

ANNUAL TOWN MEETING

**2009
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

April 27, 2009 7:00 p.m.
Town Hall Auditorium

Annual Town Meeting

May 4, 2009 8:00 p.m.
Tewksbury Memorial High School

TOWN MEETING GUIDELINES

- ** Voters and Visitors shall have their identification ribbons conspicuously displayed.
- ** Visitors shall sit in the designated VISITORS SECTION unless they are assigned to a designated area.
- ** Standing at the doors or in the aisles inside the gymnasium or auditorium is prohibited.
- ** No one shall enter the gymnasium or auditorium while voting is in progress.
- ** Everyone shall be at a seat so as to allow the vote to be counted without hindrance.
- ** Collecting signatures upon petitions or nomination papers is prohibited in the building where the Town Meeting is being held.
- ** Food and beverages are not allowed in the gymnasium or auditorium as per order of the School Committee.
- ** Smoking is not allowed in the School Building or on School Property.
- ** To prevent active interference with the conduct of the Town Meeting, any person taping, video taping 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 4, 8 P.M.	WEDNESDAY May 6, 8 P.M.	TUESDAY May 5, 7 P.M.
<ul style="list-style-type: none"> • Consent Calendar Articles • Annual Budget • Budget Related Articles • Personnel • By-Law Amendments 	<ul style="list-style-type: none"> • Zoning By-Law Amendments • Town By-Law Amendments • General Articles 	

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 4, 2009, at 8:00 o'clock 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 Board of Selectmen for three years; Two (2) members of the Board of Health for three years; One (1) member of the Planning Board for five years; Two (2) members of the School Committee for three years; One (1) member of the School Committee for a one year unexpired term; One (1) member of the Shawsheen Valley Regional Vocational Technical High School Committee for three years; Two (2) Library Trustees for three years; and One (1) position on the Housing Authority for three years.

SECTION 2

Article 2	Elected Officials Salaries	
Article 3	Consent Calendar	
Article 4	Budget	
Article 5	Budget Related	Sewer Enterprise Fund
Article 6	Budget Related	Water Enterprise Fund
Article 7	Budget Related	Reduce the Tax Levy
Article 8	Budget Related	Fund the Sewer Enterprise Appropriations in FY10
Article 9	Budget Related	Purchase and Install New Fire Hydrants
Article 10	Budget Related	Purchase and Install New Residential Water Meters
Article 11	Budget Related	Fire Equipment Stabilization Fund
Article 12	Budget Related	Fire Protective Gear Stabilization Fund
Article 13	Budget Related	Community Preservation Fund Annual Revenues
Article 14	Budget Related	Affordable Housing Trust Fund Allocation Plan
Article 15	Budget Related	D.P.W. Building Plumbing
Article 16	Budget Related	River Road Water Mains
Article 17	Budget Related	Middlesex County Retirement
Article 18	Budget Related	Repair and Maintenance of Two Water Tanks

ARTICLE 2

To see if the Town will vote to fix the salaries of several elected officials for the fiscal year 2010.

	<u>FY09</u> <u>Present</u>	<u>FY10</u> <u>Requested</u>
<u>BOARD OF HEALTH</u>		
Chairman	405	405
Members (4)	315	315
<u>MODERATOR</u>		
	450	450
<u>PLANNING BOARD</u>		
Chairman	1080	1080
Members (4)	765	765
<u>SCHOOL COMMITTEE</u>		
Chairman	2700	2700
Members (4)	2250	2250
<u>SELECTMEN</u>		
Chairman	5400	5400
Members (4)	4500	4500

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

ARTICLE 3

Consent Calendar

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 3-19 Accept the Annual Report
- Article 3-20 Lease/Purchase Agreement
- Article 3-21 Authorize Chapter 90 Funds
- Article 3-22 Re-Authorize Revolving Fund Street & Traffic Signage
- Article 3-23 Re-Authorize GIS Program Revolving Fund
- Article 3-24 Re-Authorize Counsel On Aging Revolving Fund
- Article 3-25 Re-Authorize Recreation & Parks and Summer Program
 Revolving Fund
- Article 3-26 Re-Authorize "Emergency 72 Hour Go Kits" Revolving Fund

ARTICLE 3-19

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 were printed in the 2008 Town Report.

3.08.130 Annual Town Reports (Adopted October 2, 2007, Article 14)
The Annual Town Report shall be placed on the Town's website at least ten (10) days before the Annual Town Meeting and from the Town of Tewksbury's website three copies shall be printed and be available to the public in the Town Clerk's Office, Library, and Board of Selectmen's Office.

ARTICLE 3-20

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

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 an annual appropriation.

ARTICLE 3-21

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 Board of Selectmen 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 Board of Selectmen 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 other action relative thereto.

Town Manager

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

ARTICLE 3-22

To see if the Town will vote to authorize under the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws, establishing a self sufficient revolving fund to account for revenues and expenditures relating to the purchase and/or manufacture and installation of street and traffic regulatory signage, including pavement markings in the Town of Tewksbury. The fund shall be credited with all amounts received from individuals requesting that the Town install street signage. Expenditures of the fund shall be authorized by the Town Manager or his/her designee. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$10,000.00; or take any other action relative thereto.

Town Manager

Executive Summary: This article reauthorizes the Town to continue a self sufficient revolving fund to account for the revenues and expenditures of purchasing, manufacturing, and installing street and traffic regulatory signage, including pavement markings, in the Town of Tewksbury.

ARTICLE 3-23

To see if the Town will vote to reauthorize the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, a self sufficient revolving fund to account for revenues and expenditures relating to the operation of a Geographical Information System (GIS) in the Town of Tewksbury. The fund shall be credited with all amounts received over the base fee for such items as building permits, certificates of occupancy, zoning applications and other permits, applications and other information generated by Town departments as applicable and as determined by the Town Engineer as relating to the GIS program. Expenditures of the fund shall be authorized by the Town Manager or his/her designee. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$25,000, or take any other action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town to continue a self sufficient revolving fund to account for the revenues and expenditures of maintaining a GIS program in the Town of Tewksbury.

ARTICLE 3-24

To see if the Town will vote to reauthorize the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, a self sufficient revolving fund to account for revenues and expenditures relating to activities run by the Town of Tewksbury Council On Aging. The fund shall be credited with all amounts received as fees to participate in certain activities and trips run by the Council on Aging. Expenditures of the fund shall be authorized by the Town Manager or his/her designee. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$50,000, or take any other action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town to continue a self sufficient revolving fund to account for the revenues and expenditures of activities run by the Tewksbury Council on Aging.

ARTICLE 3-25

To see if the Town will vote to reauthorize under the provisions of Chapter 44, Section 53E ½ of the Massachusetts General Laws, a self sufficient revolving fund to account for revenues and expenditures of the Town of Tewksbury Parks and Recreation Department relating to the summer program and other recreation and parks related programs. The fund shall be credited with all amounts received from individuals participating in these programs. Expenditures of the fund shall be authorized by the Town Manager. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$200,000, or take any other action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town to continue a self sufficient revolving fund to account for revenues and expenditures of running the summer program and other recreation and parks related programs in the Town of Tewksbury for FY10.

ARTICLE 3-26

To see if the Town will vote to reauthorize under the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, a self sufficient revolving fund to account for the revenues and expenditures relating to activities sponsored by the Town of Tewksbury Health Department/Board of Health. The fund shall be credited with all amounts received relating to the sale of “Emergency 72 Hour Go Kits” to Tewksbury residents. Expenditures of the fund shall be authorized by the Health Department Director and the Town Manager or Town Manager’s designee. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$10,000, or take any related action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town of Tewksbury Health Department/Board of Health to continue a self sufficient fund to account for the revenues and expenditures of selling “Emergency 72 Hour Go Kits” to Tewksbury residents.

ARTICLE 4

BUDGET

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 and officers for the fiscal year which begins July 1, 2009 or take any related action.

**TOWN OF TEWKSBURY
FY10 GENERAL FUND BUDGET**

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
General Fund Budget Classification			
<u>General Government</u>			
Moderator			
Salaries	450	450	450
Operating	<u>75</u>	<u>75</u>	<u>75</u>
Total	525	525	525
Selectmen			
Salaries	26,400	26,400	26,400
Operating	101,720	115,070	105,070
Sewer Enterprise Fund Allocation	(2,462)	(2,122)	(1,972)
Water Enterprise Fund Allocation	<u>(2,462)</u>	<u>(2,122)</u>	<u>(1,972)</u>
Total	123,196	137,226	127,526
Town Manager			
Salaries	344,359	346,009	331,326
Operating	4,868	4,235	4,235
Sewer Enterprise Fund Allocation	(17,936)	(17,512)	(16,778)
Water Enterprise Fund Allocation	<u>(17,936)</u>	<u>(17,512)</u>	<u>(16,778)</u>
Total	313,355	315,220	302,005
Finance Committee			
Salaries	2,515	2,515	2,515
Operating	<u>810</u>	<u>810</u>	<u>810</u>
Total	3,325	3,325	3,325
Town Counsel			
Operating	183,743	183,743	192,931
Sewer Enterprise Fund Allocation	(4,844)	(4,594)	(9,188)
Water Enterprise Fund Allocation	<u>(4,844)</u>	<u>(4,594)</u>	<u>(9,188)</u>
Total	174,055	174,555	174,555

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
Personnel Relations Review Board			
Salaries (Escrow for Wage Increase)	60,000	-	-
Operating	-	-	-
Total	60,000	-	-
Administrative Services			
Salaries	103,522	104,511	104,511
Operating	18,500	18,500	13,500
Health Trust Allocation	(30,391)	(30,391)	(30,391)
Sewer Enterprise Fund Allocation	(1,831)	(1,846)	(1,771)
Water Enterprise Fund Allocation	<u>(1,831)</u>	<u>(1,846)</u>	<u>(1,771)</u>
Total	87,969	88,928	84,078
Town Clerk			
Salaries	187,144	197,070	179,626
Operating	13,274	14,215	14,215
Sewer Enterprise Fund Allocation	(3,648)	(3,169)	(2,907)
Water Enterprise Fund Allocation	<u>(3,648)</u>	<u>(3,169)</u>	<u>(2,907)</u>
Total	193,122	204,947	188,027
Election			
Salaries	33,500	14,500	14,500
Operating	<u>11,250</u>	<u>7,580</u>	<u>7,580</u>
Total	44,750	22,080	22,080
Board of Registrars			
Salaries	2,850	2,850	2,850
Operating	<u>1,440</u>	<u>1,440</u>	<u>1,440</u>
Total	4,290	4,290	4,290
Unclassified-Group Insurance Allocation			
Retirement	153,209	160,547	160,547
Medicare	<u>8,910</u>	<u>9,412</u>	<u>9,412</u>
Total	323,803	299,697	299,697
Total General Government	1,328,390	1,250,793	1,206,108

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
<u>Finance Department</u>			
Accounting			
Salaries	214,832	223,931	223,931
Operating	6,522	6,433	6,433
Sewer Enterprise Fund Allocation	(5,659)	(5,759)	(5,759)
Water Enterprise Fund Allocation	<u>(5,659)</u>	<u>(5,759)</u>	<u>(5,759)</u>
Total	210,036	218,846	218,846
Computer Services			
Salaries	155,661	161,303	161,303
Operating	122,592	128,215	126,345
Outlay	-	56,437	-
Sewer Enterprise Fund Allocation	(2,687)	(2,707)	(2,707)
Water Enterprise Fund Allocation	<u>(2,687)</u>	<u>(2,707)</u>	<u>(2,707)</u>
Total	272,879	340,541	282,234
Assessor			
Salaries	242,461	246,549	246,549
Operating	24,750	20,614	17,770
Sewer Enterprise Fund Allocation	(12,964)	(12,636)	(12,594)
Water Enterprise Fund Allocation	<u>(12,964)</u>	<u>(12,636)</u>	<u>(12,594)</u>
Total	241,283	241,891	239,131
Treasurer/Collector			
Salaries	375,920	350,612	328,309
Operating	176,171	175,717	175,717
Outlay	-	-	-
Sewer Enterprise Fund Allocation	(69,299)	(56,399)	(56,399)
Water Enterprise Fund Allocation	<u>(86,039)</u>	<u>(72,164)</u>	<u>(72,164)</u>
Total	396,753	397,766	375,463
Unclassified-Group Insurance Allocation	240,660	257,132	257,132
Retirement	213,760	229,588	229,588
Medicare	<u>13,071</u>	<u>14,119</u>	<u>14,119</u>
Total	467,491	500,839	500,839
Total Finance Department	1,588,442	1,699,883	1,616,513

	<u>FY09</u> <u>Adopted</u>	<u>FY10 Dept</u> <u>Requests</u>	<u>FY10 Mgr</u> <u>Recommend</u>
<u>Community Services</u>			
Cable Television			
Salaries	2,160	2,160	2,160
Operating	<u>11,147</u>	<u>11,147</u>	<u>11,147</u>
Total	13,307	13,307	13,307
Veteran's Services			
Salaries	45,919	47,741	47,741
Operating	<u>121,400</u>	<u>121,400</u>	<u>121,400</u>
Total	167,319	169,141	169,141
Exceptional Children			
Salaries	-	19,011	19,011
Operating	-	<u>12,854</u>	<u>12,854</u>
Total	-	31,865	31,865
Patriotic Committee			
Operating	1,500	1,400	1,400
Historical Commission			
Operating	-	-	-
Parks and Recreation			
Salaries	141,007	156,964	134,525
Operating	85,238	89,673	85,673
Outlay	<u>50,952</u>	<u>30,560</u>	<u>30,560</u>
Total	277,197	277,197	250,758
Unclassified-Group Insurance			
Allocation	63,231	35,607	35,607
Retirement	45,255	38,483	38,483
Medicare	<u>2,767</u>	<u>2,367</u>	<u>2,367</u>
Total	111,253	76,457	76,457
Total Community Services	570,576	569,367	542,928

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
<u>Council on Aging</u>			
Salaries	128,108	131,401	119,239
Operating	75,364	81,204	81,204
Outlay	=	=	<u>-</u>
Total	203,472	212,605	200,443
Unclassified-Group Insurance Allocation	32,013	35,607	35,607
Retirement	27,875	28,675	28,675
Medicare	<u>1,704</u>	<u>1,763</u>	<u>1,763</u>
Total	61,592	66,045	66,045
Total Council on Aging	265,064	278,650	266,488
<u>Facilities</u>			
Town Hall			
Salaries	21,374	22,096	17,686
Operating	62,270	60,661	60,661
Capital Outlay	-	-	-
Sewer Enterprise Fund Allocation	(2,091)	(2,069)	(1,959)
Water Enterprise Fund Allocation	<u>(2,091)</u>	<u>(2,069)</u>	<u>(1,959)</u>
Total	79,462	78,619	74,429
Auxiliary Buildings			
Operating	42,685	42,685	42,685
Sewer Enterprise Fund Allocation	(1,067)	(1,067)	(1,067)
Water Enterprise Fund Allocation	<u>(1,067)</u>	<u>(1,067)</u>	<u>(1,067)</u>
Total	40,551	40,551	40,551
Cemeteries			
Operating	<u>3,000</u>	<u>3,000</u>	<u>3,000</u>
Total Facilities	123,013	122,170	117,980

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
<u>Library</u>			
Salaries	704,075	714,159	658,959
Operating	286,573	303,973	259,173
Capital Outlay	-	-	-
Total	990,648	1,018,132	918,132
Unclassified-Group Insurance Allocation	228,152	229,963	229,963
Retirement	154,188	161,555	161,555
Medicare	<u>9,428</u>	<u>9,935</u>	<u>9,935</u>
Total	391,768	401,453	401,453
Total Library	1,382,416	1,419,585	1,319,585

Planning and Development

**Planning (Community
Development)**

Salaries	341,198	232,790	232,790
Operating	26,080	17,890	17,890
Capital Outlay	-	-	-
Wetlands Protection Offset	(16,345)	-	(21,949)
Sewer Enterprise Fund Allocation	(66,142)	(3,466)	(3,137)
Water Enterprise Fund Allocation	<u>(19,185)</u>	<u>(3,466)</u>	<u>(3,137)</u>
Total	265,606	243,748	222,457

Building

Salaries	267,271	225,648	215,962
Operating	5,450	5,450	5,450
Capital Outlay	-	-	-
Sewer Enterprise Fund Allocation	(44,689)	(41,536)	(37,903)
Water Enterprise Fund Allocation	<u>(33,597)</u>	<u>(30,443)</u>	<u>(29,232)</u>
Total	194,435	159,119	154,277

FY09 FY10 Dept FY10 Mgr

	<u>Adopted</u>	<u>Requests</u>	<u>Recommend</u>
Board of Health			
Salaries	286,867	293,422	264,416
Operating	21,157	17,008	15,268
Capital Outlay	-	-	-
Sewer Enterprise Fund Allocation	(7,876)	(7,761)	(6,992)
Water Enterprise Fund Allocation	<u>(7,876)</u>	<u>(7,761)</u>	<u>(6,992)</u>
Total	292,272	294,908	265,700
Unclassified-Group Insurance Allocation			
Retirement	162,808	216,699	216,699
Medicare	167,778	149,695	149,695
	<u>10,259</u>	<u>9,206</u>	<u>9,206</u>
Total	340,845	375,600	375,600
Total Planning and Development	1,093,158	1,073,375	1,018,034
<u>Public Safety</u>			
Police			
Salaries	5,018,461	5,016,188	4,892,318
Operating	538,535	564,758	564,758
Outlay	<u>69,168</u>	<u>70,551</u>	<u>70,551</u>
Total	5,626,164	5,651,497	5,527,627
Auxiliary Police			
Operating	-	-	-
Fire			
Salaries	3,982,282	4,164,849	3,866,849
Operating	285,880	289,080	294,080
Outlay	143,154	114,706	114,706
Water Enterprise Fund Allocation	<u>(70,000)</u>	<u>(70,000)</u>	<u>(70,000)</u>
Total	4,341,316	4,498,635	4,205,635
Emergency Management			
Salaries	4,747	4,747	4,747
Operating	22,200	41,800	33,188
Capital Outlay	<u>15,840</u>	<u>16,037</u>	<u>16,037</u>
Total	42,787	62,584	53,972

	<u>FY09 Adopted</u>	<u>FY10 Dept Requests</u>	<u>FY10 Mgr Recommend</u>
Parking Clerk			
Salaries	4,000	4,000	4,000
Operating	<u>1,800</u>	<u>1,800</u>	<u>1,800</u>
Total	5,800	5,800	5,800
Unclassified-Group Insurance Allocation	2,190,141	2,397,086	2,397,086
Retirement	1,748,248	1,916,011	1,916,011
Medicare	<u>106,901</u>	<u>117,831</u>	<u>117,831</u>
Total	4,045,290	4,430,928	4,430,928
Total Public Safety	14,061,357	14,649,444	14,223,962

School Departments

Tewksbury

Salaries	23,895,055	24,846,130	24,019,506
Less: Salary Offsets	<u>(453,500)</u>	<u>(471,000)</u>	<u>(471,000)</u>
Total Salaries	23,441,555	24,375,130	23,548,506
Operating	9,881,238	10,466,227	9,466,227
Less: Operating Offsets	<u>(1,063,852)</u>	<u>(1,318,000)</u>	<u>(1,318,000)</u>
Total Operating	8,817,386	9,148,227	8,148,227
Outlay	-	20,000	20,000
Unclassified			
Retirement	2,304,369	2,355,949	2,355,949
Group Insurance	7,084,627	7,779,484	7,779,484
Debt Service	1,951,022	1,793,379	1,793,379
Other	<u>503,009</u>	<u>503,009</u>	<u>503,009</u>
Total	44,101,968	45,975,178	44,148,554
Regional Vocational School	<u>4,619,428</u>	<u>4,756,308</u>	<u>4,756,308</u>

Total School Departments **48,721,396** **50,731,486** **48,904,862**

Public Works

Department of Public Works

Salaries	1,164,407	1,237,945	1,160,194
Operating	537,550	587,555	541,220
Outlay	270,750	287,207	239,072
Sewer Enterprise Fund Allocation	(189,358)	(260,037)	(250,861)

FY09 **FY10 Dept** **FY10 Mgr**

	<u>Adopted</u>	<u>Requests</u>	<u>Recommend</u>
Water Enterprise Fund Allocation	<u>(251,550)</u>	<u>(267,918)</u>	<u>(258,742)</u>
Total	1,531,799	1,584,752	1,430,883
Snow and Ice			
Salaries	75,500	75,500	75,500
Operating	<u>126,000</u>	<u>126,000</u>	<u>126,000</u>
Total	201,500	201,500	201,500
Street Lighting			
Operating	181,780	165,000	165,000
Unclassified-Group Insurance Allocation			
Retirement	248,412	177,526	177,526
Medicare	<u>15,190</u>	<u>10,917</u>	<u>10,917</u>
Total	568,785	476,895	476,895
Total Public Works	2,483,864	2,428,147	2,274,278
Solid Waste Disposal			
Operating	<u>2,479,998</u>	<u>2,398,318</u>	<u>2,398,318</u>
Total Solid Waste	2,479,998	2,398,318	2,398,318

Unclassified

Reserve Fund	100,000	100,000	100,000
Maturing Debt	897,070	914,070	914,070
Interest-Maturing Debt	389,503	352,874	352,874
Interest-Temporary Loans	10,000	7,000	7,000
Retirement	3,122,507	3,353,267	3,353,267
Occupational Injury Reserve	80,795	80,795	80,795
Unemployment Compensation	44,510	44,510	82,190
Group Insurance	3,817,146	4,058,022	4,050,022
Medicare Tax	188,601	195,000	195,000
Fire/Liability Insurance	390,700	390,700	390,700
Court Judgments	-	-	-
Town Health Insurance Allocation	(3,383,872)	(3,590,284)	(3,590,284)
Town Retirement Allocation	(2,758,724)	(2,862,080)	(2,862,080)
Town Medicare Allocation	(168,231)	(175,550)	(175,550)

FY09 FY10 Dept FY10 Mgr

	<u>Adopted</u>	<u>Requests</u>	<u>Recommend</u>
Sewer Enterprise Fund Allocation	(284,097)	(309,775)	(310,100)
Water Enterprise Fund Allocation	<u>(553,204)</u>	<u>(564,748)</u>	<u>(658,757)</u>
Total Unclassified	1,892,704	1,993,801	1,929,147
Total Budget Before Transfers	75,990,378	78,615,019	75,818,203
Transfers			
To Special Revenue	-	-	-
To Trust Funds	-	80,000	45,000
To Sewer Enterprise	<u>329,541</u>	<u>322,947</u>	<u>322,947</u>
Total Transfers	329,541	402,947	367,947
<u>ATM Total General Fund Budget</u>	<u>76,319,919</u>	<u>79,017,966</u>	<u>76,186,150</u>

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the sewer enterprise fund or take any other action relative thereto.

**TOWN OF TEWKSBURY
SEWER ENTERPRISE FUND
FISCAL YEAR 2010 PROPOSED BUDGET**

Budget Presentation:	Budget Recommendation:	Budget Article:
REVENUES	Recommend that the following sums be appropriated to operate the sewer enterprise fund	To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the sewer enterprise fund or take any other action thereon.
User Fees 4,303,040	Salaries 230,934	Voted:
Sewer Liens 125,000	Expenses 492,440	That the following sums be appropriated for the sewer enterprise fund.
Sewer Connection Liens 275,000	Capital Outlay 51,850	Direct Expenses
Connection Fees 2,707,666	Lowell Sewer 678,000	Salaries 230,934
Application Fees 15,000	Reserve Fund 50,000	Expenses 1,220,440
Interest/Demands 10,000	Debt 6,509,950	Capital Outlay 51,850
Investment Income 150,000	Subtotal 8,013,174	Debt 6,509,950
Use of PY Surplus 826,613	Board of Selectmen 1,972	Subtotal 8,013,174
Transfer from GF 322,947	Town Manager 16,776	Indirect Expenses 722,092
Total 8,735,266	Accounting 5,759	Total \$ 8,735,266
EXPENSES	Computer Services 2,706	And that \$8,735,266 be raised as follows:
<u>Direct</u>	Assessor 12,594	Department receipts \$ 7,585,706
Salaries 230,934	Treasurer/Collector 56,398	Transfer from GF \$ 322,947
Operating Expenses 492,440	Town Counsel 9,188	Free Cash \$ 826,613
Lowell Sewer 678,000	Administrative Services 1,770	
Reserve Fund 50,000	Town Clerk 2,908	
Capital Outlay 51,850	Community Development 3,137	
Debt	Town Hall 1,959	
Principal - Maturing Debt 2,672,098	Auxiliary Buildings 1,067	
Interest - Maturing Debt 3,407,852	Building Dept 37,903	
Interest - Temporary 430,000	Dept of Public Works 250,861	
Total 8,013,174	Health Dept 6,992	
<u>Indirect</u>	Group Insurance 146,111	
Board of Selectmen 1,972	Retirement 157,419	
Town Manager 16,776	Medicare 6,570	
Accounting 5,759	Subtotal 722,092	
Computer Services 2,706	Total \$ 8,735,266	
Assessor 12,594		
Treasurer/Collector 56,398	\$7,585,708 to come from sewer enterprise revenues, \$322,947 to be transferred from the general fund to fund exempt sewer debt raised through taxes and \$826,613 to come from Free Cash	
Town Counsel 9,188		
Administrative Services 1,770		
Town Clerk 2,908		
Community Development 3,137		
Town Hall 1,959		
Auxiliary Buildings 1,067		
Building Dept 37,903		
Dept of Public Works 250,861		
Health Dept 6,992		
Group Insurance 146,111		
Retirement 157,419		
Medicare 6,570		
Total Indirect Expenses 722,092		
Total Expenses 8,735,266		

Executive Summary: The purpose of this article is to fund the Sewer Enterprise Fund for FY 2010

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the water enterprise fund or take any other action relative thereto.

**TOWN OF TEWKSBURY
WATER ENTERPRISE FUND
FISCAL YEAR 2010 PROPOSED BUDGET**

<u>Budget Presentation:</u>	<u>Budget Recommendation:</u>	<u>Budget Article:</u>
REVENUES	Recommend that the following sums be appropriated to operate the water enterprise fund	To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the water enterprise fund or take any other action thereon.
User Fees 5,295,289	Salaries 1,166,944	Voted:
Water Liens 250,000	Expenses 1,224,215	That the following sums be appropriated for the water enterprise fund.
Connection Fees 15,000	Capital Outlay 66,293	
Meter Replacement Fee -	Reserve Fund 25,000	
Investment Income 60,000	Debt 1,999,112	
Other Income 17,000	Subtotal 4,481,564	
Total 5,637,289		
EXPENSES		
<u>Direct</u>		Direct Expenses
Salaries 1,166,944	Board of Selectmen 1,972	Salaries 1,166,944
Operating Expenses 1,224,215	Town Manager 16,778	Expenses 1,224,215
Capital Outlay 66,293	Accounting 5,759	Capital Outlay 66,293
Reserve Fund 25,000	Computer Services 2,706	Reserve Fund 25,000
Debt	Assessor 12,594	Debt 1,999,112
Principal - Maturing Debt 1,532,805	Treasurer/Collector 72,164	Subtotal 4,481,564
Interest - Maturing Debt 444,132	Town Counsel 9,188	Indirect Expenses 1,155,725
Interest - Temporary 22,175	Administrative Services 1,770	Total \$ 5,637,289
Total 4,481,564	Town Clerk 2,908	
	Community Development 3,137	And that \$5,637,289 be raised as follows:
<u>Indirect</u>	Town Hall 1,959	Department receipt \$ 5,637,289
Board of Selectmen 1,972	Auxiliary Buildings 1,067	
Town Manager 16,778	Fire Dept 70,000	
Accounting 5,759	Building Dept 29,232	
Computer Services 2,706	Dept of Public Works 258,742	
Assessor 12,594	Health Dept 6,992	
Treasurer/Collector 72,164	Group Insurance 312,111	
Town Counsel 9,188	Retirement 333,767	
Administrative Services 1,770	Medicare 12,879	
Town Clerk 2,908	Subtotal 1,155,725	
Community Development 3,137	Total \$ 5,637,289	
Town Hall 1,959		
Auxiliary Buildings 1,067	\$5,637,289 to come from water enterprise revenues.	
Fire Dept 70,000		
Building Dept 29,232		
Dept of Public Works 258,742		
Health Dept 6,992		
Group Insurance 312,111		
Retirement 333,767		
Medicare 12,879		
Total Indirect Expenses 1,155,725		
Total Expenses 5,637,289		
Surplus/Deficit (0)		

Executive Summary: The purpose of this article is to fund the Water Enterprise Fund for FY 2010.

ARTICLE 7

To see if the Town will vote to transfer from the E & D account the total sum of \$1,900,000 to be used by the Assessors to reduce the current tax levy, or take any other action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize funds that were considered available as of June 30, 2008, to balance the FY10 general fund budget.

ARTICLE 8

To see if the Town will vote to transfer from the certified sewer enterprise fund free cash the sum of \$826,613 to be used to fund the sewer enterprise fund appropriations in FY10, or take any other action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize funds that were considered available as of June 30, 2008, to balance the FY10 sewer enterprise budget.

ARTICLE 9

To see if the Town will vote to appropriate the sum of \$40,000 to be expended by the Town Manager for the cost of purchasing and installing new fire hydrants in the Town of Tewksbury, 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, or take any other action relative thereto.

Motion: That the Town hereby appropriates the sum of \$40,000 to pay the costs of purchasing and installing new fire hydrants for residential customers of the Town of Tewksbury 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 Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(7C) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds to purchase and install new fire hydrants in the Town of Tewksbury. Many of the Town's current hydrants are past their useful lives and in need of replacement. It is anticipated that this program will be implemented over ten years and that an annual town meeting appropriation will be submitted each year to continue the program. This request is to fund the fifth year of the replacement program.

ARTICLE 10

To see if the Town will vote to appropriate the sum of \$800,000 to be expended by the Town Manager for the cost of purchasing and installing new water meters for residential customers of the Town of Tewksbury, 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, or take any other action relative thereto.

Motion: That the Town hereby appropriates the sum of \$800,000 to pay the costs of purchasing and installing new water meters for residential customers of the Town of Tewksbury 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 Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8(7A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds to purchase and install new water meters for residential customers of the Town of Tewksbury. Many of the Town's current meters are past their useful lives and, as such, the periodic readings may not be entirely accurate. It is anticipated that this program will be implemented over five years and that an Annual Town meeting appropriation will be submitted each year to continue the program. This request is to fund the fifth year of the replacement program. Furthermore, the MA Department of Environmental Protection is requiring the Town to do this as part of the Master Sewer Program.

ARTICLE 11

To see if the Town will vote to raise and appropriate and transfer \$35,000 to the Fire Equipment Stabilization Fund or take any action related thereto.

Town Manager

Executive Summary: The Fire Equipment Stabilization Fund will be used to accumulate funds to purchase or make lease payments on equipment needed by the Tewksbury Fire Dept. Since equipment requirements and costs can vary significantly from one fiscal year to the next this fund will be used to accumulate funds to stabilize the impact on future Fire Dept capital outlay budgets. Expenditures from this fund require a 2/3 Town meeting vote.

ARTICLE 12

To see if the Town will vote to raise and appropriate and transfer \$10,000 to the Fire Protective Gear Stabilization Fund or take any action related thereto.

Town Manager

Executive Summary: The Fire Protective Gear Stabilization Fund is used to accumulate funds to purchase protective gear for the Tewksbury Fire Dept. The Fire Dept Protective Gear Stabilization fund allows a mechanism for the department to accumulate funds so that all of the gear can be purchased at the same time thereby ensuring that all of the gear is standardized. Expenditures from this fund require a 2/3 town meeting vote.

ARTICLE 13

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 2010, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs	\$36,442.50
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Reserves:

Open Space	\$72,885
Community Housing	\$72,885
Historic Preservation	\$72,885
FY2010 Budgeted Reserve	\$375,000

Or take any other action related thereto.

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.

The total CPA Estimated FY10 revenue is \$728,850.

ARTICLE 14

To see if the Town will vote to approve the FY 2010 Affordable Housing Trust Fund Allocation Plan as follows:

ALLOCATION PLAN	for FY 2010
Starting Balance:	\$45,274
CPA- Saunders Circle Expansion (FY09)	\$150,000
Preservation Lane Fee in Lieu (Feb. 09)	\$137,830
	\$333,104
Anticipated Revenue	
CPA-Buydown Program (09 STM)	\$159,280
Administrative fee for Preservation Lane (2 units)	\$13,783
Comp. Permit Contributions (Shawsheen Place, Roberts Reach, Livingston Place)	\$88,000
Contribution from Katie Estates 3 units at \$130,000	\$390,000
Contribution from Pinnacle Crossing 3 units at \$130,000	\$390,000
Total Anticipated Funds Available FY10	\$1,041,063
Total Available Funds FY10	\$1,374,167
Expenses	
Audit of 3 Local Initiative Projects (\$7,500 per project)	\$22,500
Creation of New Units/ Buydown of existing units	\$1,201,667
CPA – Saunders Circle Expansion	\$150,000
Total Projected Expenses for FY10	\$1,374,167

Town Manager
Local Housing Partnership

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 2010 allocation plan meets the expenditure requirements of the Special Act.

ARTICLE 15

To see if the Town will vote to appropriate the sum of \$300,000 to be expended by the Town Manager for the cost of design plans and specifications, construction bidding and construction installation of internal plumbing in the Department of Public Works Building located at 999 Whipple Rd, Tewksbury, 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, or take any action relative thereto.

Motion: That the Town hereby appropriates the sum of \$300,000 to pay the costs of design plans and specifications, construction bidding and construction installation of internal plumbing in the Department of Public Works Building located at 999 Whipple Rd, Tewksbury 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 Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 7 (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds to install new internal plumbing in the DPW building and to connect the building to municipal sewer. This will allow for the Town to be in compliance with the MS4 NPDES Stormwater Permit with the Environmental Protection Agency .

ARTICLE 16

To see if the Town will vote to appropriate the sum of \$520,000 to be expended by the Town Manager for the purpose of repairing and/or replacing a portion of water main on River Road prior to roadway construction, 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, or take any action relative thereto.

Motion: That the Town hereby appropriates the sum of \$520,000 for the purpose of repairing and/or replacing a portion of water main on River Road, 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 Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 7 (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article will allow the Town to borrow funds for repair and/or replacement of the water main on a large portion of River Road between the Andover town line and Hood Road prior to the roadway reconstruction project, which has experienced several breaks over the last few years.

ARTICLE 17

To see if the Town will vote to appropriate the sum of \$6,218,000 for the purpose of funding the Town's liability to the Middlesex County Retirement System (MRS) for additional benefits payable under the early retirement incentive program 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 or take an action relative thereto.

Motion: That the Town hereby appropriates the sum of \$6,218,000 for the purpose of funding the Town's liability to the Middlesex County Retirement System for additional benefits payable under the early retirement incentive program and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 497 of the Acts of 2008 and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article authorizes the Town to borrow \$6,218,000 to pay for the additional benefits incurred under the 2002 and 2003 early retirement incentive programs. Currently the benefits are paid as part of the annual retirement assessment to Town. Once the funds are borrowed they will be paid to the Middlesex County Retirement Board to extinguish the early retirement incentive liability. The funds will only be borrowed if the resulting interest rate is lower than the rate currently being paid to MRS of 8.25%. Under Chapter 497 of the Acts of 2008 the Town will not be allowed to recognize any savings from this action for five years. This article does not authorize any additional benefits.

ARTICLE 18

To see if the Town will vote to appropriate the sum of \$500,000 to be expended by the Town Manager for the repair and maintenance of two water storage tanks on Ames Hill, 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, or take any action relative thereto.

Motion: That the Town hereby appropriates the sum of \$500,000 for the repair and maintenance of two water storage tanks on Ames Hill 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 Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8 (7C) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

Executive Summary: This article authorizes the Town to borrow funds for the repair and maintenance of the two Ames Hill water storage tanks. As a result of a MA-DEP sanitary survey the Town is mandated to perform these maintenance items to bring the storage tank facility into compliance with MA-DEP regulations regarding underground storage tanks.

ANY ARTICLES VOTED TO BE REMOVED FROM THE CONSENT CALENDAR SHALL BE RESTORED TO ITS ORIGINAL NUMBERED PLACE IN THE WARRANT.

Article 3-19

Article 3-20

Article 3-21

Article 3-22

Article 3-23

Article 3-24

Article 3-25

Article 3-26

SECTION 3

- ARTICLE 27 River Road
Re-construction Easement
- ARTICLE 28 Fraiser Lane
Sewer Main and Sewer Pump
- ARTICLE 29 Pinnacle Street
Drainage Easement
- ARTICLE 30 1875 Main Street
Utility Easement
- ARTICLE 31 Add new Town By-Law
Public Consumption of Marijuana or Tetrahydrocannabinol
- ARTICLE 32 Amend Dog Laws and Fees
- ARTICLE 33 Amend Chapter 59 of the General Laws
Section 20A of Chapter 59
- ARTICLE 34 Washington B. Trull Trust
Grant Easement
- ARTICLE 35 Revised Family Suite By-Law
Section 3400
- ARTICLE 36 Amend Zoning By-Law: Dimensional Special Permit
Section 4250 and Appendix B

- ARTICLE 37 Amend Zoning By-Laws: Cluster Subdivisions
Section 7351

ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or take by eminent domain temporary and/or permanent easements for the purpose of providing drainage, sidewalks and roadway reconstruction on a portion of River Road from Trull Brook to the Town line with Andover as shown on the plan entitled "River Road Transportation Improvement Project" dated February 7, 2009, prepared by Vanasse Hangen Brustlin, Inc., or take any action relative thereto. A copy of the plan may be viewed at the Department of Public Works, Engineering Division, 999 Whipple Road.

Town Manager

Executive Summary: This will allow the Selectman to obtain the necessary easements for the roadway reconstruction on River Road.

ARTICLE 28

To see if the town will vote to accept conveyance of the sewer line and pump station located within the Robertson Estates Definitive Subdivision shown on plan of land entitled "Robertson Estates "Definitive Subdivision" Plan of Land In Tewksbury, Massachusetts; prepared for C.A. Investment Trust, 59 Chandler Circle, Andover, Massachusetts; prepared by Dana F. Perkins, Consulting Engineers and Land Surveyors, 1049 East Street, Tewksbury, Massachusetts; dated November 2, 2001, and approved under the Subdivision Control Law and recorded at Middlesex North Registry of Deeds at Plan Book 212, Plan 90, and to further accept conveyance of the sewer and utility easements in which said sewer line and pump station may be located. Said utility easements being shown on a plan entitled "Easement Plan of Land, Frasier Lane, Tewksbury, Massachusetts" said plan consisting of Sheets 1-3; prepared for C.A. Investment Trust, 59 Chandler Circle, Andover, Massachusetts; prepared by Dana F. Perkins, Consulting Engineers and Land Surveyors, 1049 East Street, Tewksbury, Massachusetts; dated February 9, 2009 or take any other action relative thereto.

Town Manager

Executive Summary: This will allow the town to take ownership of the sewer main and sewer pump station on Frasier Lane.

ARTICLE 29

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or take by eminent domain easements on Map 91, Lots 19 and 21 for the purpose of providing drainage between the properties 400 and 410 Pinnacle Street. Such easement locations are shown on plans entitled; "Drainage Easement #400 & #410 Pinnacle Street, Tewksbury, Massachusetts prepared for Town of Tewksbury" prepared by Coughlin Environmental Services, LLC on March 2, 2009. A copy of the plans may be viewed at the Department of Public Works, Engineering Division, 999 Whipple Road.

Town Manager

Executive Summary: The purpose of this article is to acquire by eminent domain a drainage easement from 400 and 410 Pinnacle Street to install and maintain drainage for Pinnacle Street.

ARTICLE 30

To see if the Town will vote to appropriate \$3,600 from available funds and authorize the Town Manager to acquire by taking by eminent domain or otherwise, in fee simple and/or by easement or other interest in land along Main Street as shown in plan entitled "Utility Easement Plan, Assessors Map 84 Lot 21, AIRPORT ROAD Tewksbury Massachusetts" prepared by Cuoco and Cormier for the Town of Tewksbury dated February 4, 2009, for the purpose installation and maintenance of utilities including sewer, water and drainage, which plans are to be recorded at the Middlesex Registry of Deeds as follows:

Legal Description

Permanent Sewer Utility Easement

Certain parcels of land in the Town of Tewksbury, Middlesex County, Massachusetts, situated in a Right of Way know as Airport Road, more particularly bounded and described as follows:

Beginning at a point on the southerly end of said Airport Road, at land of now or formerly Airport Industrial Condominium, said point being S 50° 14' 00" E a distance of 10 feet, more or less, from the southwest corner of land of now or formerly William J Rooney, shown as Lot 76 on Tewksbury Assessor's Map 84, thence; N 39° 43' 30" E over said Airport Road, a distance of 327.75 feet, more or less, to a point, thence;

Northwesterly, at a right angle, a distance of 10 feet, more or less, to land of now or formerly Effjam II Realty trust, thence; N 39° 43' 30" E along said Effjam land a distance of 20 feet, more or less to a point, thence; Southeasterly at a right angle, a distance of 30 feet, more or less, to a point, thence; S 39° 43' 30" W a distance of 347.77 feet, more or less, to a point at said Airport Industrial Condominium land, thence;

N 50° 14' 00" W by the end of said Airport Road, a distance of 20.00 feet, more or less to the point of beginning. Said Permanente Easement contains 7, 155 square feet, more or less.

Temporary Construction Easements

Beginning at a point on the southerly end of said Airport Road, at land of now or formerly Airport Industrial Condominium, said point being the southwest corner of land of now or formerly William J Rooney, shown as Lot 76 on Tewksbury Assessor's Map 84, thence; N 39° 43' 30" E along the northerly line of said Airport Road, a distance of 327.75 feet, more or less, to a point, thence; Southeasterly, at a right angle, a distance of 10 feet, more or less, to a point, thence; S 39° 43' 30" W distance of 327.75 feet, more or less to a point at said Airport Industrial Condominium land, thence;

N 50° 14' 00" W by the end of said Airport Road, a distance of 10.00 feet, more or less to the point of beginning. Said Temporary Easement contains 3,275 square feet, more or less.

Said Easements are shown on a plan entitled "Utility Easement Plan- Assessor's Map 84 Lot 21-Airport Road-Tewksbury, MA – Prepared for Town of Tewksbury- dated February 4, 2009 – prepared by Cuoco and Cormier Engineering Associates, Inc.

Town Manager

Executive Summary: This will allow this property located at 1875 Main Street to have access for the purpose of connecting to the utilities including sewer, water and drainage. The funds will be paid from the Master Sewer Project.

ARTICLE 31

To see if the Town will vote to amend the Town By Laws by adding a new section 9.18

Public Consumption of Marijuana or Tetrahydrocannabinol

9.18.010 Public consumption of marijuana or tetrahydrocannabinol prohibited

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, & 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

9.18.020 Enforcement Authority

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, & 21, or by noncriminal disposition pursuant to G.L. c. 40, & 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer.

9.18.30.1 Violation - Penalty

The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, & 32L.

Alfred Donovan
Chief of Police

Executive Summary: The new law which de-criminalizes the possession of marijuana (M.G.L. 272 s 59) under (1) ounce, does not address the issue of people smoking marijuana in public. The adoption of the proposed by-law would allow law enforcement personnel to impose a \$300.00 fine to those violators who are smoking or consuming marijuana in a public place. The present law only imposes a fine for the possession of marijuana (under 1 ounce) and not for the smoking or consumption of marijuana in a public place like a school or on town property.

ARTICLE 32

To see if Town will vote to amend the following sections of the Town By-Laws regarding Laws Relating to Dogs to add the following fee(s) adjustments:

6.04.050 Dog Tag: If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of five (\$5.00) dollars.

6.04.060 License Fees/Late Fees/ Penalties: Fees for all dogs male, female neutered or sprayed shall be fifteen (\$15.00) dollars, annually, payable on January 1.

Late Fees: Overdue fees shall be increased to \$20.00 on or before March 15 and to \$30.00 if not paid on or before July 1.

6.04.070 Kennel License/Fees:

Five (5) dogs or less	\$50.00.
Ten (10) dogs or less	\$100.00
Fifteen (15) dogs or less	\$150.00
Over sixteen dogs	prohibited

6.04.080 Animal Control Officer: Any Owner or keeper of any dog who refuses to turn over any dog to the Animal Control Officer upon demand, said seeking out, or catching or confinement authorized in the above paragraph shall be punished by a fine of One Hundred and fifty (150.00) Dollars. Each day that said violation continues shall constitute a separate offense.

6.04.100 Leash Law:

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

6.04.110 Public Nuisances: penalty for the violation of this section shall be:

Female Dogs in Heat:

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

Noise Disturbances, Chasing Vehicles, Trespassing etc:

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

6.04.120 Disposition of Dogs:

Reclaiming Impounded Dogs: An owner reclaiming an impounded dog shall pay an administrative fee of twenty five (\$25.00) dollars, plus twenty five (\$25.00) boarding charge for each day that the dog has been impounded. In addition, if applicable, veterinary costs plus a 10% administrative fee for a distemper vaccination.

Delete “. . . to a total maximum of one hundred ninety (\$190.00) dollars in aggregate.”

6.04.160 Penalty By-Law:

(a) Informal Disposition Process:

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

(b) Non-Criminal Disposition through Chapter 1.08, General Penalty Town of Tewksbury Town By-Laws:

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

Lou-Ann Clement, Director of Public Health
Mary-Ann O. Nichols, Town Clerk

Executive Summary: These section amendments are either to adjust the existing established dog fees and penalties and/or to clarify the Leash Law penalties.

ARTICLE 33

To authorize and direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to amend Section 20A of chapter 59 of the General Laws by striking out in line 3 thereof the words “regional school districts”, thereby amending said Section 20A of chapter 59 to read as follows:

“No county, district, public authority, the commonwealth, or other government entity authorized by law to assess costs, charges or fees upon cities and towns, except regional water districts and regional sewerage districts, may increase the total of such costs, charges or fees by more than the sum of: (1) two and one-half per cent of the total of such costs, charges or fees over the preceding fiscal year; and (2) any increases in costs, charges or fees for services customarily provided locally or for services subscribed to at local option.”

Tewksbury School Committee

Executive Summary: The intent of this petition is to ensure fairness in this time of economic crisis by requiring that all governmental entities and authorities authorized by law to assess costs, charges or fees upon cities or towns, except for regional water districts and regional sewerage districts, shall be limited in the increase of the total of such costs, charges or fees by not more than the sum of: (1) two and one-half percent of the total of such costs, charges or fees over the preceding fiscal year; and (2) any increases in such costs, charges or fees for services customarily provided locally or for services subscribed to at local option.

ARTICLE 34

To see if the Town will vote to grant an easement to the trustees of the charitable Washington B. Trull Trust permitting them to access and maintain the Trull Monument located on a parcel of land in the Town of Tewksbury, County of Middlesex, Commonwealth of Massachusetts at the corner of River and Hood Roads.

Summary: This article seeks to obtain the vote of the Town to grant an easement permitting access to and maintenance of a historical monument in honor of a revolutionary war hero by the trustees of a charitable trust as per the attached easement at no expense to the Town.

Mark Torrisi and Others

Monument Easement

Executive Summary: This article seeks to obtain the vote of the Town to grant an easement permitting access to and maintenance of a historical monument in honor of a revolutionary war hero by the trustees of a charitable trust as per the attached easement at no expense to the Town.

KNOW ALL MEN BY THESE PRESENTS, that the inhabitants of the Town of Tewksbury (herinafter the "Grantor"), the owners of a certain parcel of land containing the Captain John Trull Memorial Stone situated on the northerly portion of Hood Road just westerly of its intersection with River Road as depicted on the Monument Location Plan of Certified Engineers, Cavanaro Consulting, 687 Main Street, Norwell, Massachusetts 02061 dated _____ and recorded as Plan Book _____, Page _____ in the Middlesex North District Registry of Deeds, Lowell, Massachusetts as a result of two takings by the Middlesex County Commissioners recorded at Book 353, Page 243 on May 1, 1903 and at Book 1061, Page 371 on February 11, 1947, for consideration paid hereby grant to: Robert F. Trull and George W. Harvey and their successors and/or assigns, as trustees of the Washington B. Trull Testamentary Trust as recorded at the Norfolk Probate Court, Docket No. 67202T, in perpetuity with quitclaim covenants, the right and easement to access and maintain the monument side and the approximate 1500 square foot triangular area surrounding the land upon which the monument sits.

Said easement grant includes the right of the Grantees to maintain, renew, replace and remove brush, shrubs, grass and flowers within said easement area solely for the benefit of the maintenance of the Trull Monument as well as the right to enter Grantor's property from time to time for all of the foregoing purposes.

Grantees agree to indemnify and hold harmless the Grantor with respect to Grantee's use of said easement area as well as acknowledging Grantee's ongoing obligation to remove trash and debris and in general maintain and repair the monument site.

ARTICLE 35

To see if the Town will vote to delete the provisions of Section 3400 of the Zoning Bylaw in its entirety and to substitute in lieu thereof the following new Section 3400:

3400. Accessory Residential Uses in One-Family Dwellings: Family Suites

3410. General Objectives: The provision of accessory Family Suite dwelling units in owner occupied one family dwellings is intended to: (1) increase the range of choice of housing accommodations, (2) encourage greater diversity of population with particular attention to young adults and senior citizens, and (3) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

3420. Conditions and Requirements. A family suite is allowed as an accessory use, attached to a single family dwelling in R40, R80, FA, TR and LB zones including Cluster Developments, in accordance with the requirements listed below (a) through (n):

- (a) The owner of the dwelling in which the family suite is created, shall occupy either of the dwelling units in the located structure in question, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who holds legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.
- (b) The family suite shall not contain more than 800 square feet of floor area by right. The maximum floor area of a family suite may be enlarged, however, to a maximum floor area not to exceed 1,000 square feet only upon the issuance of a special permit by the Planning Board.
- (c) The family suite shall not contain more than two (2) bedrooms. Common entries and open decks shall not be included in the square footage calculation of the family suite.
- (d) The family suite shall be contiguous with the single family dwelling with direct access or connected with a common closed entry.
- (e) The family suite may have its own front door, and may also have a side or rear exit with an open deck and egress.
- (f) Any structural addition of a family suite must meet all front, side and rear setbacks and lot coverage requirements for the zone unless variances are granted by the Tewksbury Zoning Board of Appeals in accordance with MGL § 40A.
- (g) There are no more than three (3) related persons occupying the family suite.
- (h) A minimum of one additional off-street parking space shall be provided, however, a separate driveway is not permitted.
- (i) Annual Certification by notarized affidavit shall be provided to the Building Commissioner that the owner of the property, except for bona fide temporary absence shall occupy one of the two dwelling units.
- (j) The family suite shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code).
- (k) Only one family suite may be constructed onto any dwelling.
- (l) No family suite permitted under this Section 3400 shall be constructed and occupied without building and occupancy permits issued by the Building Commissioner.
- (m) A certificate of occupancy shall be issued to the owner of the dwelling only, and is not transferable. In the event of the subsequent sale and or transfer of the dwelling structure in which the family suite is located, the new owner must obtain a new certificate of occupancy for the

family suite from the Building Commissioner prior to continued occupancy of the said family suite.

- (n) Restriction Agreements in a form acceptable to the Building Commissioner shall be completed by the applicant, submitted to the Building Commissioner, then approved and recorded at the North Middlesex Registry of Deeds by the Building Commissioner, or by Town Counsel, as the case may be.
- (o) Notwithstanding anything else contained herein to the contrary, nothing herein shall be construed as to require a family suite to be under its own roof.

3430. **Grant of Variance.** Except as otherwise provided in Section 3420(e) above, the conditions and requirements set forth in Section 3420 above shall not be subject to relief through a variance.

Richard O'Neill and Others

Executive Summary: This Article retains most of the requirements of the present Family Suite Bylaw but also differs from the current Section 3400 in that it (1) allows the floor area of the family suite unit to be increased from 800 square feet by right to an area not greater than 1,250 square feet upon the issuance of a special permit from the Planning Board; (2) allows for the number of bedrooms located in the family suite to be increased from one to two in number; (3) requires Annual Certification by notarized affidavit to be provided to the Building Commissioner attesting that the owner of the property, except for bona fide temporary absence shall occupy one of the two dwelling units; (4) states that a certificate of occupancy shall be issued to the owner of the dwelling only, and is not transferable. In the event of the subsequent sale and or transfer of the dwelling structure in which the family suite is located, the new owner must obtain a new certificate of occupancy for the family suite from the Building Commissioner prior to continued occupancy of the said family suite.

These changes will increase the range of choice of housing accommodations for Tewksbury's young adults and senior citizens in these increasingly difficult economic times, and will encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

ARTICLE 36

To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 4250 thereto:

Section 4250. DIMENSIONAL SPECIAL PERMIT

In order to permit an owner of land to make use of a lot of land or to erect and maintain buildings or other structures on a lot of land which does not conform to the area, frontage or perimeter dimensional requirements of Section 4250 and Appendix B of the Zoning Bylaw, and such lot of land is located in a residential zoning district (R-40, R-80), the Planning Board may, subject to the following requirements, may grant a special permit to exempt such lot of land from the said area, frontage or perimeter dimensional requirements set forth in Section 4250 and Appendix B.

In determining whether to grant a dimensional special permit in accordance with this Section 4250, the Planning Board, after public hearing, shall make the following necessary findings prior to the issuance of such dimensional special permit:

- (1) That such lot of land has frontage on (i) a public way or way which the Town Clerk certifies is maintained and used as a public way, or (ii) is a way shown on a plan of land theretofore approved and endorsed in accordance with the subdivision control law, or (iii) is a way in existence when the subdivision control law became effective in the Town of Tewksbury, having sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and is sufficient for the installation of municipal services to serve such land and the buildings erected or to be erected thereon; and
- (2) That such lot of land contains not less than ten thousand (10,000) square feet of area and is shown on the Tewksbury Assessor's Tax Map on or before March 18, 1992;, or shown on a plan of land or other instrument describing such lot of land as containing 10,000 square feet of area or more, and such plan or instrument was originally recorded in the Middlesex North District Registry of Deeds; and
- (3) That the adjoining neighborhoods have been previously developed by the construction of buildings or structures on lots generally smaller than is prescribed by said Section 4250 and Appendix B; and
- (4) That the structure to be constructed conforms to the current requirements of the Bylaw to the maximum extent possible; and
- (5) That such structure to be constructed is not substantially more detrimental to the neighborhood in general.

John Berube and Others

Executive Summary: The approval of this bylaw amendment would permit an owner of land to make use of a lot of land or to erect and maintain buildings or other structures on a lot of land which does not conform to the area, frontage or perimeter dimensional requirements of Section 4250 and Appendix B of the Zoning Bylaw, and such lot of land is located in a residential zoning district (R-40, R-80), the Planning Board may, subject to the following requirements, may grant a special permit to exempt such lot of land from the said area, frontage or perimeter dimensional requirements set forth in Section 4250 and Appendix B.

ARTICLE 37

To see if the Town will vote to amend Section 7351 of the Tewksbury Zoning By-Law by substituting the words “12 acres” with “3 acres”

The amended section to read: The total area of the subdivision shall not be less than 3 acres.

Anthony Martinelli and Others

Executive Summary: The purpose of this article is to allow cluster development on subdivisions of property less than 12 acres. Cluster Development adds to the Town’s Open Space without increasing development density. Cluster Subdivisions promote Low Impact Development while increasing permanent Open Space.

And you are directed to serve the within Warrant by posting up true and attested copies hereof upon the Town Hall and in each precinct, seven (7) days at least before the time of holding said meeting; also, leaving at least 500 copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

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

Given under our hands this 10th day of March in the Year of Our Lord, Two Thousand and Nine.

BOARD OF SELECTMEN

Todd R. Johnson, Chairman

David H. Gay, Vice Chairman

Douglas W. Sears, Clerk

Jerome E. Selissen

Anne Marie Stronach

Tewksbury "Adopt A Hydrant" Program

The **Tewksbury Fire Department** has partnered with **Hy-Viz Inc.** to bring fiberglass hydrant markers to the community. These highly reflective hydrant markers will allow hydrants to be visible, day or night, from a great distance. The markers will help locate snow covered hydrants during the winter months and tree and shrub obstructed hydrants during the warmer months. **Hy-Viz** markers have a stainless steel spring and ring mount for years of maintenance free service. We have chosen the "Patriot Banding" design for use in Tewksbury.

Donation Made by: _____ Date: _____
Address: _____ Phone: _____

Street Address of Hydrant(s) to be adopted:

(I.e. in front of 123 Main Street)

Cost of each marker: \$ 14.99
of hydrant markers purchased: x _____
Total: = _____

Once a group of orders have been placed, the Fire Department will locate the adopted hydrants and place the reflective markers with "Patriot Banding" design. In the event that there are multiple requests for marking the same hydrant, we will place the marker one of the many critical hydrants that we have in town that may be overlooked. We will notify residents or businesses of our placement once the marker is in place.

For additional information visit www.tewksbury.info/fire.

Thank You for your support!

Tewksbury Fire Department
c/o: Adopt a Hydrant Program
21 Town Hall Avenue
Tewksbury, MA 01876

What is a “File of Life”?

A “File of Life” is a mini medical history posted on the outside of ones refrigerator, or personally carries in a person’s wallet. The “File of Life” card enables EMT’s to obtain a quick medical history when the patient, who, in a frightened state, may forget to mention something important.

The card which is kept in a red plastic pocket labeled “File of Life”, lists the patients name, emergency medical contacts, insurance policy and social security number, health problems, medications, dosages, allergies, recent surgeries, doctors name and a health care proxy. The entire pocket is held with a magnet to the outside of the refrigerator. Details will be provided at the fire stations or call 978-640-4410.

Who should have one?

-Anyone who has many or complicated medical problems and or takes many medications.

IMPORTANT INFORMATION

BEGINNING JULY 1, 2009, THE TOWN OF TEWKSBURY WILL BE STARTING THE AUTOMATED SOLID WASTE COLLECTION. EACH RESIDENCE WILL RECEIVE ONE 64 GALLON WHEELED CART. CONDO RESIDENCE WILL RECEIVE ONE 35 GALLON WHEELED CART. UNLESS THERE IS A DUMPSTER(S) FOR THE PROPERTY. THAT IS THE ONLY CONTAINER THAT CAN BE USED FOR SOLID WASTE COLLECTION. THERE WILL BE NO CHANGE IN THE WAY THAT RECYCLING IS COLLECTED. HOWEVER, YOU CAN USE YOUR OLD TRASH BARRELS AS RECEPTACLES FOR YOUR RECYCLABLES.

MORE INFORMATION WILL BE PROVIDED BY WAY OF CHANNEL 10, RECYCLING COMMITTEE WEBSITE WWW.TEWKSBURY.INFO/RECYCLE; LOCAL NEWSPAPERS AND ALLIED WASTE. YOU CAN ALWAYS CALL THE TOWN MANAGER’S OFFICE 978-640-4300 WITH ANY QUESTIONS YOU MIGHT HAVE.

THANK YOU FOR YOUR PATIENCE AND COOPERATION.

GLOSSARY OF TERMS

Town Meeting:

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

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

Warrant:

Public notice of business to be considered at the Town Meeting. It is publicly posted in each Precinct throughout the Town. The Warrant is mailed to each dwelling in the Town in which a registered voter resides and describes all of the Articles which will be acted upon at the Town Meeting.

Article(s):

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

General Information:

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

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

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

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

Motions, Motions to Amend, and Votes Required:

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

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

The Motion is then open for discussion by the assembly.

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

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

Motions For Indefinite Postponement of an Article:

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

Reconsideration of an Article:

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

Move the Question:

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

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

Rules to Govern Speakers:

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

CAR.-RT.
PRESORT
BULK RATE
U.S. POSTAGE
PAID
Tewksbury, MA
PERMIT NO. 33

**RESIDENTIAL CUSTOMER
RURAL ROUTE BOX HOLDER**

**PLEASE TAKE THIS
WARRANT WITH YOU TO
TOWN MEETING**