DPW related projects
Article 28	Budget Related	Easement Acquisition for Chandler Well Field Boardwalk
Article 29	Land Article	Transfer to the Tewksbury Conservation Commission certain parcels of land.
Article 30	General Article	Transfer the care, custody, management, and control of the North Street Elementary School to the Town.
Article 31	General Article	Create a Stabilization Fund Shawsheen Valley Regional Vocational/Technical School District.
Article 32	General Article	Home Rule Petition to adjust deed for Little League Fields on Chandler Street to allow Pickle Ball.
Article 33	General By-Law	Conservation Commission Wetland Protection
Article 34	Citizen's Petition	General Bylaw removal of snow from sidewalks
Article 35	Citizen's Petition	Authorize the Select Board to accept an easement
Article 36	Personnel Bylaw/Budget Related	Amend Personnel Bylaw which governs Non-union Employees

SECTION 2

ARTICLE 2

To see if the Town will vote to fix the salaries of several elected officials for the Fiscal Year 2025.

	<u>FY24</u> <u>Budgeted</u>	<u>FY25</u> <u>Requested</u>
<u>BOARD OF HEALTH</u>		
Chair	3,000	3,000
Members (4)	2,500	2,500
<u>MODERATOR</u>		
	1,000	1,000
<u>PLANNING BOARD</u>		
Chair	3,000	3,000
Members (4)	2,500	2,500
<u>SCHOOL COMMITTEE</u>		
Chair	3,000	3,000
Members (4)	2,500	2,500
<u>SELECT BOARD</u>		
Chair	6,000	6,000
Members (4)	5,000	5,000

Town Manager

Executive Summary: The purpose of the article is to fix the salaries of certain elected Town officials.

ARTICLE 3

The Moderator will call out the number of the Articles, one by one. If a voter objects to any particular Article being included in the Consent Calendar, he/she should say the word “HOLD” when the number is called. The Article is then removed from the Consent Calendar and restored to its original numbered place in the warrant, to be acted upon, debated and voted in the usual manner. After calling of the individual items in the Consent Calendar, the Moderator shall ask that the voters pass all the remaining items as a unit.

- Article 3-37 Accept the Annual Report
 - Article 3-38 Lease/Purchase Agreements
 - Article 3-39 Authorize Chapter 90 Funds
 - Article 3-40 Reauthorize Revolving Funds
-

ARTICLE 3-37

To hear and act upon reports of the various Town Officers; or take any action relative thereto.

Town Manager

Executive Summary: The purpose of the article is to accept the report of various Town Officers; which are in the 2023 Annual Town Report located on the Town’s Website (<https://www.tewksbury-ma.gov/510/Annual-Town-Reports>)

ARTICLE 3-38

To see if the Town will vote to authorize the Town Manager to enter into Lease/Purchase Agreements up to five (5) years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations; or take any action relative thereto.

Town Manager

Executive Summary: This article is acted on annually and allows the Town Manager to lease/purchase equipment for various Town Departments subject to annual appropriation.

ARTICLE 3-39

To see if the Town will vote: (1) to appropriate a sum of money to survey, design and undertake repairs to roads and bridges under the provisions of Chapter 90 of the Massachusetts General Laws, and to obtain any material and/or services incidental thereto; (2) to authorize the Select Board to acquire easements in conjunction therewith by the purchase, gift, lease, eminent domain, or otherwise; (3) in furtherance of the project(s) to authorize the Select Board to apply for, accept and expend any federal, state and/or private grants without further appropriation thereof; and (4) to determine whether said appropriation shall be raised by transfer from available funds or by borrowing; or take any action relative thereto.

Town Manager

Executive Summary: Each year the state indicates the amount it will allot to cities and towns for sidewalk and roadwork under Chapter 90. This article authorizes the Town to spend these funds.

ARTICLE 3-40

To see if the Town will vote to authorize the expenditure caps under the provisions of Chapter 44 Section 53E½ of the Massachusetts General Laws; or take any action relative thereto.

**TOWN OF TEWKSBURY
FY2025 REVOLVING FUNDS EXPENDITURE CAPS**

NAME	DEPARTMENT	PURPOSE	AUTHORIZATION	EXPENDITURE
Council on Aging	Council on Aging	Trips and Activities	Director, COA	\$250,000
Parks and Recreation	Parks and Recreation	Summer Program/Activities	Town Manager	\$200,000
Board of Health	Board of Health	Vaccines and Public Health Programs	Health Director	\$10,000
Traffic Signage	Dept. of Public Works	Purchase, Manufacture and Installation of Street and Traffic Signage, Including Pavement Markings	Dept. of Public Works Director	\$10,000
GIS	Community Development	Operate a Geographical Information System	Assistant Town Manager	\$75,000
Records Preservation	Town Clerk	Preservation and Safe Keeping of Historic Records	Town Clerk	\$20,000
Solid Waste, Recycling and Household Hazardous Waste	Town Manager	Solid Waste, Recycling and Household Hazardous Waste Operations and Programs and used toward the annual assessment of operation and maintenance for the post closure of the Sutton Brook landfill.	Town Manager	\$250,000
Hydrant Markers	Town Manager	Reimbursement of Damaged Markers and Donations to Install Markers	Town Manager	\$20,000
Energy Efficiency of Town & School Buildings, Equipment and Infrastructure	Town Manager	Rebates, Grants and Donations Generated from Energy Efficiency Projects (Commonwealth, Public Utilities and Others) and revenue from School and Town Electric Charging Stations	Town Manager	\$500,000
Tewksbury Community Market.	Town Manager	Operations and maintenance of the Tewksbury Community Market. The fund shall be credited with all amounts received from philanthropic entities and individuals wishing to contribute to the market operations.	Town Manager	\$25,000
E-Billboards	Town Manager	Amounts received as fees from E-Billboards. Expenditures of the fund shall be authorized by the Town Manager or his/her designee for sidewalk maintenance, installation, and reconstruction.	Town Manager	\$200,000

Town Manager

Executive Summary: This article authorizes the Fiscal Year 2025 expenditure caps on the Town’s self-sufficient revolving fund accounts for the items listed above in the Town of Tewksbury. This article is in addition to the article which establishes the Revolving Funds through a General Bylaw in accordance with recent changes to Massachusetts General Laws Chapter 44 Section 53E½ by the Act to Modernize Municipal Finance and Government.

ARTICLE 4

To see what sums the Town will raise and appropriate, transfer or otherwise provide, for its necessary and expedient purposes as designated hereafter, and to direct that these funds be expended only for such purposes under the direction of the respective boards, committees, commissions, and officers for the fiscal year which begins July 1, 2024; or take any action relative thereto.

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
General Government					
Moderator					
<i>Salaries</i>	1,000	1,000	1,000	1,000	-
<i>Operating</i>	-	75	75	75	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Moderator Budget	1,000	1,075	1,075	1,075	-
Select Board					
<i>Salaries</i>	26,484	31,153	26,000	26,000	(5,153)
<i>Operating</i>	143,312	150,962	162,499	162,499	11,537
<i>Capital Outlay</i>	-	-	-	-	-
Total Select Board Budget	169,796	182,115	188,499	188,499	6,384
Town Manager					
<i>Salaries</i>	500,340	549,493	526,837	526,837	(22,656)
Water Enterprise Fund Allocation	(10,356)	(10,615)	(10,615)	(10,615)	-
Sewer Enterprise Fund Allocation	(10,356)	(10,615)	(10,615)	(10,615)	-
<i>Total Salaries Net of Allocations</i>	479,628	528,263	505,607	505,607	(22,656)
<i>Operating</i>	114,150	194,285	204,256	204,256	9,971
<i>Capital Outlay</i>	-	-	-	-	-
Total Town Manager Budget	614,491	743,778	731,093	731,093	(12,685)
Total Town Manager Budget Net Allocations	593,779	722,548	709,863	709,863	(12,685)
Finance Committee					
<i>Salaries</i>	2,515	2,515	2,515	2,515	-
<i>Operating</i>	352	689	689	689	-
<i>Capital Outlay</i>	-	-	-	-	-
<i>Reserve Fund</i>	-	75,000	75,000	75,000	-
Total Finance Committee Budget	2,867	78,204	78,204	78,204	-
Town Counsel					
<i>Operating</i>	122,978	125,000	125,000	125,000	-
Total Operating	122,978	125,000	125,000	125,000	-
Human Resources					
<i>Salaries</i>	108,936	114,088	116,903	116,903	2,815
Water Enterprise Fund Allocation	(1,634)	(1,711)	(1,754)	(1,754)	(43)
Sewer Enterprise Fund Allocation	(1,634)	(1,711)	(1,754)	(1,754)	(43)
<i>Total Salaries Net of Allocations</i>	105,668	110,666	113,395	113,395	2,729
<i>Operating</i>	51,898	37,525	37,525	37,525	-
Water Enterprise Fund Allocation	(451)	(563)	(563)	(563)	-
Sewer Enterprise Fund Allocation	(451)	(563)	(563)	(563)	-
<i>Total Operating Net of Allocations</i>	50,996	36,399	36,399	36,399	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Human Resources Budget	160,835	151,613	154,428	154,428	2,815
Total Human Resources Budget Net Allocations	156,665	147,065	149,794	149,794	2,729

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
Town Clerk					
<i>Salaries</i>	264,240	281,057	291,325	291,325	10,268
<i>Operating</i>	20,112	24,095	27,245	27,245	3,150
<i>Capital Outlay</i>	-	-	-	-	-
Total Town Clerk Budget	284,352	305,152	318,570	318,570	13,418
Election					
<i>Salaries</i>	58,285	51,000	79,700	79,700	28,700
<i>Operating</i>	33,485	27,725	29,475	29,475	1,750
<i>Capital Outlay</i>	467	12,650	-	-	(12,650)
Total Election Budget	92,237	91,375	109,175	109,175	17,800
Board of Registrars					
<i>Salaries</i>	2,850	2,850	2,850	2,850	-
<i>Operating</i>	614	700	700	700	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Board of Registrars Budget	3,464	3,550	3,550	3,550	-
Computer Services					
<i>Salaries</i>	123,288	127,188	190,387	190,387	63,199
Water Enterprise Fund Allocation	(2,588)	(3,402)	(3,651)	(3,651)	(249)
Sewer Enterprise Fund Allocation	(2,588)	(1,701)	(1,826)	(1,826)	(125)
<i>Total Salaries Net of Allocations</i>	118,112	122,085	184,910	184,910	62,825
<i>Operating</i>	234,629	229,328	205,787	205,787	(23,541)
Water Enterprise Fund Allocation	-	(2,720)	(6,383)	(6,383)	(3,663)
Water Enterprise Fund Allocation	-	(1,360)	(3,192)	(3,192)	(1,832)
<i>Total Operating Net of Allocations</i>	234,629	225,248	196,212	196,212	(29,036)
<i>Capital Outlay</i>	-	-	45,000	-	-
Total Computer Services Budget	357,917	356,516	441,174	396,174	39,658
Total Computer Services Budget Net Allocations	352,741	347,333	426,122	381,122	33,789
Total General Government	1,809,936	2,038,378	2,150,768	2,105,768	67,390
Total General Government Net Allocations	1,779,878	2,003,417	2,109,852	2,064,852	61,435
Finance Department					
Accounting					
<i>Salaries</i>	236,592	258,173	248,294	248,294	(9,880)
Water Enterprise Fund Allocation	(5,947)	(6,454)	(6,207)	(6,207)	247
Sewer Enterprise Fund Allocation	(5,947)	(6,454)	(6,207)	(6,207)	247
<i>Total Salaries Net of Allocations</i>	224,698	245,265	235,880	235,880	(9,386)
<i>Operating</i>	222,628	214,302	216,952	216,952	2,650
Water Enterprise Fund Allocation	(4,650)	(5,358)	(5,424)	(5,424)	(66)
Sewer Enterprise Fund Allocation	(4,650)	(5,358)	(5,424)	(5,424)	(66)
<i>Total Operating Net of Allocations</i>	213,328	203,586	206,104	206,104	2,518
<i>Capital Outlay</i>	-	-	-	-	-
Total Accounting Budget	459,220	472,475	465,245	465,245	(7,230)
Total Accounting Budget Net Allocations	438,026	448,851	441,983	441,983	(6,868)

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
Assessor					
<i>Salaries</i>	303,058	333,138	341,705	341,705	8,567
<i>Operating</i>	72,530	91,003	98,652	98,652	7,649
<i>Capital Outlay</i>	-	-	-	-	-
Total Assessor Budget	375,588	424,141	440,357	440,357	16,216
Treasurer/Collector					
<i>Salaries</i>	404,839	442,752	384,519	384,519	(58,233)
Water Enterprise Fund Allocation	(26,238)	(29,762)	(24,735)	(24,735)	5,027
Sewer Enterprise Fund Allocation	(26,238)	(29,762)	(24,735)	(24,735)	5,027
<i>Total Salaries Net of Allocations</i>	352,363	383,228	335,049	335,049	(48,179)
<i>Operating</i>	78,916	85,345	85,345	85,345	-
Water Enterprise Fund Allocation	(8,912)	(8,535)	(8,535)	(8,535)	-
Sewer Enterprise Fund Allocation	(8,912)	(8,535)	(8,535)	(8,535)	-
<i>Total Operating Net of Allocations</i>	61,092	68,275	68,275	68,275	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Treasurer/Collector Budget	483,754	528,097	469,864	469,864	(58,233)
Total Treasurer/Collector Budget Net Allocations	413,454	451,503	403,324	403,324	(48,179)
Total Finance Department	1,318,562	1,424,713	1,375,466	1,375,466	(49,247)
Total Finance Department Net Allocations	1,227,068	1,324,495	1,285,664	1,285,664	(38,831)
Community Services					
Veteran's Services					
<i>Salaries</i>	93,477	129,260	131,766	131,766	2,506
<i>Operating</i>	244,133	282,870	273,420	273,420	(9,450)
<i>Capital Outlay</i>	-	-	-	-	-
Total Veteran's Budget	337,610	412,130	405,186	405,186	(6,944)
Community Events					
<i>Operating</i>	26,933	40,100	40,100	40,100	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Community Events Budget	26,933	40,100	40,100	40,100	-
Total Community Services	364,543	452,230	445,286	445,286	(6,944)

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
Council on Aging					
<i>Salaries</i>	253,406	300,224	307,436	307,436	7,212
<i>Operating</i>	174,589	154,474	161,605	161,605	7,131
<i>Capital Outlay</i>	-	59,000	-	-	(59,000)
Total Council on Aging Budget	427,995	513,698	469,041	469,041	(44,657)
Facilities					
Town Facilities and Grounds					
<i>Salaries</i>	292,917	334,750	331,856	331,856	(2,894)
<i>Operating</i>	292,594	229,765	232,648	232,648	2,883
<i>Capital Outlay</i>	-	34,236	-	-	(34,236)
Total Town Facilities and Grounds Budget	585,511	598,751	564,504	564,504	(34,247)
Town Hall					
<i>Salaries</i>	59,237	61,343	61,343	61,343	-
<i>Operating</i>	230,397	201,784	201,784	201,784	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Town Hall Budget	289,635	263,127	263,127	263,127	-
Total Facilities	875,146	861,878	827,630	827,630	(34,247)
Library					
<i>Salaries</i>	1,073,722	1,124,508	1,143,748	1,143,748	19,240
<i>Operating</i>	399,969	421,211	431,197	431,197	9,986
<i>Capital Outlay</i>	-	35,400	-	-	(35,400)
Total Library Budget	1,473,691	1,581,119	1,574,946	1,574,946	(6,173)
Planning and Development					
Planning (Community Development)					
<i>Salaries</i>	219,357	231,449	238,022	238,022	6,573
<i>Operating</i>	34,294	34,692	34,692	34,692	(0)
<i>Capital Outlay</i>	-	-	-	-	-
Total Community Development Budget	253,651	266,141	272,714	272,714	6,573

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
Building Department					
<i>Salaries</i>	353,126	368,970	343,146	343,146	(25,823)
<i>Operating</i>	15,370	10,309	13,009	13,009	2,700
<i>Capital Outlay</i>	-	-	-	-	-
Total Building Department Budget	368,496	379,279	356,155	356,155	(23,123)
Board of Health					
<i>Salaries</i>	300,181	302,462	307,334	307,334	4,872
<i>Operating</i>	24,937	20,755	21,465	21,465	710
<i>Capital Outlay</i>	-	-	-	-	-
Total Board of Health Budget	325,118	323,217	328,799	328,799	5,582
Total Planning and Development	947,265	968,637	957,668	957,668	(10,969)
Public Safety					
Police					
<i>Salaries</i>	7,377,066	7,480,705	7,733,615	7,480,478	(227)
<i>Operating</i>	916,636	927,199	940,867	940,867	13,668
<i>Capital Outlay</i>	396,498	358,204	420,284	404,784	46,580
Total Police Budget	8,690,200	8,766,108	9,094,766	8,826,129	60,021
Fire					
<i>Salaries</i>	5,822,985	6,120,926	6,309,176	6,309,176	188,250
<i>Operating</i>	811,288	571,194	567,583	567,583	(3,611)
<i>Capital Outlay</i>	-	45,778	-	-	(45,778)
Total Fire Budget	6,634,273	6,737,898	6,876,759	6,876,759	138,861
Emergency Management					
<i>Salaries</i>	-	-	-	-	-
<i>Operating</i>	-	-	-	-	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Emergency Mgt. Budget	-	-	-	-	-
Parking Clerk					
<i>Salaries</i>	4,000	4,000	4,000	4,000	-
<i>Operating</i>	144	1,200	1,200	1,200	-
<i>Capital Outlay</i>	-	-	-	-	-
Total Parking Clerk Budget	4,144	5,200	5,200	5,200	-
Total Public Safety Budget	15,328,617	15,509,206	15,976,725	15,708,088	198,882

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
School Departments					
Tewksbury					
Salaries	36,670,728	38,612,169	40,144,578	40,144,578	1,532,409
Operating	15,579,707	15,583,490	15,396,529	15,396,529	(186,961)
Capital Outlay	789,603	789,603	789,603	789,603	-
Total School Operating Budget	53,040,038	54,985,262	56,330,710	56,330,710	1,345,448
Offsets	-	-	-	-	-
Net School Operating Budget	53,040,038	54,985,262	56,330,710	56,330,710	1,345,448
Fixed Costs					
Health	8,287,594	8,692,226	9,478,233	9,478,233	786,007
Retirement	1,727,370	1,869,007	1,992,628	1,992,628	123,621
Medicare	550,186	505,975	577,695	577,695	71,720
Unemployment	9,097	50,000	50,000	50,000	-
Insurance	454,961	452,935	503,943	503,943	51,008
Principal	-	-	-	-	-
Long Term Interest	-	-	-	-	-
Short Term Interest	-	-	-	-	-
Total Fixed Costs	11,029,209	11,570,143	12,602,499	12,602,499	1,032,356
Town Tewksbury School Budget	64,069,247	66,555,405	68,933,209	68,933,209	2,377,804
Exempt School Debt Principal	4,195,000	4,210,000	4,230,000	4,230,000	20,000
Exempt School Exempt Interest	2,408,450	2,198,700	1,988,200	1,988,200	(210,500)
Shawsheen Regional Vocational School	7,369,366	8,018,527	8,585,726	8,585,726	567,199
Essex North Shore Agricultural and Tech. School District	77,961	87,408	117,947	117,947	30,539
Total School Departments	78,120,024	81,070,040	83,855,082	83,855,082	2,785,042
Department of Public Works					
DPW Administration					
<i>Salaries</i>					
Salaries	547,265	407,931	441,963	412,203	4,272
Water Enterprise Fund Allocation	(72,408)	(70,305)	(71,692)	(71,692)	(1,387)
Sewer Enterprise Fund Allocation	(72,408)	(70,305)	(71,692)	(71,692)	(1,387)
<i>Total Salaries Net of Allocations</i>	<i>402,449</i>	<i>267,321</i>	<i>298,579</i>	<i>268,819</i>	<i>1,498</i>
<i>Operating</i>					
Operating	129,986	140,585	144,306	144,306	3,721
Water Enterprise Fund Allocation	(35,035)	(35,146)	(36,077)	(36,077)	(931)
Sewer Enterprise Fund Allocation	(35,035)	(35,146)	(36,077)	(36,077)	(931)
<i>Total Operating Net of Allocations</i>	<i>59,916</i>	<i>70,293</i>	<i>72,152</i>	<i>72,152</i>	<i>1,859</i>
<i>Capital Outlay</i>					
Capital Outlay	-	-	-	-	-
Total DPW Administration Budget	677,251	548,516	586,269	556,509	7,993
Total DPW Administration Budget Net Allocations	462,365	337,614	370,731	340,971	3,357
DPW Engineering					
<i>Salaries</i>					
Salaries	478,519	536,701	536,370	536,370	(331)
Water Enterprise Fund Allocation	(172,301)	(179,297)	(172,723)	(172,723)	6,574
Sewer Enterprise Fund Allocation	(172,267)	(179,360)	(177,256)	(177,256)	2,104
<i>Total Salaries Net of Allocations</i>	<i>133,951</i>	<i>178,044</i>	<i>186,391</i>	<i>186,391</i>	<i>8,347</i>
<i>Operating</i>					
Operating	789,901	1,337,485	534,397	34,397	(1,303,088)
Water Enterprise Fund Allocation	(16,744)	(15,744)	(14,447)	(14,447)	1,297
Sewer Enterprise Fund Allocation	(13,555)	(12,745)	(11,695)	(11,695)	1,050
<i>Total Operating Net of Allocations</i>	<i>759,602</i>	<i>1,308,996</i>	<i>508,255</i>	<i>8,255</i>	<i>(1,300,741)</i>
<i>Capital Outlay</i>					
Capital Outlay	-	-	-	-	-
Total DPW Engineering Budget	1,268,420	1,874,186	1,070,767	570,767	(1,303,419)
Total DPW Engineering Budget Net Allocations	893,553	1,487,040	694,646	194,646	(1,292,394)

General Fund Budget Classification	FY2023 EXPENDED	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
DPW Highway					
<i>Salaries</i>	934,073	1,134,022	1,141,049	1,139,049	5,027
<i>Operating</i>	456,074	408,875	449,760	374,560	(34,315)
<i>Capital Outlay</i>	-	-	-	-	-
Total DPW Highway Budget	1,390,147	1,542,897	1,590,809	1,513,609	(29,288)
DPW Forestry					
<i>Salaries</i>	-	-	-	-	-
<i>Operating</i>	130,182	132,460	141,650	141,650	9,190
<i>Capital Outlay</i>	-	-	-	-	-
Total DPW Forestry Budget	130,182	132,460	141,650	141,650	9,190
DPW Fleet Maintenance					
<i>Salaries</i>	327,022	343,511	345,008	344,258	747
Water Enterprise Fund Allocation	(54,021)	(58,594)	(59,099)	(59,099)	(505)
Sewer Enterprise Fund Allocation	(54,021)	(58,594)	(59,099)	(59,099)	(505)
<i>Total Salaries Net of Allocations</i>	218,980	226,323	226,810	226,060	(263)
<i>Operating</i>	577,533	717,580	689,800	689,800	(27,780)
Water Enterprise Fund Allocation	(60,007)	(77,436)	(75,938)	(75,938)	1,498
Sewer Enterprise Fund Allocation	(60,007)	(77,436)	(75,938)	(75,938)	1,498
<i>Total Operating Net of Allocations</i>	457,519	562,708	537,924	537,924	(24,784)
<i>Capital Outlay</i>	-	-	-	-	-
Total DPW Fleet Maint, Budget	904,556	1,061,091	1,034,808	1,034,058	(27,033)
Total DPW Fleet Maint, Budget Net Allocations	676,500	789,031	764,734	763,984	(25,047)
DPW Snow and Ice					
<i>Salaries</i>	152,840	95,000	95,000	95,000	-
<i>Operating</i>	493,407	161,000	161,000	161,000	-
<i>Capital Outlay</i>	-	-	-	-	-
Total DPW Snow and Ice Budget	646,247	256,000	256,000	256,000	-
Street Lighting					
<i>Operating</i>	73,239	72,750	72,750	72,750	-
Total Street Lighting Budget	73,239	72,750	72,750	72,750	-
Solid Waste					
<i>Operating</i>	3,055,293	3,438,814	3,562,069	3,562,069	123,255
Total Solid Waste Budget	3,055,293	3,438,814	3,562,069	3,562,069	123,255
Total DPW Budget	8,145,334	8,926,714	8,315,122	7,707,412	(1,219,302)
Total DPW Budget Net Allocations	7,327,525	8,056,606	7,453,389	6,845,679	(1,210,927)

General Fund Budget Classification	FY2023 EXPENDE	FY2024 BUDGETED	FY2025 DEPT REQ	FY2025 TM REC	BUDGET INC/DEC
Unclassified					
Non-Exempt Principal Maturing Debt	205,000	1,530,000	1,375,000	1,375,000	(155,000)
Non Exempt Interest-Maturing Debt	83,281	959,807	1,136,331	1,136,331	176,524
Interest-Temporary Loans	-	-	-	-	-
Exempt Principal Maturing Debt	3,772,500	3,935,000	4,055,000	4,055,000	120,000
Exempt Interest-Maturing Debt	1,148,994	960,369	763,619	763,619	(196,750)
<i>Middlesex Retirement Assmt.</i>	8,058,670	9,063,541	9,664,114	9,664,114	600,573
Water Enterprise Fund Allocation	(464,408)	(536,995)	(575,149)	(575,149)	(38,154)
Sewer Enterprise Fund Allocation	(86,065)	(52,951)	(56,540)	(56,540)	(3,589)
Cable Enterprise Fund Allocation	(13,445)	(14,096)	(14,552)	(14,552)	(456)
<i>Total Retirement</i>	7,494,752	8,459,499	9,017,873	9,017,873	558,374
Occupational Injury Reserve	125,000	125,000	125,000	125,000	-
Unemployment Compensation	9,097	10,000	10,000	10,000	-
<i>Group Insurance</i>	4,835,684	5,501,871	5,879,093	5,879,093	377,222
Water Enterprise Fund Allocation	(368,885)	(371,401)	(450,853)	(450,853)	(79,452)
Sewer Enterprise Fund Allocation	(127,887)	(141,131)	(158,226)	(158,226)	(17,095)
Cable Enterprise Fund Allocation	(16,176)	(16,930)	(18,246)	(18,246)	(1,316)
<i>Total Group Insurance</i>	4,322,736	4,972,409	5,251,768	5,251,768	279,359
<i>Medicare Tax</i>	337,321	329,194	354,187	354,187	24,993
Water Enterprise Fund Allocation	(24,511)	(28,411)	(31,301)	(31,301)	(2,890)
Sewer Enterprise Fund Allocation	(8,660)	(9,646)	(11,668)	(11,668)	(2,022)
Cable Enterprise Fund Allocation	(2,683)	(2,830)	(2,913)	(2,913)	(83)
<i>Total Medicare Tax</i>	301,467	288,307	308,305	308,305	19,998
Other-Post Employment Benefits	650,000	650,000	650,000	650,000	-
<i>Property and Liability Insurance</i>	617,011	743,322	754,510	754,510	11,188
Water Enterprise Fund Allocation	(103,061)	(117,324)	(127,686)	(127,686)	(10,362)
Sewer Enterprise Fund Allocation	(28,521)	(32,736)	(31,852)	(31,852)	884
<i>Total Property and Liability</i>	485,429	593,262	594,972	594,972	1,710
<i>North Middlesex Regional Emergency Communications Center</i>	-	490,809	632,515	632,515	141,706
Total Unclassified Budget	19,842,559	24,298,913	25,399,369	25,399,369	1,100,456
Total Unclassified Budget Net Allocations	18,598,257	22,974,462	23,920,383	23,920,383	945,921
Total Budget Before Transfers, Allocations and Offsets	128,653,672	137,645,526	141,347,103	140,425,756	2,780,230
Total Budget Before Transfers Net Allocations/Offsets	126,470,009	135,315,788	138,875,666	137,954,319	2,638,531
Transfers					
To the Sewer Enterprise Fund	-	-	-	-	-
To the Water Enterprise Fund	-	-	-	-	-
Special Revenue	-	-	-	-	-
Town Trust Funds	-	-	-	-	-
Total Transfers	-	-	-	-	-
ATM General Fund Budget	126,470,009	135,315,788	138,875,666	137,954,319	2,638,531

Town Manager

Executive Summary: The purpose of this article is to fund the General Fund Budget for Fiscal Year 2025

ARTICLE 5

To see if the Town will vote to raise and appropriate the sum of money needed to fund and implement the Collective Bargaining Agreement between the Town and the Tewksbury Massachusetts Police Patrolman's Association (NEPBA) beginning July 1, 2024; or take any other action relative thereto.

Town Manager

Executive Summary: The intent of this article is to appropriate or transfer funds for a new labor agreement with the Tewksbury Massachusetts Police Patrolman's Association (NEPBA) and implement the labor agreement and distribute funds in Fiscal Year 2025.

ARTICLE 6

To see if the Town will vote to raise and appropriate the sum of money needed to fund and implement the Collective Bargaining Agreement between the Town and the Tewksbury Police Department Superior Officers beginning July 1, 2024; or take any other action relative thereto.

Town Manager

Executive Summary: The intent of this article is to appropriate or transfer funds for a new labor agreement with the Tewksbury Police Department Superior Officers and implement the labor agreement and distribute funds in Fiscal Year 2025.

ARTICLE 7

To see if the Town will vote to raise and appropriate the sum of money needed to fund and implement the Collective Bargaining Agreement between the Town and the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 beginning July 1, 2024; or take any other action relative thereto.

Town Manager

Executive Summary: The intent of this article is to appropriate funds for a new labor agreement with the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 and implement the labor agreement and distribute funds in Fiscal Year 2025.

ARTICLE 8

To see if the Town will vote to raise and appropriate the sum of money needed to fund and implement the Collective Bargaining Agreement between the Town and Local 833, the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) beginning July 1, 2024; or take any other action relative thereto.

Town Manager

Executive Summary: The intent of this article is to appropriate or transfer funds for a new labor agreement with Local 833, the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) and implement the labor agreement and distribute funds in Fiscal Year 2025.

ARTICLE 9

To see if the Town will vote to raise and appropriate and transfer from available funds a sum of \$7,152,397 to be expended by the Town Manager to operate the Sewer Enterprise Fund; or take any other action relative thereto.

FISCAL YEAR 2025 PROPOSED BUDGET

<u>Direct Expenses</u>	<u>FY23 Expended</u>	<u>FY24 Approved</u>	<u>FY25 Recommended</u>	<u>Inc(Dec)</u>
Salaries	422,295	423,418	386,967	(36,451)
Expenses	326,022	447,488	447,060	(428)
Capital Outlay	-	-	-	-
Lowell Sewer	1,629,787	1,847,800	1,940,190	92,390
Reserve Fund	-	60,000	60,000	-
Occupational Health	10,000	10,000	10,000	-
Other Post Employment Benefits	38,785	6,935	7,142	207
Debt	<u>3,703,896</u>	<u>3,577,894</u>	<u>3,548,144</u>	<u>(29,750)</u>
Subtotal	6,130,785	6,373,535	6,399,503	25,968
				-
<u>Indirect Expenses</u>				
Town Manager	10,356	10,615	10,615	-
Accounting	10,597	11,812	11,631	(181)
Computer Services	2,588	3,061	5,018	1,957
Treasurer/Collector	35,150	38,297	33,270	(5,027)
Human Resources	2,085	2,274	2,317	43
Dept. of Public Works	407,293	433,586	431,757	(1,829)
Group Insurance	127,887	141,131	158,226	17,095
Retirement	86,065	52,951	56,540	3,589
Medicare	8,660	9,646	11,668	2,022
Property and Liability Insurance	<u>28,521</u>	<u>32,736</u>	<u>31,852</u>	<u>(884)</u>
Subtotal	719,202	736,109	752,894	16,785
<u>Capital Expenditures</u>	-	-	-	-
Total Appropriation	6,849,987	7,109,644	7,152,397	42,753
				-
<u>Projected Sewer Revenue</u>	<u>FY23 Collected</u>	<u>FY24 Projected</u>	<u>FY25 Projected</u>	<u>Inc(Dec)</u>
User Fees	6,664,051	5,894,094	5,935,815	41,722
All Sewer Liens/Interest/Fees	274,155	250,000	175,000	(75,000)
Connection Fees	122,200	108,753	108,929	176
All Other	38,239	25,000	100,000	75,000
Retained Earnings	750,000	880,000	870,000	(10,000)
Transfer From General Fund	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Revenue	7,848,645	7,157,847	7,189,744	31,898
				-
Operating Deficit/Surplus	998,658	48,202	37,347	(10,856)

Town Manager

Executive Summary: The purpose of this article is to fund the Sewer Enterprise Fund for Fiscal Year 2025.

ARTICLE 10

To see if the Town will vote to raise and appropriate a sum of \$8,744,543 to be expended by the Town Manager to operate the Water Enterprise Fund; or take any action relative thereto.

**TOWN OF TEWKSBURY
WATER ENTERPRISE FUND
FISCAL YEAR 2025 PROPOSED BUDGET**

	<u>FY23 Expended</u>	<u>FY24 Approved</u>	<u>FY25 Recommended</u>	<u>Inc(Dec)</u>
Salaries	1,523,333	1,828,004	1,817,811	(10,192)
Expenses	1,731,389	1,911,416	1,979,861	68,445
Capital Outlay	-	200,000	-	(200,000)
Reserve Fund	-	25,000	25,000	-
Occupational Health	-	20,000	20,000	-
Other Post Employment Benefits	163,947	52,013	53,564	1,551
Debt	2,492,485	2,586,275	3,165,475	579,200
Subtotal	5,911,154	6,622,707	7,061,711	439,004
<u>Indirect Expenses</u>				
Town Manager	10,356	10,615	10,615	-
Accounting	10,597	11,812	11,631	(181)
Computer Services	2,588	6,122	10,034	3,912
Treasurer/Collector	35,150	38,297	33,270	(5,027)
Human Resources	2,085	2,274	2,317	43
Dept. of Public Works	410,516	436,522	429,976	(6,546)
Group Insurance	368,885	371,401	450,853	79,452
Retirement	464,408	536,995	575,149	38,154
Medicare	24,511	28,411	31,301	2,890
Property and Liability	103,061	117,324	127,686	10,362
Subtotal	1,432,157	1,559,773	1,682,832	123,059
<u>Capital Expenditures</u>				
	-	-	-	-
Total Appropriation	7,343,311	8,182,480	8,744,543	562,063
<u>Projected Water Revenue</u>				
	<u>FY23 Collected</u>	<u>FY24 Projected</u>	<u>FY25 Projected</u>	<u>Inc(Dec)</u>
User Fees	8,346,154	7,670,552	8,462,965	792,413
Water Liens	23,519	400,000	275,000	(125,000)
All Other Fees	193,925	150,000	150,000	-
Investment Income	139,915	-	-	-
Total Revenue	8,703,513	8,220,552	8,887,965	667,413
Operating Deficit/Surplus	1,360,202	38,072	143,422	105,350

Town Manager

Executive Summary: The purpose of this article is to fund the Water Enterprise Fund for Fiscal Year 2025.

ARTICLE 11

To see if the Town will vote to raise and appropriate a sum of \$722,225 to be expended by the Town Manager to operate the Stormwater Enterprise Fund; or take any action relative thereto.

**TOWN OF TEWKSBURY
STORMWATER ENTERPRISE FUND
FISCAL YEAR 2025 PROPOSED BUDGET**

<u>Direct Expenses</u>	<u>FY23 Expended</u>	<u>FY24 Approved</u>	<u>FY25 Recommended</u>	<u>Inc(Dec)</u>
Salaries	-	-	-	-
Expenses	506,934	586,200	697,225	111,025
Capital Outlay	620,669	-	-	-
Reserve Fund	-	25,000	25,000	-
Subtotal	<u>1,127,602</u>	<u>611,200</u>	<u>722,225</u>	<u>111,025</u>
<u>Indirect Expenses</u>				
Subtotal	-	-	-	-
Capital Expenditures	-	-	-	-
Total Appropriation	1,127,602	611,200	722,225	111,025
				-
<u>Projected Stormwater Revenue</u>	<u>FY23 Collected</u>	<u>FY24 Projected</u>	<u>FY24 Projected</u>	<u>Inc(Dec)</u>
User Fees	<u>1,191,910</u>	<u>1,139,307</u>	<u>1,158,846</u>	<u>19,539</u>
Total Revenue	1,191,910	1,139,307	1,158,846	19,539
				-
Operating Deficit/Surplus	64,308	528,107	436,621	(91,486)

Town Manager

Executive Summary: The purpose of this article is to fund the Stormwater Enterprise Fund for Fiscal Year 2025.

ARTICLE 12

To see if the Town will vote to raise and appropriate a sum of \$424,523 to be expended by the Town Manager to operate the Cable TV Enterprise Fund; or take any action relative thereto.

**TOWN OF TEWKSBURY
CABLE TV ENTERPRISE FUND
FISCAL YEAR 2025 PROPOSED BUDGET**

<u>Direct Expenses</u>	<u>FY23 Expended</u>	<u>FY24 Approved</u>	<u>Y25 Recommended</u>	<u>Inc(Dec)</u>
Salaries	176,573	202,397	208,820	6,423
Expenses	62,088	104,850	96,850	(8,000)
Capital Outlay	229,500	30,000	48,000	18,000
Reserve Fund	50,000	25,000	25,000	-
Occupational Health	3,000	3,000	3,000	-
Other Post Employment Benefits	6,200	6,935	7,142	207
Debt	-	-	-	-
Subtotal	<u>527,361</u>	<u>372,182</u>	<u>388,812</u>	<u>16,630</u>
<u>Indirect Expenses</u>				
Group Insurance	16,176	16,930	18,246	1,316
Retirement	13,445	14,096	14,552	456
Medicare	2,683	2,830	2,913	83
Property and Liability Insurance	-	-	-	-
Subtotal	<u>32,304</u>	<u>33,856</u>	<u>35,711</u>	<u>1,855</u>
<u>Capital Expenses</u>	-	-	-	-
Total Appropriation	559,665	406,038	424,523	18,485
<u>Projected Cable TV Revenue</u>	<u>FY23 Collected</u>	<u>FY24 Projected</u>	<u>FY24 Projected</u>	<u>Inc(Dec)</u>
Cable Franchise Fees	627,243	600,000	600,000	
All Other Fees	-	-	-	-
Total Revenue	<u>627,243</u>	<u>600,000</u>	<u>600,000</u>	<u>-</u>
<i>Operating Deficit/Surplus</i>	<i>67,579</i>	<i>193,962</i>	<i>175,477</i>	<i>(18,485)</i>

Town Manager

Executive Summary: The purpose of this article is to fund the Cable TV Enterprise Fund for Fiscal Year 2025.

ARTICLE 13

To see if the Town will vote to transfer from the Stabilization Fund a sum of \$1,354,223 to be expended by the Town Manager for the following purposes; or take any action relative thereto.

DPW

Ford F-350 shared with Highway, Water and Sewer Divisions	50,000
Ford F-550 Dump w/plow package Highway Division	130,000
Ford F-350 Highway Division	100,000
Sidewalk Construction	250,000
Total DPW	530,000

Fire

New Ambulance and Equipment	450,000
Vehicle Extrication Tools	35,000
Administration Vehicle	75,000
Total Fire	560,000

Police Department

New UAS Drone	15,000
Total Police	15,000

Computer Services

WIFI Town Buildings and New Door Access Controls Town Hall and Annex	45,000
Total Computer Services	45,000

Facilities and Grounds

Police Department Upgrades	113,923
Town Hall and Town Hall Annex	21,300
Recreation Building Upgrades	69,000
Total Facilities and Grounds	204,223

Total **1,354,223**

Town Manager

Executive Summary: This article allows the Town to utilize funds from the Stabilization Fund for capital equipment and improvements and one-time expenditures. This article only has the General Funds share of the cost items shared with the Water and Sewer Enterprise Funds. The total cost of the Ford F-350 is \$100,000. The balance for each is being shared with the Water and Sewer Enterprise Funds.

ARTICLE 14

To see if the Town will vote to transfer from the Stabilization Fund a sum of \$5,568,000 to be expended by the Town Manager for the following purposes; or take any action relative thereto.

School Department

HVAC Wynn Middle School	2,500,000
School Building Renovations and Upgrades and HVAC Installation	3,000,000
Maintenance Truck with plow	68,000
Total School Department	5,568,000

Town Manager

Executive Summary: This article allows the School Department to utilize funds from the Stabilization Fund for School capital equipment, facility improvements and one-time expenditures.

ARTICLE 15

To see if the Town will vote to transfer the sum of \$525,000 from Sewer Enterprise Fund Retained Earnings to be expended by the Town Manager for various purposes; or take any action relative thereto.

Ford F-350 shared with Highway and Sewer Divisions	25,000
Ford F-350 shared with Water and Sewer Divisions	50,000
Inflow and Infiltration Control	50,000
Pump Station Improvements	<u>400,000</u>
Total	525,000

Town Manager

Executive Summary: This article utilizes funds from Sewer Retained Earnings for capital equipment and improvements. This article only has Sewer Retained Earnings' share of the cost for those items. The total cost of the two Ford F-350 vehicles is \$100,000 each. The balance for each is being shared either with the Water Retained Earnings and/or Stabilization Fund.

ARTICLE 16

To see if the Town will vote to transfer the sum of \$625,000 from Water Enterprise Fund Retained Earnings to be expended by the Town Manager for various purposes; or take any action relative thereto.

Ford F-350 shared with Highway and Sewer Divisions	25,000
Ford F-350 shared with Water and Sewer Divisions	50,000
Hydrant Replacement/Installation Program	150,000
Water Treatment Plant Upgrades Replace 2 Raw and Finish Water Pumps	<u>400,000</u>
Total	625,000

Town Manager

Executive Summary: This article utilizes funds from Water Retained Earnings for Capital Equipment and Improvements. The cost of this article only has Water Retained Earnings' share of the cost for those items. The total cost of the two Ford F-350 vehicles is \$100,000 each. The balance for each is being shared either with the Sewer Retained Earnings and/or Stabilization Fund.

ARTICLE 17

To see if the Town will vote to raise and appropriate from the Stormwater Enterprise Fund a sum of \$425,000 to be expended by the Town Manager for various purposes; or take any action relative thereto.

Drainage Improvements and Upgrades	250,000
Project Development	<u>175,000</u>
Total	425,000

Town Manager

Executive Summary: This article raises and appropriates funds from the Stormwater Enterprise Fund for capital equipment and improvements.

ARTICLE 18

To see if the Town will vote to appropriate the sum of \$5,400,000 to be expended by the Town Manager for the cost of installing and replacing waterlines in the Town, and including the payment of all costs incidental and related thereto and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, and, if by borrowing, the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(5) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; or take any action relative thereto. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: That the Town hereby appropriates the sum of \$5,400,000, for the cost of installing and replacing waterlines in the Town, and for the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(5) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds for the cost to install and replace waterlines in the Town.

ARTICLE 19

To see if the Town will vote to appropriate the sum of \$1,500,000 to be expended by the Town Manager for the cost of purchasing and installing water meters and/or water meter components, and including the payment of all costs incidental and related thereto and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing, and, if by borrowing, the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(6) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; or take any action relative thereto. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion: That the Town hereby appropriates the sum of \$1,500,000, for the cost of purchasing and installing water meters and/or water meter components in the Town, and for the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(6) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds for the cost to install and replace waterlines in the Town.

ARTICLE 20

To see if the Town will vote to transfer from Bond Premiums the sum of \$36,283 to reduce Town Exempt Debt Principal; or take any action relative thereto.

Town Manager

Executive Summary: This article transfers funds available from Bond Premiums to reduce the amount of Exempt Debt Service Principal.

ARTICLE 21

To see if the Town will vote to appropriate the sum of \$500,000 from the Community Preservation Fund Open Space Reserve for the design and construction of boardwalks at the Chandler Well Field pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended by the Town Manager; or to take any other action thereto.

Community Preservation Committee

Executive Summary: This article will fund the design and construction of boardwalks at the Chandler Well Field.

ARTICLE 22

To see if the Town will vote to appropriate the sum of \$30,000 from the Community Preservation Fund Open Space Reserve for the removal and disposal of former pump station structures and equipment on Town open space land pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended by the Town Manager; or to take any other action thereto.

Community Preservation Committee

Executive Summary: This funding will fund the removal and disposal of former pump station structures and equipment on Town open space land.

ARTICLE 23

To see if the Town will vote to appropriate the sum of \$200,000 from the Community Preservation Fund Undesignated Reserve for the purpose of designing upgrades and renovations to the Ella Flemings School pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended by the Town Manager; or to take any other action thereto.

Community Preservation Committee

Executive Summary: This funding will allow for design of upgrades and renovations to the Ella Flemings School.

ARTICLE 24

To see if the Town will vote to approve the FY2025 Affordable Housing Trust Fund Allocation Plan as follows:

<u>ALLOCATION PLAN</u>	<u>for FY2025</u>
Starting Trust Balance:	\$5,822,630
Total Available Funds FY25:	\$5,822,630
Expenses:	
Creation of New Units/ Buy down of Existing Units;	\$5,822,630
Total Projected Expenses for FY25;	\$5,822,630

Town Manager

Executive Summary: According to Chapter 105 of the Acts of 2003, the Tewksbury Affordable Housing Trust Fund is to have an allocation submitted to and approved at the Annual Town Meeting. The FY2025 allocation plan meets the expenditure requirements of the Special Act.

ARTICLE 25

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2025, with each item to be considered a separate appropriation; or take any other action related thereto.

<u>Appropriations:</u>	
Administrative Costs	\$55,414
<u>Reserves:</u>	
Open Space	\$110,827
Community Housing	\$110,827
Historic Preservation	-----
FY2025 Budgeted Reserve	\$831,000

Community Preservation Committee

Executive Summary: Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or reserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing. FY2025 Historic 10% Reserve will be achieved with the Town Hall Rehabilitation Bond payment. The total CPA Estimated FY25 revenue is \$1,108,271.

ARTICLE 26

To see if the Town will vote to authorize the Select Board to sell all or a portion of the following parcels of land; or take any other action relative thereto.

<u>Address</u>	<u>Assessors Map and Block</u>	<u>Parcel Acreage</u>	<u>Parcel Square Footage</u>	<u>Current Assessed Value</u>
Delaware Road	81-193	0.38	16,553	21,100
Georgia Road	81-119	0.05	2,178	9,300

Town Manager

Executive Summary: This article would allow for the sale of these parcels of land in accordance with the Town Bylaw.

ARTICLE 27

To see if the Town will vote to authorize the Select Board to grant or accept easements in conjunction with DPW projects from July 1, 2024, through June 30, 2025.

Town Manager

Executive Summary: This article allows the Select Board to accept or grant easements in conjunction with DPW projects to prevent such projects from being delayed.

ARTICLE 28

To see if the Town will vote to authorize the Select Board to accept an easement from the Board of Trustees of the Pine Hill Cemetery Harvard Medical School, 260 Longwood Ave., Boston, MA. 02110, Map 44 lot 111 for the purpose of accessing a portion of land to construct a trail or boardwalk for the Chandler Wellfield or take any other action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town to accept access easements on land privately owned that abuts the Chandler Wellfield.

ARTICLE 29

To see if the Town will vote to transfer to the Tewksbury Conservation Commission, to be held under the care, custody and control of the Conservation Commission for conservation purposes, for the promotion and development of natural resources, and for the protection of the watershed resources of the Town of Tewksbury, under the provisions of M.G.L. c. 40 §8C, as it may hereafter be amended and of Article XCVII (97) of the Articles of the amendments to Massachusetts Constitution, the following parcels of land:

<u>Address</u>	<u>Assessors Map and Block</u>	<u>Parcel Acreage</u>	<u>Parcel Designation Use</u>
Melrose Ave	3-16	0.06	Conservation
Melrose Ave	3-22	1.2	Conservation
61 Cynthia Road/Behind	84-17	7	Conservation

And, further, to authorize the Select Board to petition each branch of the General Court to enact such laws as required by said Article XCVII (97) or take any other action relative thereto.

Town Manager

Executive Summary: The purpose is to place the parcels under the control of the Conservation Commission to promote and protect in perpetuity watershed resources, open space, and wildlife habitat.

ARTICLE 30

To see if the Town will vote to transfer the care, custody, management, and control of the North Street Elementary School located at 133 North Street, from the School Committee and School Department to the Select Board; or take any other action relative thereto.

Town Manager

Executive Summary: This article will transfer control of the North Street Elementary School from the School Department to the Town.

ARTICLE 31

To determine whether the Town of Tewksbury will vote to approve the Shawsheen Valley Regional Vocational/Technical School District Committee's vote on December 19, 2023 to establish a Stabilization Fund, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund; or take any other action relative thereto.

Shawsheen Valley Regional Vocational/Technical School Committee

Executive Summary: This article will create a Shawsheen Valley Regional Vocational/Technical School District Stabilization Fund.

ARTICLE 32

To see if the Town will vote to authorize the Select Board to file with the Great and General Court of the Commonwealth of Massachusetts a Home Rule Petition to revise the deed restriction on a parcel located on Chandler Street, East Street and Livingston Street, in the Town of Tewksbury, in Middlesex County, Massachusetts, containing fifteen (15) acres, more or less, more particularly described on a plan entitled "Plan of Land in Tewksbury, Mass. Prepared for Commonwealth of Massachusetts", dated July 23, 1997 reviewed February 11, 1998, and prepared by Troy, Mede & Associates. Current deed is recorded at the Middlesex North District Registry of Deeds, Book 10054, Page 110.

SECTION 2. This act shall take effect upon its passage.

Further, to authorize the General Court to make changes of form only to this Home Rule Petition unless the Select Board authorizes any changes that are within the scope, intent, and public purposes of this Home Rule Petition, and to authorize the Board to approve such changes.

Town Manager

Executive Summary: This article seeks a Home Rule Petition to revise the deed restriction on a parcel located on Chandler Street, East Street and Livingston Street.

ARTICLE 33

To see if the Town will vote to amend the Town Code: Chapter 18.04 Conservation Commission Wetland Protection by deleting it in its entirety and replacing as follows; or take any other action relative thereto:

Chapter 18.04

CONSERVATION COMMISSION WETLANDS PROTECTION

Sections:

18.04.010 Purpose.

18.04.020 Definitions.

18.04.030 Jurisdiction.

18.04.040 Exemptions.

18.04.050 Buffer Zone Limitations.

18.04.060 Waiver.

18.04.070 Applications and Fees.

18.04.080 Notice and Hearings.

18.04.090 Permits and Conditions.

18.04.100 Coordination with Other Boards.

18.04.110 Modifications.

18.04.120 Registry of Deeds.

18.04.130 Certification of Compliance.

18.04.140 Regulations.

18.04.150 Enforcement.

18.04.160 Burden of proof.

18.04.170 Relation to the Wetland Protection Act.

18.04.180 Performance Guarantee.

18.04.190 Appeal.

18.04.200 Amendments.

18.04.210 Penalties.

18.04.220 Severability.

18.04.010: Purpose

The purpose of the Tewksbury Wetland Protection Bylaw (“Bylaw”) is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Tewksbury (“Town”) by controlling activities deemed by the Tewksbury Conservation Commission (the “Commission”) likely to have a significant or cumulative effect on Resource Area Values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, prevention and control of

pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community.

This Bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (M.G.L. Ch.131 §40; the "Act") to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (i.e., 310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant Bylaws of the Town.

18.04.020: Definitions

The following definitions shall apply in the interpretation and implementation of this Bylaw. Except as otherwise provided herein or in the Commission's regulations, the definitions of terms shall be as set forth in the Act and 310 CMR 10.00.

Abutter: means the owner of any property – including owners of land directly opposite on any public or private street or way, in addition to properties in another municipality or across a body of water – any portions of which lies within 100 feet radially from the Project Locus.

Alter: includes, without limitation, the following activities, whether temporary or permanent, when taken to, upon or within, or when they affect Resource Areas protected by this Bylaw:

- (1) Removing, excavating, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (2) Changing pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (3) Draining or otherwise disturbing the ground or surface water level or water table;
- (4) Dumping, discharging, or filling with any material which may degrade water quality;
- (5) Placing or removing of fill or other material, which would alter the elevation or land surface;
- (6) Driving piles, erecting or repairing buildings (residential or commercial) or structures that causes soil disturbance;
- (7) Placing of obstructions in water, whether or not they interfere with the flow of water;
- (8) Changing water temperature, biochemical oxygen demand, or any other physical, biological, or chemical characteristics of the water;
- (9) Destroying plant life, including cutting trees and shrubs;
- (10) Conducting any work or activity which may cause or tend to contribute to pollution of any body of water or groundwater;
- (11) Applying pesticides or herbicides;
- (12) Any activities, changes or work which cause alteration of wildlife habitat;
- (13) Any activities, changes or works which pollute or cause displacement of any body of water or groundwater; and
- (14) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.

Buffer Zone: means the land located within 200 feet from the outer boundary of any potential or certified Vernal Pools and the land located within 100 feet from the outer boundary of any:

- (1) Bordering freshwater wetlands, isolated freshwater wetlands, wet meadows, marshes, swaps, or bogs;
- (2) Intermittent streams, brooks, and creeks;
- (3) Ponds and lakes; and
- (4) Banks

Commission: means the Tewksbury Conservation Commission.

Department: means the Massachusetts Department of Environmental Protection (DEP).

No Build Zone: means that portion of the Buffer Zone upgradient of the No Disturb Zone and extending to a line fifty feet (50') from the edge of those Resource Areas incorporated into the definition of Buffer Zone, contiguous or intermittent, with a defined dimension, subject to restriction, defined in this Bylaw.

No Disturb Zone: means that portion of the Buffer Zone which extends twenty-five feet (25') from the edge of those Resource Areas incorporated into the definition of Buffer Zone, continuous or intermittent, with a defined dimension, subject to restriction, defined in this Bylaw.

Person: means an entity which includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, a municipality, and any other legal entity, its legal representatives, agents or assigns.

Ponds:

- (1) Shall include any substantially open body of fresh water with a surface area observed or recorded, within ten years prior to the date of application, of at least 5,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For the purposes of this definition, extended drought shall be defined at 310 CMR 10.00 as it may be amended.
- (2) Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds: swimming pools or other impervious man-made basins.

Project Locus: means the property boundaries of the lot(s) on which an applicant proposes to perform an activity subject to the Bylaw, or in the case of a Notice of Intent application proposing work within a public roadway or easement, Project Locus shall mean the spatial extent of proposed activities that meet the definition of Alter herein within said roadway or easement.

Quorum: A majority of the Commission members in office.

Rare Species: means, without limitations, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife.

Resource Areas: include any natural or created bordering/isolated freshwater wetlands, marshes, wet meadows, bogs, swamps, lakes, ponds (natural or created), rivers, streams, banks, vernal pools, Land Under Water and Waterways, Riverfront Area, and Bordering/Isolated Land Subject to Flooding. Note that section 18.04.040(5) of the Bylaw shall be deferred to regarding whether a stormwater management system by itself may constitute a jurisdictional Resource Area or Buffer Zone.

Resource Area Values: include public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values deemed important to the community.

Structure: shall mean a combination of materials assembled at a fixed location to give support or shelter such as a building, house, barn, garage, or shed. The word "Structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". However, in reference to the No Build Zone, "Structure" shall not include fences, retaining walls, decks, patios, lawn furniture, children's toys such as sandboxes and swing-sets, rip-rapped areas, driveways, parking

areas, or the like. Additionally, sheds and gazebos shall not be included in the definition of “Structure” in reference to the No Build Zone provided that they have a floor area of 120 square feet or less. This definition is not meant to be extended to how the term “Structure” is used for agricultural exemptions in Section 18.04.040 of the Bylaw.

Vernal Pools: means a confined depression which provides habitat for vernal pool species, whether or not certified by the Massachusetts Natural Heritage program. Vernal pool species are those vertebrate and invertebrate species listed in the January 1991 edition of Massachusetts Audubon Society's “A Citizen's Step-by-Step guide to Protecting Vernal Pools”. In addition to the scientific definitions found in the Act’s regulations, any confined basin or depression not occurring in existing lawns or driveways that, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contain at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife, and regardless of whether the site is contained within another resource area shall be defined as a vernal pool. The adjacent upland buffer zone resource area for vernal pools shall extend 200 feet outward from the mean annual high-water line defining the depression.

18.04.030: Jurisdiction

No person shall alter, dredge, fill, degrade, discharge into, and/or remove the following local Resource Areas within the Town except as permitted by the Commission:

- (1) Any bordering freshwater wetlands, isolated freshwater wetlands, wet meadows, marshes, swaps, bogs, intermittent streams, brooks, creeks, ponds, lakes, and banks (banks of streams, ponds, lakes), in addition to lands within 100-feet of said Resource Areas;
- (2) Vernal Pools, in addition to lands within 200-feet of this Resource Area;
- (3) Riverfront Area;
- (4) Land Under Waterbodies and Waterways; and
- (5) Bordering and Isolated Land Subject to Flooding;

18.04.040: Exemptions

- (1) Provided that written notice with suitable plans and a project narrative (if applicable) has been received and reviewed by the Commission prior to the commencement of work, the application and permit otherwise required by this Bylaw shall not be required for:
 - a. Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located building (residential/commercial) or facility used in the service of the public to provide electric, gas, water, sewer, telephone or other telecommunication services, provided said work utilizes the best practical measures to avoid or minimize impacts to Resource Areas outside the footprint of said structure or facility; and
 - b. Mosquito control projects when performed by the Commonwealth or political subdivision thereof.
- (2) The jurisdiction of the Bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Act’s regulations, found at 310 CMR 10.04.
- (3) Minor Activities, as defined in the Commission’s regulations, that occur only within the Buffer Zone and/or Riverfront Area, shall not be subject to the requirements of the Bylaw and the Commission’s regulations relative to obtaining a permit.
- (4) The application and permit required by this Bylaw shall not be required for emergency projects necessary for the protection of the health or safety of the public, provided that the work is performed by or has been ordered

to be performed by an agency of the Commonwealth or a political subdivision thereof, and provided that all the following conditions are met:

- a. Written notice has been given to the Commission prior to the commencement of work or within twenty-four (24) hours after commencement. In cases determined by the Commission to be extreme emergencies, verbal notice shall be provided within five (5) business days;
- b. The Commission or its agent certifies the work as an emergency project;
- c. The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and
- d. Within twenty-one (21) days of commencement of an emergency project, the Commission may require the filing of an application for permit.

Upon failure to meet these conditions, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

- (5) Notwithstanding Section 18.04.030, stormwater management systems designed, constructed, installed, operated, maintained, and/or improved in accordance with the *Stormwater Management Policy (1996)* or 310 CMR 10.05(6)(k) through (q) do not by themselves constitute Resource Areas or Buffer Zone under this Bylaw, provided that:
 - a. The system was designed, constructed, installed, and/or improved on or after November 18, 1996; and
 - b. If the system was constructed in a Resource Area or Buffer Zone, the system was designed, constructed, and installed in accordance with all applicable provisions of the Bylaw.

If this citation is applicable to a proposed project, the applicant has the burden of proving that a subject stormwater management system meets the requirements outlined in Section 18.04.040(5) of this Bylaw.

18.04.050: Buffer Zone Limitations

- (1) The following limitations apply to the Buffer Zone identified in this Bylaw:
 - a. No Disturb Zone: Unless otherwise provided under the Bylaw herein, no alteration of Buffer Zone is permitted within 25-feet of the delineated edge of Resource Areas that are incorporated into the definition of Buffer Zone. Prohibited activities include, but are not limited to, grading, landscaping, vegetation clearing, cutting, filling excavating, road construction, and driveway construction. This standard has been adopted because the alteration of land immediately adjacent to a wetland is likely to result in the alteration of the wetland itself. Alterations typically result from extension of lawns, depositing/dumping of yard waste, over grading, siltation, deposition of construction debris, unregulated filling, and clearing of vegetation, all of which is prohibited.
 - b. No Build Zone: Unless otherwise provided under the Bylaw herein, no Structures are allowed to be built within 50-feet of the delineated edge of Resource Areas that are incorporated into the definition of Buffer Zone, with the following exceptions:
 - i. The cumulative area of Structures encroaching or within the No Build Zone of a lot is allowed to be no more than 10% of the total area representative of the No Build Zone within the lot where encroachment is proposed.
 - ii. Where the cumulative encroachment of Structures within a lot's No Build Zone is greater than 10% of the total area representative of the No Build Zone within the lot where encroachment is proposed, the Commission may approve of said encroachment provided that:

1. Buffer Zone within the lot is enhanced and/or restored at a minimum ratio in square feet of 1:1 and a maximum ratio in square feet of 2:1 of Buffer Zone enhancement/restoration to areas encroaching into the lot's No Build Zone which exceeds the 10% threshold outlined in Section 18.04.050(b)(ii).
2. For projects approved by the Commission under Section 18.04.050(b)(ii)(1), the Commission shall require that these areas of enhancement/restoration shall remain unaltered in perpetuity. Said requirement can be incorporated into a permit issued by the Commission and/or included as an ongoing condition upon issuance of a Certificate of Compliance.

18.04.060: Waiver

- (1) The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in this Bylaw or its regulations, provided that:
 - a. The Commission finds in writing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations;
 - b. That avoidance, minimization, and mitigation have been employed to the maximum extent feasible; and
 - c. That the waiver is necessary to accommodate an overriding public interest, or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
- (2) The Commission may waive the dimensional requirements of the No Disturb Zone and the No Build Zone where the Commission specifically finds, after the applicant has presented sufficient proof, that literal enforcement of the provision would involve demonstrated substantial hardship to an applicant, the applicant has demonstrated that no practicable alternative exists to comply with the No Disturb Zone and No Build Zone setbacks, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. The applicant has the burden of proof regarding whether their proposed project satisfies the requirements of this waiver.

18.04.070: Applications and Fees

- (1) Any person desiring to know whether a proposed activity or specific area is subject to this Bylaw, or whether a proposed activity will alter Resource Areas (regardless of whether the activity is proposed in a Resource Area or Buffer Zone), may in writing submit a Request for Determination of Applicability (RDA).
- (2) Unless otherwise stated herein, activities within Resource Areas or Buffer Zone that will alter or affect Resource Areas shall require a Notice of Intent (NOI) application to be submitted to the Commission.
- (3) An Abbreviated Notice of Resource Area Delineation (ANRAD) application may be filed, in writing, to the Commission to confirm the boundaries of Resource Areas within a particular location of interest.
- (4) The Commission in an appropriate case may accept as the application and plans under this Bylaw any corresponding application and plans filed under the Act and 310 CMR 10.00 but the Commission is not obliged to do so.
- (5) RDA, NOI, and ANRAD applications shall include such information and plans as are deemed necessary by the Commission to describe or confirm the location of nearby Resource Areas, the proposed activities and their effects on jurisdictional areas protected by the Bylaw, in addition to information necessary to demonstrate full compliance with the Bylaw and regulations promulgated thereunder.
- (6) At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fees are in addition to that required by the Act and 310 CMR 10.00. Pursuant to M.G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists, or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer,

who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission and the Commission's Agent. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the selectboard, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

18.04.080: Notice and Hearings

- (1) Any person filing a NOI or ANRAD with the Conservation Commission at the same time shall give written notice thereof, by hand delivery, certificate of mailing, and/or certified mail (return receipt requested), to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors within 100-feet radially of the Project Locus. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. Notice to abutters shall be made at least seven business days prior to the public hearing for the application. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission verifying that all applicable abutters were appropriately notified in accordance with the Bylaw. Said affidavit, in addition to copies of mailing receipts from abutter notifications obtained by the person filing the application, shall be provided to the Commission before the public hearing for the application.
- (2) The Commission shall conduct a public hearing on any NOI or ANRAD application with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed NOI or ANRAD application unless an extension is authorized in writing by the applicant and the public hearing shall be advertised in accordance with M.G.L. c. 39, § 23B. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in Section 18.04.100.
- (3) Within 21 days after the date of receipt of the Request for a Determination of Applicability, the Commission shall issue a Determination of Applicability (DOA). Notice of the time and place of the public meeting at which the Determination will be made shall be given by the Commission at the expense of the person making the request not less than five business days prior to such meeting, by publication in a newspaper of general circulation in the city or town in which the land is located, and by mailing a notice to the person making the request, the owner, the board of health, and the planning board of said city or town. Notice shall also be given in

accordance with the open meeting law, M.G.L. c. 39, § 23B. The DOA shall be signed by a majority of the Commission.

- (4) The Commission in its discretion may combine its public meeting and/or public hearing under the Bylaw or Tewksbury Wetland Protection Regulations (TWPR) with the public meeting and/or public hearing conducted under the Act and 310 CMR 10.00.

18.04.090: Permits and Conditions

- (1) The following permits are issued by the Conservation Commission: an Order of Conditions (OOC) is issued for a corresponding NOI application, a DOA is issued for a corresponding RDA application, and an Order of Resource Area Delineation (ORAD) is issued for a corresponding ANRAD application.
- (2) As per Section 18.04.080(3), within 21 days after the date of receipt of the Request for a Determination of Applicability, the Commission shall issue a DOA. The DOA shall represent a written determination by the Commission as to whether a proposed activity or specific area is subject to this Bylaw, or whether a proposed activity will alter Resource Areas (regardless of whether the activity is proposed in a Resource Area or Buffer Zone).
- (3) If the Commission, after a public hearing, determines that the activities which are the subject of a NOI application are likely to have a significant or cumulative effect upon the Resource Area Values protected by this Bylaw, the Commission, within twenty-one (21) days of the close of the hearing, shall issue an OOC that approves or denies the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities. If the Commission issues an OOC approving the proposed activities, the Commission shall impose conditions which the Commission deems necessary or desirable in order to protect the Resource Area Values, and all activities shall be done in accordance with those conditions.
- (4) Notwithstanding anything stated within the Bylaw herein, the Commission is empowered to deny a NOI application for failure to:
 - a. Meet the requirements of this Bylaw;
 - b. Submit the necessary information and plans requested by the Commission;
 - c. Meet the design specifications, performance standards and other requirements in the Commission's regulations;
 - d. Avoid, minimize, or mitigate unacceptable significant or cumulative effects upon the Resource Area Values protected by this Bylaw;
 - e. Pay all required fees; and/or
 - f. Where the Commission finds no conditions are adequate to protect the Resource Area Values. The Commission shall duly consider any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- (5) Within twenty-one (21) days of the close of the public hearing for an ANRAD application, the Commission shall issue an ORAD that represents the Commission's determination on whether Resource Areas subject to the ANRAD application have been identified and appropriately delineated, or whether modifications are necessary for the submitted delineations.
- (6) A DOA, OOC, or ORAD issued under the Bylaw shall expire three years from the date of issuance. Upon request, the Commission, in their discretion, may extend the expiration date of said DOA, OOC, or ORAD for one or more

periods of up to three years each. The request for an extension shall be made at least 30-days prior to the expiration of the DOA, OOC, or ORAD.

- (7) In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of other Resource Areas (where Resource Areas have an associated buffer zone) because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. This presumption shall apply unless the proponent proves by a preponderance of the credible evidence that either:
 - a. The Buffer Zone does not play a role in the protection of any of the wetland values of the Bylaw or;
 - b. The activity shall occur in such a manner that any potential adverse environmental impacts on any of the wetland values are avoided.
- (8) In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the Resource Area Values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the evidence that:
 - a. There is no practicable alternative to the proposed project with less adverse effects; and
 - b. That such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.
- (9) To prevent Resource Area loss, the Commission shall require applicants to avoid alteration wherever feasible, to minimize alteration, and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.
- (10) The Commission shall presume that all areas meeting the definition of “Vernal Pools” under this Bylaw, including lands within 200-feet of Vernal Pool boundaries, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Act’s regulations.
- (11) For good cause the Commission may revoke any DOA, OOC, or ORAD, or any other order, determination, or other decision issued under this Bylaw after a notice to the holder has been provided, in addition to satisfying the same notification requirements for the application of the issued permit being revoked, as set forth in Section 18.04.080. The holder of the permit being revoked must be notified at least two (2) weeks prior to the public meeting and/or public hearing.
- (12) The Commission in an appropriate case may combine the decision issued under this Bylaw with the DOA, OOC, ORAD, Certificate of Compliance (COC), or other determinations and decisions issued under the Act or the Act’s regulations.
- (13) At the time of a RDA, NOI, or ANRAD application, the applicant or requestor shall pay an application fee in accordance with Section 18.04.070 and, if necessary, a consultant fee (also in accordance with Section 18.04.070)

- (14) Where the Bylaw states that a DOA, OOC, or ORAD be issued by the Commission, the action to issue said DOA, OOC, or ORAD shall be taken by more than half the members present at a meeting of at least a quorum. Where the Bylaw states that a DOA, OOC, or ORAD be signed by a majority of the Commission, that action is to be taken by a majority of the members then in office, who need not convene as a body in order to sign, provided they met pursuant to the open meeting law, M.G.L. c. 39, §§ 23A through 23C, when voting on the matter. Where the Bylaw states that the Commission is to receive a request, application, or notice, the Commission shall mean in this context a member of the Commission or an individual designated by the Commission to receive such request, application, or notice.
- (15) To maintain the perpetual integrity of the protected Resource Areas defined within this Bylaw and their associated Buffer Zones, the Commission may include conditions within a DOA or OOC to install permanent signage along the boundaries of said Resource Areas or within their Buffer Zones (e.g., along the No Disturb Zone or No Build Zone boundary), at the applicant's expense.

18.04.100: Coordination with Other Boards

- (1) The Commission may solicit the advice and opinions of appropriate boards, departments, and Town officials. Each shall be entitled to file written comments and recommendations with the Commission at least three days before the hearing. The Commission shall take these comments and recommendations into account but may not be bound by them. The applicant shall have the right to receive any such comments and recommendations and respond to them at the hearing.

18.04.110: Modifications

- (1) If the applicant proposes to make significant changes in the Commission's originally approved plans, the applicant shall submit the amended plans to the Commission. The Commission, in its discretion, if it deems the amendments to the plan significant, may require the filing of a new application for permit or an application to amend an existing permit. An application to amend an existing permit follows the same procedures as was necessary for the original permit application.

18.04.120 Registry of Deeds

- (1) No work proposed in any NOI or ANRAD shall be undertaken until the corresponding OOC or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded and furnishes the recording data pertaining thereto. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.
- (2) COCs issued by the Commission must be recorded at the Registry of Deeds or Land Court, whichever is appropriate, by the applicant. Upon failure of the applicant to record the COC, the issuing authority may do so.

18.04.130: Certificate of Compliance

- (1) Upon completion of a Project managed under a OOC issued by the Commission, the applicant shall immediately request in writing a COC from the Commission. If the activities were completed in accordance with plans stamped by a registered professional architect, landscape architect, civil engineer, or land surveyor, a written notice by said professional certifying substantial completion with the plan and setting forth what deviations, if any, exist from the plan shall accompany the request for a COC.
- (2) The Commission, any of its members, or its agent may conduct an inspection to validate the completion of the Project and to determine if the Project substantially complied with the conditions of the OOC. The Commission, in its discretion, may impose conditions on the COC to assure continued operation and maintenance of permanent measures to prevent or control significant or cumulative effect upon the wetland values protected by this Bylaw.
- (3) Within twenty-one (21) days of the receipt of a request for a COC to the Commission, the Commission shall either:

- a. Issue a COC for the entire project managed under the OOC;
 - b. Issue a COC for portions of the project managed under the OOC; or
 - c. If the Commission determines that, after review and inspection, that the proposed work has not been done in compliance with the corresponding OOC, the Commission may refuse to issue a COC. Said refusal shall be in writing and shall specify the reasons for denial.
- (4) The Commission in an appropriate case may combine the issuance of a COC under the Bylaw with the COC issued under the Act or the Act's regulations.

18.04.140: Regulations

- (1) After public notice and hearing(s), the Commission shall promulgate regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate this Bylaw. At a minimum these regulations shall reiterate the terms defined in this Bylaw, define additional terms not inconsistent with the Bylaw, impose filing and consultant fees, and establish performance standards for work within Buffer Zone and Resource Areas.

18.04.150: Enforcement

- (1) No person shall remove, fill, dredge, build upon, degrade, or otherwise alter Resource Areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.
- (2) The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- (3) The Commission shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under M.G.L. Ch. 40 §21D, and civil and criminal court actions, including those seeking the imposition of municipal liens. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- (4) Upon written request of the Commission, the Select Board, Town Manager and Town Counsel, may take legal action for enforcement under civil law.
- (5) Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.
- (6) Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- (7) For good cause, the Commission may issue a cease-and-desist order, violation notice, or an enforcement order with or without prior notification to the property owner or applicant. The Conservation Administrator may generate these actions which shall remain in effect until the next regularly scheduled meeting of the Commission. At the meeting, the Commission shall vote whether to continue the action.
- (8) The Commission may mandate the installation of temporary control measures if there is any danger of adversely affecting local Resource Areas. These measures are to remain in effect and be maintained in place until the Commission allows their removal.
- (9) Under conditions of a cease and desist order, violation notice, or an enforcement order, another party may be retained by the Commission to complete the temporary control measures if the property owner or applicant is unable or unwilling to do the work within a reasonable time as stated in the Commission's order, and if there is an immediate hazard to the local Resource Areas, wetland values protected by this Bylaw, or public safety. The costs associated with this work shall be borne by the property owner or applicant.

- (10) Any person who purchases, inherits or otherwise acquires land upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any order of the Commission and restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person if corrective action commences within six (6) months following the date of acquisition of the land by such person or within the time specified in the Commission's order.

18.04.160: Burden of Proof

- (1) The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application for permit will not have unacceptable significant or cumulative effect upon the local Resource Areas and Resource Area Values protected by this Bylaw. Failure to provide sufficient evidence to the Commission supporting this burden shall be good cause for the Commission to deny a permit, grant a permit with conditions, or to continue the hearing to another date to enable the applicant or others to present additional evidence. However, if the applicant objects to a continuance, the hearing shall be closed and the Commission shall take action on such evidence as is then available.

18.04.170: Relation to the Wetlands Protection Act

- (1) This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Act and 310 CMR 10.00 thereunder.

18.04.180: Performance Guarantee

- (1) As part of a permit issued under the Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:
- a. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
 - b. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.
- (2) Upon completion of work required in the permit, security for the performance of which was given by bond, deposit or covenant, or upon the complete performance of the covenants with respect to the site, the applicant may request and agree on terms of release with the Commission.
- (3) Upon the Commission's receipt of request to release a bond, deposit of money, or other negotiable security for the Project, if the Commission determines that Project alterations have not been completed in compliance with the permit, the Commission shall, within forty-five (45) days, specify to the applicant in writing the details wherein said alterations fail to comply with the permit. If the Commission determines that said alterations have been completed in compliance with the conditions of the permit, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished same or release the covenant, if appropriate.

18.04.190: Appeal

- (1) Any person aggrieved by the permit or decision of the Commission, whether or not previously a party to the proceeding, may appeal according to the Massachusetts General Laws.

18.04.200: Amendments

- (1) The rules and regulations of the Commission (as described in Section 18.04.140 of this chapter) may be amended from time to time by a majority vote of the Commission. Prior to taking a vote on an amendment, the Commission shall have held a public hearing on the proposed change(s).

18.04.210: Penalties

- (1) Any person who violates any provision of this Bylaw, the regulations promulgated hereunder, or the permits issued hereunder shall be punished by a fine as specified in the Commission's regulations which shall not exceed \$300 for each offense. The Commission, in their discretion, may consider the following as separate offenses:
 - a. Each day the violation continues;
 - b. Each provision of the Bylaw, regulations, or permit violated; and/or
 - c. Each day the violation alters a local Resource Area.

18.04.220: Severability

- (1) The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Conservation Commission

Executive Summary: The proposed changes remove internal inconsistencies as well as inconsistencies with the Wetland Protection Act. The result should be a more streamlined process for residents.

ARTICLE 34

To see if the Town will vote to amend the Town's General Bylaws by adding a new Chapter 12.08 Sidewalks and section 12.08.010 Sidewalk Snow Removal that reads as follows:

Except for sidewalks cleared by the Town, it is the property owner's responsibility to remove all the snow from a sidewalk which abuts their property within twenty-four (24) hours from the end of the storm after the street is cleared by the Town.

- A. The property owner shall keep the sidewalk clear and passable until all of the snow disappears. The cleared sidewalk must comply with the Americans with Disabilities Act, including the removal of snow and ice from any adjoining wheelchair ramps or curb cuts.
- B. Any property owner, who fails to remove the snow from a sidewalk abutting their property, shall pay a sum of Ten Dollars \$10.00 for each offense. Each day shall constitute a separate offense.
- C. The Department of Public Works shall maintain and update annually a map and list of streets to be cleared by the Town, made available on the Town's website.

Kyle Parker and others

Executive Summary: The purpose of this article is to ensure timely removal of snow from sidewalks by property owners, excluding those sidewalks cleared by the Town. The primary objectives are to enhance safety for pedestrians and individuals with disabilities who rely on sidewalks in winter and to promote walkability throughout the Town.

ARTICLE 35

To see if the Town will vote to authorize the Select Board to accept an easement from East Street Tewksbury, LLC. The Easement is shown on a plan entitled Easement Plan prepared for East Street Tewksbury LLC, Project 1023 East Street, Tewksbury, MA 01876. Prepared by Richard Cuoco dated 11/15/23 or take any action relative thereto. The Plan can be viewed at the Town Clerk’s office, Town Hall, 1009 Main Street, Tewksbury, MA 01876.

Mark P. Rocha and others

Executive Summary: The purpose of this article is to allow the Select Board to accept a new sidewalk easement at 1023 East Street.

ARTICLE 36

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$156,903 of which a sum of \$143,222 will be raised from the tax levy, a sum of \$881 raised from sewer rates, a sum of 6,657 raised from water rates and a sum of \$6,143 raised from Cable TV Enterprise Fund revenue, in order to approve a 2.5 % salary increase effective July 1, 2024 for all positions listed the Town’s Personnel Bylaw wage and compensation schedule and to approve up to a 2.5% salary increase effective July 1, 2025 for all positions listed within Town’s Personnel Bylaw wage and compensation schedule and approve up to 2.5% for a salary increase effective July 1, 2026 for all positions listed within Town’s Personnel Bylaw wage and compensation schedule; and further to add and upgrade the following positions within the Personnel Bylaw wage and compensation schedule or take any other action relative thereto.

Addendum A PROPOSED TEWKSBURY FY25 PAY PLAN										
GRADE	1	2	3	4	5	6	7	8	9	10
From Grade 6	61,462.89	63,008.48	64,579.83	66,202.69	67,851.32	69,551.47	71,303.14	73,080.56	74,909.51	76,789.97
Veterans Agent										
To Grade 8	73,029.04	74,857.99	76,738.45	78,644.68	80,602.42	82,611.69	84,672.47	86,784.78	88,948.60	91,163.94
Veterans Agent										
From Grade 6	61,462.89	63,008.48	64,579.83	66,202.69	67,851.32	69,551.47	71,303.14	73,080.56	74,909.51	76,789.97
Operations Manager										
to Grade 7	67,001.25	68,675.64	70,401.54	72,153.21	73,956.39	75,811.10	77,717.33	79,649.31	81,632.82	83,667.84
Operations Manager										
From Grade 7	67,001.25	68,675.64	70,401.54	72,153.21	73,956.39	75,811.10	77,717.33	79,649.31	81,632.82	83,667.84
Assistant Town Clerk										
To Grade 8	73,029.04	74,857.99	76,738.45	78,644.68	80,602.42	82,611.69	84,672.47	86,784.78	88,948.60	91,163.94
Assistant Town Clerk										
From Grade 10	86,759.02	88,922.84	91,138.18	93,405.05	95,749.19	98,144.85	100,592.03	103,116.49	105,692.47	108,345.73
Assistant DPW Director										
To Grade 12	103,064.97	105,640.95	108,294.21	110,998.99	113,781.05	116,614.63	119,525.49	122,513.62	125,579.04	128,721.74
Assistant DPW Director										
From Grade 11	94,564.24	96,934.14	99,355.56	101,828.50	104,378.72	106,980.46	109,659.48	112,390.02	115,197.84	118,082.94
Technology Operations Manager										
To Grade 12	103,064.97	105,640.95	108,294.21	110,998.99	113,781.05	116,614.63	119,525.49	122,513.62	125,579.04	128,721.74
Technology Operations Manager										
GROUP D Hourly										
Intern							22.00			
Seasonal Laborer							18.00			

Town Manager

Executive Summary: This article funds non-union salaries and adjusts the Town’s Personnel Bylaw wage and compensation schedule.

ARTICLE 3

Any Articles Voted to be Removed from the Consent Calendar shall be restored to its original place on the Warrant.

- Article 3-37 Accept the Annual Report
 - Article 3-38 Lease/Purchase Agreements
 - Article 3-39 Authorize Chapter 90 Funds
 - Article 3-40 Reauthorize Revolving Funds
-

SECTION 3

- Article 41 Zoning Bylaw amendment
 - Article 42 Zoning Bylaw amendment
-

ARTICLE 41

To see if the Town will vote to amend the Tewksbury Zoning Bylaw in the following instances:

- 1) Under Section 4.1.2, insert Section 4.1.2.D. MBTA Communities Multifamily Overlay District
- 2) Insert new Section 5.8 MBTA Communities Multifamily Overlay District as follows:

5.8 MBTA COMMUNITIES MULTIFAMILY OVERLAY DISTRICT

5.8.1 Purpose

The purpose of the MBTA Communities Multifamily Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town which have been designated for high-density multifamily housing by right.

5.8.2 Scope of Authority

- A. The MBTA Communities Multifamily Overlay District is an overlay district that may be superimposed on portions of the Mixed-Use Business District. All uses permitted or allowed by special permit in the underlying districts shall be allowed in the MBTA Communities Multifamily Overlay District.
- B. The following uses shall also be allowed in the MBTA Communities Multifamily Overlay District as of right:
 - 1. Two-family dwelling
 - 2. Townhouse
 - 3. Multifamily dwelling up to seven units
 - 4. Multifamily dwelling of eight or more units
 - 5. Multifamily development

5.8.3 Relationship to Existing Zoning

The underlying zoning shall remain an integral part of the Zoning Bylaw and is not modified, repealed, nor amended by this section. The property owners within this overlay district shall possess all existing zoning rights including by-right uses for the underlying district and be subject to the requirements applicable in the underlying district when utilizing the uses allowed in the underlying district. If an owner desires to use a property within this district for development as defined herein, the

regulations of this overlay district shall apply. Where this overlay district is silent on a zoning provision, the underlying district shall apply unless otherwise provided.

5.8.4 Site Plan Review

All development under the MBTA Communities Multifamily Overlay District provision shall be subject to Site Plan Review under Section 3.6, except Section 3.6.4.A.5.b. For the by-right uses listed in Section 5.8.2.B, final action on site plans for the allowed uses shall be limited to approval or approval with the imposition of reasonable conditions.

5.8.5 Location

The boundaries of the MBTA Communities Multifamily Overlay District shall be shown on the Zoning Map under Section 4.2.

5.8.6 Dimensional Regulations

The dimensional and density requirements in this section apply to principal and accessory uses and structures in the MBTA Communities Multifamily Overlay District. Where Section 5.3 conflicts with the provisions of this section, is more restrictive, or cites additional controls, the requirements in the MBTA Communities Multifamily Overlay District provision shall prevail as the applicable dimensional requirements.

A. All dimensional regulations in the MBTA Communities Multifamily Overlay District shall be as follows:

Minimum Lot Area	20,000 sq. ft.
Minimum Frontage	50 ft.
Maximum Front Yard Setbacks	20 ft.
Minimum Side Yard Setbacks	Combined 10 ft.
Minimum Rear Setbacks	10 ft.
Minimum Open Space	20%
Maximum Building Height ^A	4 stories and 48 ft.
NOTES: ^A Planning Board may approve a maximum height increase to 4 stories and 65 ft. with a front yard setback of at least 175 ft. by special permit.	

B. More than one principal structure may be erected on a lot as of right within the MBTA Communities Multifamily Overlay District, subject to Site Plan Review as set forth herein. In a development with more than one building in the MBTA Communities Multifamily Overlay District, the maximum front setback shall not apply to any building located behind another building as long as the forward most buildings on the lot comply with the maximum front setback.

5.8.7 Floodplain District

Any proposed development within the MBTA Communities Multifamily Overlay District is exempt from the requirements detailed in Section 5.5 of this bylaw.

5.8.8 Groundwater Protection District

Any proposed development within the MBTA Communities Multifamily Overlay District is exempt from the requirements detailed in Section 5.6 of this bylaw.

5.8.9 Site Development Standards

The site development standards in this section apply to principal and accessory uses in the MBTA Communities Multifamily Overlay District. Where Section 6.1 conflicts within the provisions of this section, is more restrictive, or cites special permit requirements imperative to the as of right uses set forth herein, the requirements in the MBTA Communities Multifamily Overlay District provision shall control.

A. MBTA Communities Multifamily Overlay District Development Requirements

1. The minimum number of off-street parking spaces for any residential use shall be 1.5 parking spaces per dwelling unit.
2. Standards for Residential Parking Facilities as set forth in Section 6.1.9 shall apply to residential developments in the MBTA Communities Multifamily Overlay District. For mixed-use developments, standards set forth in Sections 6.1.10 and 6.1.11 shall apply to the extent that special permits are not required to exercise the by-right uses referenced herein.
3. Minimum landscaping buffers which exceed minimum setbacks detailed in the dimensional regulations of this section shall not apply to development within the MBTA Communities Multifamily Overlay District.

5.8.10 Signs

All proposed signs within the MBTA Communities Multifamily Overlay District shall be subject to the standards set forth in Section 6.2.

5.8.11 Other Development Regulations

A. The provisions of Section 8.2 shall not apply to development within the MBTA Communities Multifamily Overlay District. The following multifamily development standards shall apply within the MBTA Communities Multifamily Overlay District:

1. Maximum developable density shall be 18.8 units per acre in the MBTA Communities Multifamily Overlay District. There are no restrictions on the number of bedrooms or bedroom types within the development to encourage a mix of housing and bedroom types.
2. No more than 5% of the total site area within the wetlands shall be used in calculating maximum developable density for the site. If more than 5% of the site is in the wetlands, the portion that exceeds 5% shall be deleted from the area used to calculate maximum developable density.

B. The requirements set forth in Section 8.3 shall apply to development within the MBTA Communities Multifamily Overlay District. Where Section 8.3 conflicts with the provisions of this section, the requirements in the MBTA Communities Multifamily Overlay District provision shall prevail.

C. The following requirements shall apply to the development of affordable housing within the MBTA Communities Multifamily Overlay District:

1. Any application for construction of 10 or more dwelling units on one or more contiguous parcels in the MBTA Communities Multifamily Overlay District shall be subject to the provisions of Section 8.3.
2. Ten percent of the dwelling units in any multifamily development within the MBTA Communities Multifamily Overlay District is subject to Section 8.3. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number.
3. The affordable dwelling units in the MBTA Communities Multifamily Overlay District shall not be lower than 80% Area Median Income (AMI). If an applicant chooses to provide affordable dwelling units at lower than 80% AMI and increases the overall percentage of affordable dwelling units to 15%, the development may reduce the minimum required open space to 10%.

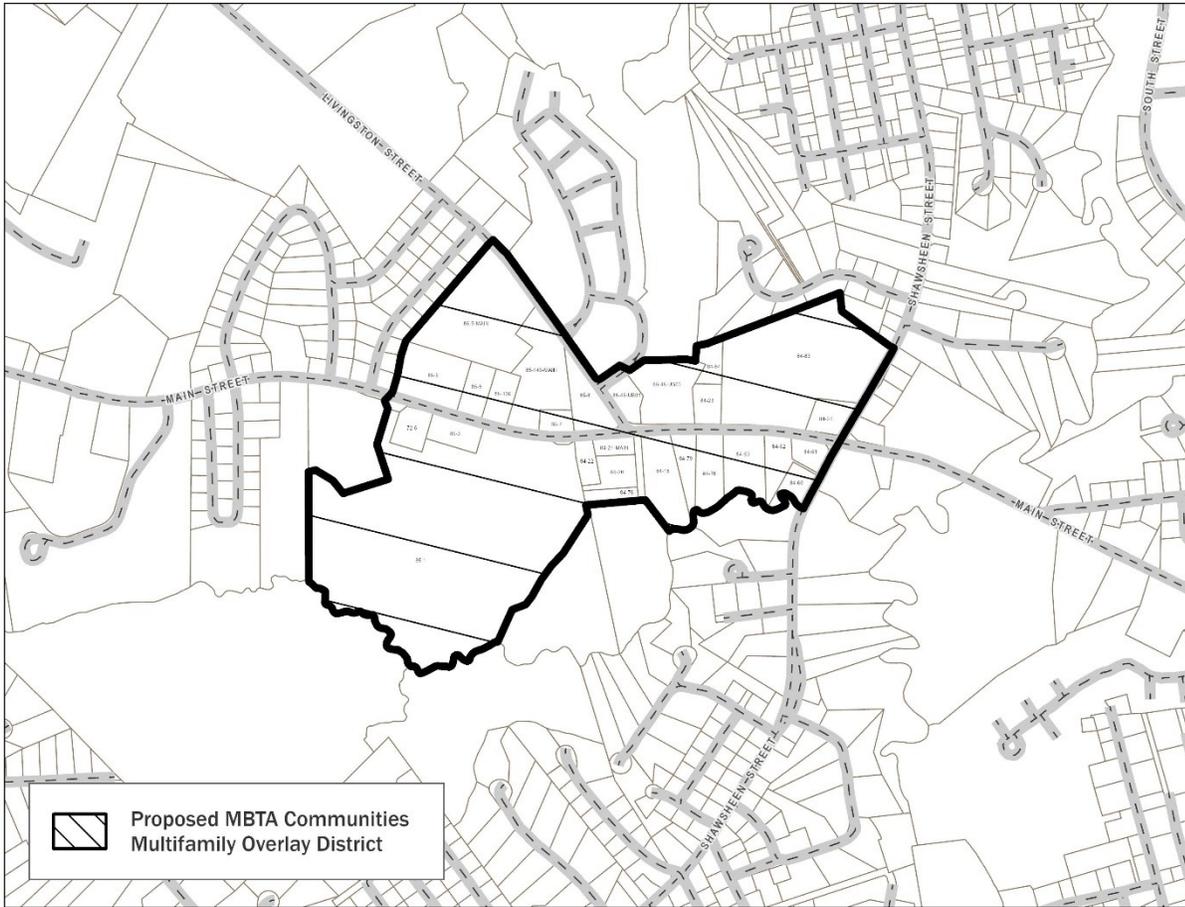
D. Multifamily developments in the MBTA Communities Multifamily Overlay District shall comply with design guidelines, if any, adopted by the Planning Board and kept on file with the Town Clerk and Community Development Department. And by taking any action relative thereto.

Planning Board

Executive Summary: This Article will amend the Zoning Bylaw to bring the Town of Tewksbury into compliance with M.G.L. Ch. 40A, Section 3A, known as MBTA Communities. This law requires certain cities and towns to adopt a district in which multifamily uses are allowed by right. This bylaw amendment complies with the provisions of the law while exercising the Town's ability to evaluate projects under Site Plan Review by the Planning Board.

ARTICLE 42

To see if the Town will vote to amend the existing Zoning Map dated October 2023 by adding the following crosshatched area under the new label “MBTA Communities Multifamily Overlay District” on file with the Town Clerk’s Office as depicted below:



Planning Board

Executive Summary: This article is the companion to the zoning amendments proposed for compliance with M.G.L. Ch. 40A, Section 3A. The map shown above aligns the area identified for the proposed overlay district to its physical location in Town. Large scale versions of the map are online and available for viewing at the Town Clerk’s Office, Community Development Office, Library, and Senior Center.