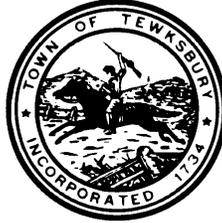


# ANNUAL TOWN MEETING

**2010  
WARRANT**



**TOWN OF TEWKSBURY  
COMMONWEALTH OF MASSACHUSETTS**

## **Finance Committee Public Hearing**

**April 28, 2010 7:00 p.m.**  
Town Hall Auditorium

## **Annual Town Meeting**

**May 3, 2010 8:00 p.m.**  
Tewksbury Memorial High School

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

**TOWN MEETING GUIDELINES**

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

<b><u>Annual Town Meeting</u></b>	<b><u>Annual Town Meeting</u></b>	<b><u>Special Town Meeting</u></b>
<p align="center">MONDAY May 3, 8 P.M.</p> <ul style="list-style-type: none"> <li>• Consent Calendar Articles</li> <li>• Annual Budget</li> <li>• Budget Related Articles</li> <li>• Personnel</li> <li>• By-Law Amendments</li> </ul>	<p align="center">WEDNESDAY May 5, 8 P.M.</p> <ul style="list-style-type: none"> <li>• Zoning By-Law Amendments</li> <li>• Town By-Law Amendments</li> <li>• General Articles</li> </ul>	<p align="center">WEDNESDAY May 5, 7 P.M.</p>

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 3, 2010, at 8:00 p.m. to act on the following articles:

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**SECTION 1**

**ARTICLE 1**

To choose all necessary Town Officers, by ballot,

Two (2) member of the Board of Selectmen for three years; Two (2) member of the Board of Health for three years; One (1) member of the Planning Board for five years; One (1) member of the Planning Board for one year unexpired term; Two (2) member of the School Committee for three years; One (1) member of the Shawsheen Valley 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.

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**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 FY11
Article 9	Budget Related	Purchase and Install New Residential Water Meters
Article 10	Budget Related	Fire Equipment Stabilization Fund
Article 11	Budget Related	Community Preservation Fund Annual Revenues
Article 12	Budget Related	Affordable Housing Trust Fund Allocation Plan
Article 13	Budget Related	Tewksbury High School Roof

**ARTICLE 2**

To see if the Town will vote to fix the salaries of several elected officials for the fiscal year 2011.

	<b>FY10</b>	<b>FY11</b>
	<b><u>Present</u></b>	<b><u>Requested</u></b>
<b><u>BOARD OF HEALTH</u></b>		
Chairman	405	405
Members (4)	315	315
<b><u>MODERATOR</u></b>	450	450
<b><u>PLANNING BOARD</u></b>		
Chairman	1080	1080
Members (4)	765	765
<b><u>SCHOOL COMMITTEE</u></b>		
Chairman	2700	2700
Members (4)	2250	2250
<b><u>SELECTMEN</u></b>		
Chairman	5400	5400
Members (4)	4500	4500

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

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**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 3-14	Accept the Annual Report
Article 3-15	Lease/Purchase Agreement
Article 3-16	Authorize Chapter 90 Funds
Article 3-17	Re-Authorize Revolving Fund Street & Traffic Signage
Article 3-18	Re-Authorize GIS Program Revolving Fund
Article 3-19	Re-Authorize Council On Aging Revolving Fund
Article 3-20	Re-Authorize Recreation & Parks and Summer Program Revolving Fund
Article 3-21	Re-Authorize "Emergency 72 Hour Go Kits" Revolving Fund
Article 3-22	Re-Authorize Town Clerk – Records Preservation Revolving Fund
Article 3-23	Workers' Compensation

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**ARTICLE 3-14**

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 2009 Town Report.

**ARTICLE 3-15**

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.

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**ARTICLE 3-16**

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.

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**ARTICLE 3-17**

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.

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**ARTICLE 3-18**

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 for FY11.

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**ARTICLE 3-19**

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 3-20**

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 FY11.

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**ARTICLE 3-21**

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 for FY11.

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**ARTICLE 3-22**

To see if the Town will vote to reauthorize the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, establishing a self sufficient revolving fund, to account for revenues and expenditures relating to preservation and safekeeping of historical records in the Town Clerk’s Office, to include but not limited to; software and scanning of records, restoration of our historic records tomes, acid free folders and storage boxes and upgrading filing systems to include fireproof cabinets. The account shall be credited with all amounts received over the base fee for all vital records (Birth, Marriage and Death Records) purchased in the Town Clerk’s Office. Expenditures of the fund shall be approved by the Town Clerk or his/her designee. Said fund shall not exceed \$10,000 in any given fiscal year; or take any other action relative thereto.

Town Clerk  
Town Manager

**Executive Summary:** This article authorizes the Town to continue a self sufficient revolving fund to account for the revenues and expenditures relating to the preservation and safekeeping of historical records in the Town Clerk’s Office in the Town of Tewksbury for FY11.

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**ARTICLE 3-23**

To see if the Town will vote to accept Massachusetts General Laws Chapter 152 Workers’ Compensation, or take any other action relative thereto.

Town Manager

**Executive Summary:** This will provide wage-loss protection to employees who are injured on the job and incur loss of earning capacity from injury.

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**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, 2011 and transfer the sum of \$775,000 from overlay surplus to fund the FY2011 General Fund appropriations or take any related action.

**TOWN OF TEWKSBURY  
FY11 GENERAL FUND BUDGET**

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>General Government</b>				
<b>Moderator</b>				
<i>Salaries</i>	450	450	450	450
<i>Operating</i>	-	75	75	75
<i>Outlay</i>	-	-	-	-
<b>Total Moderator Budget</b>	<b>450</b>	<b>525</b>	<b>525</b>	<b>525</b>
<b>Selectmen</b>				
<i>Salaries</i>	26,925	26,400	26,400	26,400
Water Enterprise Fund Allocation	(435)	(396)	(396)	(396)
Sewer Enterprise Fund Allocation	(435)	(396)	(396)	(396)
<i>Total Salaries</i>	26,055	25,608	25,608	25,608
<i>Operating</i>	139,167	115,070	114,768	114,768
Water Enterprise Fund Allocation	(2,027)	(1,576)	(1,726)	(1,726)
<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
Sewer Enterprise Fund Allocation	(2,027)	(1,576)	(1,726)	(1,726)
<i>Total Operating</i>	135,113	111,918	111,316	111,316
<i>Outlay</i>	-	-	-	-
<b>Total Selectmen Budget</b>	<b>161,168</b>	<b>137,526</b>	<b>136,924</b>	<b>136,924</b>
<b>Town Manager</b>				
<i>Salaries</i>	342,671	331,326	332,191	332,191
Water Enterprise Fund Allocation	(17,618)	(16,566)	(16,183)	(16,183)
Sewer Enterprise Fund Allocation	(17,618)	(16,566)	(16,183)	(16,183)
<i>Total Salaries</i>	307,435	298,194	299,825	299,825
<i>Operating</i>	4,273	4,235	5,825	5,825
Water Enterprise Fund Allocation	(318)	(212)	(291)	(291)
Sewer Enterprise Fund Allocation	(318)	(212)	(291)	(291)
<i>Total Operating</i>	3,637	3,811	5,243	5,243
<i>Outlay</i>	-	-	-	-
<b>Total Town Manager Budget</b>	<b>311,072</b>	<b>302,005</b>	<b>305,068</b>	<b>305,068</b>
<b>Finance Committee</b>				
<i>Salaries</i>	2,515	2,515	2,515	2,515
<i>Operating</i>	815	810	788	788
<i>Outlay</i>	-	-	-	-
<b>Total Finance Committee Budget</b>	<b>3,330</b>	<b>3,325</b>	<b>3,303</b>	<b>3,303</b>
<b>Town Counsel</b>				
<i>Operating</i>	213,791	192,931	192,931	192,931
Water Enterprise Fund Allocation	(4,844)	(9,188)	(9,188)	(9,188)
Sewer Enterprise Fund Allocation	(4,844)	(9,188)	(4,823)	(4,823)
<b>Total Town Counsel Budget</b>	<b>204,103</b>	<b>174,555</b>	<b>178,920</b>	<b>178,920</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Administrative Services</b>				
<i>Salaries</i>	103,105	104,511	89,381	89,381
Water Enterprise Fund Allocation	(1,553)	(1,568)	(1,341)	(1,341)
Sewer Enterprise Fund Allocation	(1,553)	(1,568)	(1,341)	(1,341)
<i>Total Salaries</i>	99,999	101,375	86,699	86,699
<i>Operating</i>	13,015	13,500	13,500	13,500
Water Enterprise Fund Allocation	(278)	(203)	(203)	(203)
Sewer Enterprise Fund Allocation	(278)	(203)	(203)	(203)
<i>Total Operating</i>	12,459	13,094	13,094	13,094
<i>Outlay</i>	-	-	-	-
<b>Total Administrative Services</b>				
<b>Budget</b>	<b>112,458</b>	<b>114,469</b>	<b>99,793</b>	<b>99,793</b>
<b>Town Clerk</b>				
<i>Salaries</i>	168,511	179,626	209,376	194,077
Water Enterprise Fund Allocation	(3,419)	(2,694)	(2,358)	(2,358)
Sewer Enterprise Fund Allocation	(3,419)	(2,694)	(2,358)	(2,358)
<i>Total Salaries</i>	161,673	174,238	204,660	189,361
<i>Operating</i>	12,777	14,215	14,215	14,215
Water Enterprise Fund Allocation	(229)	(213)	(213)	(213)
Sewer Enterprise Fund Allocation	(229)	(213)	(213)	(213)
<i>Total Operating</i>	12,319	13,789	13,789	13,789
<i>Outlay</i>	-	-	-	-
<b>Total Town Clerk Budget</b>	<b>173,992</b>	<b>188,027</b>	<b>218,449</b>	<b>203,150</b>
<b>Election</b>				
<i>Salaries</i>	34,464	14,500	31,500	31,500
<i>Operating</i>	8,218	7,580	8,650	8,650
<i>Outlay</i>	-	-	-	-
<b>Total Election Budget</b>	<b>42,682</b>	<b>22,080</b>	<b>40,150</b>	<b>40,150</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Board of Registrars</b>				
<i>Salaries</i>	2,850	2,850	2,850	2,850
<i>Operating</i>	1,336	1,440	1,450	1,450
<i>Outlay</i>	-	-	-	-
<b>Total Board of Registrars</b>				
<b>Budget</b>	<b>4,186</b>	<b>4,290</b>	<b>4,300</b>	<b>4,300</b>
<b>Total General Government</b>				
	<b>1,013,441</b>	<b>946,802</b>	<b>987,432</b>	<b>972,133</b>
<b>Finance Department</b>				
<b>Accounting</b>				
<i>Salaries</i>	219,578	223,931	215,090	215,090
Water Enterprise Fund Allocation	(5,371)	(5,598)	(5,377)	(5,377)
Sewer Enterprise Fund Allocation	(5,371)	(5,598)	(5,377)	(5,377)
<i>Total Salaries</i>	208,836	212,735	204,336	204,336
<i>Operating</i>	7,395	6,433	6,412	6,412
Water Enterprise Fund Allocation	(288)	(161)	(160)	(160)
Sewer Enterprise Fund Allocation	(288)	(161)	(160)	(160)
<i>Total Operating</i>	6,819	6,111	6,092	6,092
<i>Outlay</i>	-	-	-	-
<b>Total Accounting</b>				
<b>Budget</b>	<b>215,655</b>	<b>218,846</b>	<b>210,428</b>	<b>210,428</b>
<b>Computer Services</b>				
<i>Salaries</i>	162,592	161,803	155,728	155,728
Water Enterprise Fund Allocation	(2,414)	(2,420)	(2,336)	(2,336)
Sewer Enterprise Fund Allocation	(2,414)	(2,420)	(2,336)	(2,336)
<i>Total Salaries</i>	157,764	156,963	151,056	151,056
<i>Operating</i>	118,490	126,345	67,960	67,960
Water Enterprise Fund Allocation	(273)	(287)	(287)	(287)
Sewer Enterprise Fund Allocation	(273)	(287)	(287)	(287)
<i>Total Operating</i>	117,944	125,771	67,386	67,386
<i>Outlay</i>	3,379	-	171,981	171,981
<b>Total Computer Services</b>				
<b>Budget</b>	<b>279,087</b>	<b>282,734</b>	<b>390,423</b>	<b>390,423</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Assessor</b>				
<i>Salaries</i>	246,356	248,949	224,084	224,084
Water Enterprise Fund Allocation	(12,593)	(12,327)	(11,204)	(11,204)
Sewer Enterprise Fund Allocation	(12,593)	(12,327)	(11,204)	(11,204)
<i>Total Salaries</i>	221,170	224,295	201,676	201,676
<i>Operating</i>	14,390	17,770	28,350	28,350
Water Enterprise Fund Allocation	(371)	(267)	(425)	(425)
Sewer Enterprise Fund Allocation	(371)	(267)	(425)	(425)
<i>Total Operating</i>	13,648	17,236	27,500	27,500
<i>Outlay</i>				
<b>Total Assessor Budget</b>	<b>234,818</b>	<b>241,531</b>	<b>229,176</b>	<b>229,176</b>
<b>Treasurer/Collector</b>				
<i>Salaries</i>	347,701	328,309	340,401	340,401
Water Enterprise Fund Allocation	(59,862)	(54,592)	(54,592)	(54,592)
Sewer Enterprise Fund Allocation	(43,122)	(38,827)	(39,593)	(39,593)
<i>Total Salaries</i>	244,717	234,890	246,216	246,216
<i>Operating</i>	124,687	175,717	175,717	172,903
Water Enterprise Fund Allocation	(26,177)	(17,572)	(17,572)	(17,572)
Sewer Enterprise Fund Allocation	(26,177)	(17,572)	(17,572)	(17,572)
<i>Total Operating</i>	72,333	140,573	140,573	137,759
<i>Outlay</i>				
	-	-	4,500	-
<b>Total Treasurer/Collector Budget</b>	<b>317,050</b>	<b>375,463</b>	<b>391,289</b>	<b>383,975</b>
<b>Total Finance Department</b>	<b>1,046,610</b>	<b>1,118,574</b>	<b>1,221,316</b>	<b>1,214,002</b>
<b>Community Services</b>				
<b>Cable Television</b>				
<i>Salaries</i>	1,851	2,160	2,160	2,160
<i>Operating</i>	1,030	11,147	11,147	1,455
<i>Outlay</i>				
	-	-	-	-
<b>Total Cable Television Budget</b>	<b>2,881</b>	<b>13,307</b>	<b>13,307</b>	<b>3,615</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Veteran's Services</b>				
<i>Salaries</i>	46,955	47,741	47,741	47,741
<i>Operating</i>	150,367	121,400	121,400	121,400
<b>Total Veteran's Budget</b>	<b>197,322</b>	<b>169,141</b>	<b>169,141</b>	<b>169,141</b>
<b>Exceptional Children</b>				
<i>Salaries</i>	-	19,011	-	-
<i>Operating</i>	-	13,124	-	-
<i>Outlay</i>	-	-	-	-
<b>Total Exceptional Children Budget</b>	<b>-</b>	<b>32,135</b>	<b>-</b>	<b>-</b>
<b>Patriotic Committee</b>				
<i>Operating</i>	900	1,400	1,400	1,400
<i>Outlay</i>	-	-	-	-
<b>Total Patriotic Committee Budget</b>	<b>900</b>	<b>1,400</b>	<b>1,400</b>	<b>1,400</b>
<b>Parks and Recreation</b>				
<i>Salaries</i>	132,279	134,525	137,644	137,644
<i>Operating</i>	91,975	85,673	81,463	81,463
<i>Outlay</i>	50,952	30,560	29,100	29,100
<b>Total Parks and Recreation Budget</b>	<b>275,206</b>	<b>250,758</b>	<b>248,207</b>	<b>248,207</b>
<b>Total Community Services</b>	<b>476,309</b>	<b>466,741</b>	<b>432,055</b>	<b>422,363</b>
<b>Council on Aging</b>				
<i>Salaries</i>	130,526	122,607	125,405	123,405
<i>Operating</i>	77,715	81,204	86,634	86,634
<i>Outlay</i>	-	-	-	-
<b>Total Council on Aging Budget</b>	<b>208,241</b>	<b>203,811</b>	<b>212,039</b>	<b>210,039</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Facilities</b>				
<b>Town Hall</b>				
<i>Salaries</i>	21,383	18,556	19,675	19,675
Water Enterprise Fund Allocation	(534)	(442)	(491)	(491)
Sewer Enterprise Fund Allocation	(534)	(442)	(491)	(491)
<b>Total Salaries</b>	<b>20,315</b>	<b>17,672</b>	<b>18,693</b>	<b>18,693</b>
<i>Operating</i>	51,980	60,661	60,661	60,661
Water Enterprise Fund Allocation	(1,557)	(1,517)	(1,517)	(1,517)
Sewer Enterprise Fund Allocation	(1,557)	(1,517)	(1,517)	(1,517)
<b>Total Operating</b>	<b>48,866</b>	<b>57,627</b>	<b>57,627</b>	<b>57,627</b>
<i>Outlay</i>	-	-	-	-
<b>Total Town Hall Budget</b>	<b>69,181</b>	<b>75,299</b>	<b>76,320</b>	<b>76,320</b>
<b>Auxiliary Buildings</b>				
<i>Operating</i>	41,387	42,685	42,685	42,685
Water Enterprise Fund Allocation	(1,067)	(1,067)	(1,067)	(1,067)
Sewer Enterprise Fund Allocation	(1,067)	(1,067)	(1,067)	(1,067)
<b>Total Auxiliary Building Budget</b>	<b>39,253</b>	<b>40,551</b>	<b>40,551</b>	<b>40,551</b>
<b>Cemeteries</b>				
Contracted Services	3,000	3,000	3,000	3,000
<i>Outlay</i>	-	-	-	-
<b>Total Cemeteries Budget</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
<b>Total Facilities</b>	<b>111,434</b>	<b>118,850</b>	<b>119,871</b>	<b>119,871</b>
<b>Library</b>				
<i>Salaries</i>	683,643	658,959	638,611	638,611
<i>Operating</i>	273,728	259,173	279,279	279,279
<i>Outlay</i>	-	-	-	-
<b>Total Library Budget</b>	<b>957,371</b>	<b>918,132</b>	<b>917,890</b>	<b>917,890</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Planning and Development</b>				
<b>Planning</b>				
<b>(Community Development)</b>				
<i>Salaries</i>	341,667	232,790	234,400	234,400
Water Enterprise Fund Allocation	(18,794)	(2,869)	(2,869)	(2,869)
Sewer Enterprise Fund Allocation	(65,751)	(2,869)	(3,113)	(3,113)
Wetlands Protection Offset	(16,345)	(21,949)	(10,000)	(10,000)
<b>Total Salaries</b>	<b>240,777</b>	<b>205,103</b>	<b>218,418</b>	<b>218,418</b>
 <i>Operating</i>	 21,407	 17,890	 16,280	 16,280
Water Enterprise Fund Allocation	(391)	(268)	(244)	(244)
Sewer Enterprise Fund Allocation	(391)	(268)	(244)	(244)
<b>Total Operating</b>	<b>20,625</b>	<b>17,354</b>	<b>15,792</b>	<b>15,792</b>
 <i>Outlay</i>	 -	 -	 -	 -
<b>Total Community Development</b>				
<b>Budget</b>	<b>261,402</b>	<b>222,457</b>	<b>234,210</b>	<b>234,210</b>
 <b>Building Department</b>				
<i>Salaries</i>	268,969	215,962	215,639	215,639
Water Enterprise Fund Allocation	(33,515)	(29,150)	(29,150)	(29,150)
Sewer Enterprise Fund Allocation	(44,607)	(37,821)	(39,623)	(39,623)
<b>Total Salaries</b>	<b>190,847</b>	<b>148,991</b>	<b>146,866</b>	<b>146,866</b>
 <i>Operating</i>	 4,394	 5,450	 5,450	 5,450
Water Enterprise Fund Allocation	(82)	(82)	(82)	(82)
Sewer Enterprise Fund Allocation	(82)	(82)	(82)	(82)
<b>Total Operating</b>	<b>4,230</b>	<b>5,286</b>	<b>5,286</b>	<b>5,286</b>
 <i>Outlay</i>	 -	 -	 -	 -
<b>Total Building Department</b>				
<b>Budget</b>	<b>195,077</b>	<b>154,277</b>	<b>152,152</b>	<b>152,152</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Board of Health</b>				
<i>Salaries</i>	286,404	264,416	269,357	269,357
Water Enterprise Fund Allocation	(7,122)	(6,610)	(6,686)	(6,686)
Sewer Enterprise Fund Allocation	(7,122)	(6,610)	(6,686)	(6,686)
<b>Total Salaries</b>	<b>272,160</b>	<b>251,196</b>	<b>255,985</b>	<b>255,985</b>
<i>Operating</i>	16,778	15,268	11,741	11,735
Water Enterprise Fund Allocation	(754)	(382)	(294)	(294)
Sewer Enterprise Fund Allocation	(754)	(382)	(294)	(294)
<b>Total Operating</b>	<b>15,270</b>	<b>14,504</b>	<b>11,153</b>	<b>11,147</b>
<i>Outlay</i>	-	-	500	-
<b>Total Board of Health Budget</b>	<b>287,430</b>	<b>265,700</b>	<b>267,638</b>	<b>267,132</b>
<b>Total</b>				
<b>Planning and Development</b>	<b>743,909</b>	<b>642,434</b>	<b>654,000</b>	<b>653,494</b>
<b>Public Safety</b>				
<b>Police</b>				
<i>Salaries</i>	4,894,453	4,892,318	4,876,739	4,829,739
<i>Operating</i>	501,470	548,843	564,437	549,437
<i>Outlay</i>	69,168	70,551	70,551	70,551
<b>Total Police Budget</b>	<b>5,465,091</b>	<b>5,511,712</b>	<b>5,511,727</b>	<b>5,449,727</b>
<b>Fire</b>				
<i>Salaries</i>	4,035,150	3,866,849	3,839,957	3,839,957
Water Enterprise Fund Allocation	(70,000)	(70,000)	-	-
<b>Total Salaries</b>	<b>3,965,150</b>	<b>3,796,849</b>	<b>3,839,957</b>	<b>3,839,957</b>
<i>Operating</i>	280,415	289,080	287,480	287,480
<i>Outlay</i>	143,035	114,706	143,188	143,188
<b>Total Fire Budget</b>	<b>4,388,600</b>	<b>4,200,635</b>	<b>4,270,625</b>	<b>4,270,625</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Emergency Management</b>				
<i>Salaries</i>	22,305	4,747	4,837	4,837
<i>Operating</i>	23,996	33,188	25,150	25,150
<i>Outlay</i>	15,851	15,840	28,515	28,515
<b>Total Emergency Mgt. Budget</b>	<b>62,152</b>	<b>53,775</b>	<b>58,502</b>	<b>58,502</b>
<b>Parking Clerk</b>				
<i>Salaries</i>	4,000	4,000	4,000	4,000
<i>Operating</i>	1,013	1,800	1,800	1,800
<i>Outlay</i>	-	-	-	-
<b>Total Parking Clerk Budget</b>	<b>5,013</b>	<b>5,800</b>	<b>5,800</b>	<b>5,800</b>
<b>Total Public Safety Budget</b>	<b>9,920,856</b>	<b>9,771,922</b>	<b>9,846,654</b>	<b>9,784,654</b>

**School Departments**

<b>Tewksbury</b>				
Salaries	25,343,155	23,827,278	25,231,356	24,516,972
Operating	8,647,188	10,990,935	11,207,910	11,207,910
Capital Outlay	-	20,000	40,000	40,000
Total School Operating Budget	33,990,343	34,838,213	36,479,266	35,764,882
Offsets	(1,794,519)	(1,789,000)	(1,370,450)	(1,370,450)
Net School Operating Budget	32,195,824	33,049,213	35,108,816	34,394,432
<b>Fixed Costs</b>				
Health Insurance	7,084,627	7,053,484	7,198,873	7,198,873
Middlesex Retirement	2,304,369	1,643,242	906,356	906,356
Medicare Tax	294,299	300,709	300,709	300,709
Unemployment	30,487	40,000	40,000	40,000
Insurance	162,300	162,300	162,300	162,300
Debt Principal	1,293,025	537,000	537,000	537,000
Debt Interest	637,997	215,049	191,688	191,688
Temporary Interest	-	19,000	17,000	17,000
Total Fixed Costs	11,807,104	9,970,784	9,353,926	9,353,926

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Town Tewksbury School Budget</b>	<b>44,002,928</b>	<b>43,019,997</b>	<b>44,462,742</b>	<b>43,748,358</b>
<b>Regional Vocational School</b>	<b>4,619,428</b>	<b>4,756,308</b>	<b>5,077,953</b>	<b>5,077,953</b>
<b>Total School Departments</b>	<b>48,622,356</b>	<b>47,776,305</b>	<b>49,540,695</b>	<b>48,826,311</b>
<b>Department of Public Works</b>				
<b>DPW Administration</b>				
<i>Salaries</i>	291,156	238,626	221,841	197,739
Water Enterprise Fund Allocation	(124,019)	(59,657)	(55,460)	(55,460)
Sewer Enterprise Fund Allocation	(61,827)	(59,657)	(55,460)	(55,460)
<i>Total Salaries</i>	105,310	119,312	110,921	86,819
<i>Operating</i>	122,015	152,735	166,775	166,775
Water Enterprise Fund Allocation	(41,400)	(38,075)	(41,694)	(41,694)
Sewer Enterprise Fund Allocation	(41,400)	(38,075)	(41,694)	(41,694)
<i>Total Operating</i>	39,215	76,585	83,387	83,387
<i>Outlay</i>	-	-	-	-
<b>Total DPW Administration Budget</b>	<b>144,525</b>	<b>195,897</b>	<b>194,308</b>	<b>170,206</b>
<b>DPW Engineering</b>				
<i>Salaries</i>	-	174,331	186,449	186,449
Water Enterprise Fund Allocation	-	(72,006)	(70,494)	(70,494)
Sewer Enterprise Fund Allocation	-	(64,125)	(70,494)	(70,494)
<i>Total Salaries</i>	-	38,200	45,461	45,461
<i>Operating</i>	-	4,335	12,395	12,395
Water Enterprise Fund Allocation	-	(1,084)	(3,099)	(3,099)
Sewer Enterprise Fund Allocation	-	(1,084)	(3,099)	(3,099)
<i>Total Operating</i>	-	2,167	6,197	6,197
<i>Outlay</i>	-	-	-	-
<b>Total DPW Engineering Budget</b>	<b>-</b>	<b>40,367</b>	<b>51,658</b>	<b>51,658</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>DPW Highway</b>				
<i>Salaries</i>	624,694	558,879	555,513	555,513
<i>Operating</i>	116,297	102,650	148,250	148,250
<i>Outlay</i>	151,946	106,424	88,331	82,076
<b>Total DPW Highway Budget</b>	<b>892,937</b>	<b>767,953</b>	<b>792,094</b>	<b>785,839</b>
<b>DPW Forestry</b>				
<i>Salaries</i>	-	-	-	-
<i>Operating</i>	44,116	51,000	52,900	52,900
<i>Outlay</i>	74,553	72,341	69,706	27,706
<b>Total DPW Forestry Budget</b>	<b>118,669</b>	<b>123,341</b>	<b>122,606</b>	<b>80,606</b>
<b>DPW Fleet Maintenance</b>				
<i>Salaries</i>	181,306	188,359	190,475	190,475
Water Allocation	(31,371)	(31,456)	(31,809)	(31,809)
Sewer Allocation	(31,371)	(31,456)	(31,809)	(31,809)
<i>Total Salaries</i>	118,564	125,447	126,857	126,857
<i>Operating</i>	181,411	218,000	188,000	188,000
Water Allocation	(44,540)	(43,600)	(37,600)	(37,600)
Sewer Allocation	(44,540)	(43,600)	(37,600)	(37,600)
<i>Total Operating</i>	92,331	130,800	112,800	112,800
<i>Outlay</i>	23,303	41,929	19,693	19,693
Water Allocation	(4,820)	(8,190)	(3,939)	(3,939)
Sewer Allocation	(4,820)	(8,190)	(3,939)	(3,939)
<i>Total Outlay</i>	13,663	25,549	11,815	11,815
<b>Total DPW Fleet Maint. Budget</b>	<b>224,558</b>	<b>281,796</b>	<b>251,472</b>	<b>251,472</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>DPW Electrician</b>				
<i>Salaries</i>	15,476	-	-	-
Water Allocation	-	-	-	-
Sewer Allocation	-	-	-	-
Total Salaries	15,476	-	-	-
<i>Operating</i>	8,202	7,500	16,000	16,000
Water Allocation	(1,480)	(1,125)	(1,125)	(1,125)
Sewer Allocation	(1,480)	(1,125)	(1,125)	(1,125)
Total Operating	5,242	5,250	13,750	13,750
<i>Outlay</i>	18,378	18,378	-	-
Water Allocation	(3,920)	(3,549)	-	-
Sewer Allocation	(3,920)	(3,549)	-	-
Total Outlay	10,538	11,280	-	-
<b>Total DPW Electrician Budget</b>	<b>31,256</b>	<b>16,530</b>	<b>13,750</b>	<b>13,750</b>
<b>DPW Snow and Ice</b>				
<i>Salaries</i>	153,420	75,500	75,500	75,500
<i>Operating</i>	721,439	126,000	126,000	126,000
<i>Outlay</i>	-	-	-	-
<b>Total DPW Snow and Ice Budget</b>	<b>874,859</b>	<b>201,500</b>	<b>201,500</b>	<b>201,500</b>
<b>Street Lighting</b>				
<i>Operating</i>	147,093	165,000	165,000	165,000
<b>Total Street Lighting Budget</b>	<b>147,093</b>	<b>165,000</b>	<b>165,000</b>	<b>165,000</b>
<b>Solid Waste Disposal</b>				
<i>Operating</i>	2,254,616	2,298,318	2,119,969	2,119,969
<b>Total Solid Waste Budget</b>	<b>2,254,616</b>	<b>2,298,318</b>	<b>2,119,969</b>	<b>2,119,969</b>
<b>Total DPW Budget</b>	<b>4,688,513</b>	<b>4,090,702</b>	<b>3,912,356</b>	<b>3,839,999</b>

<b>General Fund Budget Classification</b>	<b>FY2009 EXPENDED</b>	<b>FY2010 BUDGETED</b>	<b>FY2011 DEPT REQ</b>	<b>FY2011 TM REC</b>
<b>Unclassified</b>				
Reserve Fund	-	100,000	100,000	100,000
Maturing Debt	916,070	914,070	889,830	889,830
Interest-Maturing Debt	392,654	352,874	266,260	266,260
interest-Temporary Loans	1,473	7,000	7,000	7,000
<i>Retirement</i>	3,122,507	4,065,974	4,817,619	4,817,619
Water Allocation	(240,846)	(480,448)	(501,299)	(501,299)
Sewer Allocation	(122,937)	(226,445)	(203,693)	(203,693)
<i>Total Retirement</i>	2,758,724	3,359,081	4,112,627	4,112,627
Occupational Injury Reserve	166,501	80,795	80,795	80,795
Unemployment Compensation	39,431	82,190	82,190	62,190
Group Insurance	3,817,146	3,676,022	4,209,535	4,209,535
Water Allocation	(299,223)	(312,111)	(311,444)	(311,444)
Sewer Allocation	(153,925)	(146,111)	(143,526)	(143,526)
<i>Total Group Insurance</i>	3,363,998	3,217,800	3,754,565	3,754,565
Medicare Tax	189,910	195,000	195,000	195,000
Water Allocation	(13,135)	(12,879)	(14,584)	(14,584)
Sewer Allocation	(7,235)	(6,570)	(6,621)	(6,621)
<i>Total Medicare Tax</i>	169,540	175,551	173,795	173,795
Fire/Liability Insurance	321,384	360,700	360,700	335,700
<b>Total Unclassified Budget</b>	<b>8,129,775</b>	<b>8,650,061</b>	<b>9,827,762</b>	<b>9,782,762</b>
<b>Total Budget Before Transfers</b>	<b>75,918,814</b>	<b>74,704,334</b>	<b>77,672,070</b>	<b>76,743,518</b>
<b>Transfers</b>				
To the Sewer Enterprise Fund	329,541	302,898	299,976	299,976
To the Water Enterprise Fund	437,935	-	-	-
Special Revenue	66,337	-	-	-
Town Trust Funds	155,828	250,000	-	-
<b>Total Transfers</b>	<b>989,641</b>	<b>552,898</b>	<b>299,976</b>	<b>299,976</b>
<b>ATM General Fund Budget</b>	<b>76,908,455</b>	<b>75,257,232</b>	<b>77,972,046</b>	<b>77,043,494</b>

**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 2011 PROPOSED BUDGET**

Direct Expenses		
Salaries	\$	237,785
Expenses	\$	286,650
Capital Outlay	\$	52,812
Lowell Sewer	\$	840,000
Reserve Fund	\$	60,000
Debt	\$	<u>7,234,255</u>
Subtotal	\$	8,711,502
Indirect Expenses		
Board of Selectmen	\$	2,122
Town Manager	\$	16,474
Accounting	\$	5,538
Computer Services	\$	2,336
Assessor	\$	11,630
Treasurer/Collector	\$	57,164
Town Counsel	\$	4,823
Administrative Services	\$	1,543
Town Clerk	\$	2,571
Community Development	\$	3,357
Town Hall	\$	2,008
Auxiliary Buildings	\$	1,067
Building Dept	\$	39,705
Dept of Public Works	\$	245,220
Health Dept	\$	6,980
Group Insurance	\$	143,526
Retirement	\$	203,693
Medicare	\$	<u>6,621</u>
Subtotal	\$	756,379
Total	\$	<u>9,467,881</u>

**Executive Summary:** The purpose of this article is to fund the Sewer Enterprise Fund for FY2011

**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 2011 PROPOSED BUDGET**

Direct Expenses		
Salaries	\$	1,198,061
Expenses	\$	1,224,590
Capital Outlay	\$	68,162
Reserve Fund	\$	25,000
Debt	\$	<u>2,293,518</u>
Subtotal	\$	4,809,331
Indirect Expenses		
Board of Selectmen	\$	2,122
Town Manager	\$	16,474
Accounting	\$	5,538
Computer Services	\$	13,473
Assessor	\$	11,630
Treasurer/Collector	\$	72,163
Town Counsel	\$	9,188
Administrative Services	\$	1,543
Town Clerk	\$	2,571
Community Development	\$	3,113
Town Hall	\$	2,008
Auxiliary Buildings	\$	1,067
Building Dept	\$	29,232
Dept of Public Works	\$	245,220
Health Dept	\$	6,980
Group Insurance	\$	311,447
Retirement	\$	501,299
Medicare	\$	<u>14,584</u>
Subtotal	\$	1,249,650
Total	\$	<u><u>6,058,981</u></u>

**Executive Summary:** The purpose of this article is to fund the Water Enterprise Fund for FY2011

**ARTICLE 7**

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$1,100,000 to be used by the Assessors to reduce the FY11 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, 2009, to balance the FY11 general fund budget.

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**ARTICLE 8**

To see if the Town will vote to transfer from the certified sewer enterprise fund free cash the sum of \$1,437,375 to be used to fund the sewer enterprise fund appropriations in FY11, 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, 2009, to balance the FY11 sewer enterprise budget.

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**ARTICLE 9**

To see if the Town will vote to appropriate the sum of \$500,000 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 \$500,000 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 and commercial 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. This request is to fund the final 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.

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**ARTICLE 10**

To see if the Town will vote to transfer \$75,000 from the “Fire Equipment” Stabilization Fund to the General Fund or take any related action.

Town Manager

**Executive Summary:** This article transfers \$75,000 from the “Fire Equipment” Stabilization Fund established at the May, 2007 Annual Town Meeting to the General Fund to be used to pay a portion of the first year loan payment for a new fire pumper truck.

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**ARTICLE 11**

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 2011, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs \$36,160

Reserves:

Open Space \$72,320  
Community Housing \$72,320  
Historic Preservation \$72,320

FY2011 Budgeted Reserve \$450,000

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 FY11 revenue is \$723,200.

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**ARTICLE 12**

To see if the Town will vote to approve the FY 2011 Affordable Housing Trust Fund Allocation Plan as follows:

There were no expenditures out of the Affordable Housing Trust Fund for FY2010.

<b>ALLOCATION PLAN</b>		<b>for FY 2011</b>
<b>Starting Balance:</b>		\$1,288,208
<b>Anticipated Revenue</b>		
Comprehensive Permit Contributions (Shawsheen Place, Livingston Place)		\$18,000
Contribution from Katie Estates (6 units)		\$780,000
<b>Total Anticipated Revenue FY11</b>		<b>\$798,000</b>
<b>Total Available Funds FY11</b>		<b>\$2,086,208</b>
<b>Expenses</b>		
Audit of 3 Local Initiative Projects (\$7,500 per project)		\$22,500
Creation of New Units/ Buydown of existing units		\$1,583,708
HUD 202 Project		\$480,000
<b>Total Projected Expenses for FY11</b>		<b>\$2,086,208</b>

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 2011 allocation plan meets the expenditure requirements of the Special Act.

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**ARTICLE 13**

To see if the Town will vote to appropriate the sum of \$100,000 to be expended by the School Committee for the repair of the Tewksbury Memorial High School Roof, 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.

School Committee

**Executive Summary:** This article authorized the Town to appropriate \$100,000 in order for the School Committee to use these funds to repair the Tewksbury Memorial High School roof.

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

- Article 3-14
- Article 3-15
- Article 3-16
- Article 3-17
- Article 3-18
- Article 3-19
- Article 3-20

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**SECTION 3**

ARTICLE 24	Utility Easement Pond/Carver/Dalton Streets Re-construction Easement
ARTICLE 25	Amend Town By-Law Interest on Late Payments
ARTICLE 26	Amend Town By-Law Posting Requirement
ARTICLE 27	Municipal Storm Water Discharge Town By-Law
ARTICLE 28	Amend Zoning By-Laws Section 8402
ARTICLE 29	Amend Zoning By-Laws Appendix A Table of Use Regulations
ARTICLE 30	1201 Main Street Change Residents to Commercial
ARTICLE 31	Water/Sewer Metering Condominiums

**ARTICLE 24**

To see if the Town will vote to accept an easement from the Commonwealth of Massachusetts for public utilities, as shown on a plan of land entitled: "Utility Easement Plan of Land Phase 11 Contract 34 / 35, Pond Street to Caver Street and Dalton Street / Norfolk Street Cross Country, Tewksbury, MA, Prepared for Camp Dresser & McKee, Inc., March 5, 2009, Revised December 22, 2009," which plan may be examined at the Office of the Town Clerk, or take any action relative thereto.

Town Manager

**Executive Summary:** This article will allow the town to accept an easement from the Commonwealth of Massachusetts to maintain a sewer line.

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**ARTICLE 25**

To see if the Town will vote to amend the Town By-Laws by amending section - 3.04.016 to read as follows: Interest on Late Payments - The Town shall charge interest at the rate in effect for real estate tax bills under the provisions of Massachusetts General Laws Chapter 59 Section 57 for all late police and fire detail bills or take any action relative thereto.

Town Manager

**Executive Summary:** Adoption of this article will allow the Town to charge interest on all police and fire detail bills that are outstanding after the payment due date. The interest rate would be the rate in effect for real estate tax bills (currently 14%). Payments are due within 30 days of billing. Interest revenue is estimated at \$5,000 to \$10,000 per year and will be credited to the general fund.

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**ARTICLE 26**

To see if the Town will vote to amend the Town's By-Laws by deleting 2.04.030 Posting requirements for Town Meeting warrants and replace it with new language as follows:

2.04.030 Posting Requirements

The warrant shall be posted by a Constable of the Town of Tewksbury and shall be posted in a public place in each precinct and in the Town Hall. In addition, the warrant shall be placed on the Town's website at least twenty (20) days before any Annual Town Meeting or Special Town Meeting.

Or take any other action relative thereto.

Town Manager

**Executive Summary:** Due to budgeting reductions, the Town has no funds to print and distribute Annual and Special Town Meeting Warrants so that the use of the Town's website will serve to distribute this information.

<http://www.tewksbury-ma.gov>

**ARTICLE 27**

To see if the town will vote to amend the town By-Laws, by adding a new chapter 20, Municipal Storm Water Discharge as follows:

Chapter 20

Municipal Storm Water Discharge By-Law

Sections:

20.010	Purpose
20.020	Definitions
20.030	Applicability
20.040	Authority
20.050	Responsibilities for Administration
20.060	Regulations
20.070	Prohibited Activities
20.080	Exemptions
20.090	Watercourse Protection
20.100	Compliance Monitoring
20.110	Notification of Spills
20.120	Violation, Enforcement, and Penalties
20.130	Cost of Abatement of the Violation
20.140	Violations deemed a Public Nuisance
20.150	Severability
20.160	Transitional Provisions
20.010	Purpose

The purpose of this bylaw is to provide for the health, safety, and general welfare of the citizens of The Town of Tewksbury (the “Town”) through the regulation of non-storm water discharges to the storm drainage system to the maximum extent possible as required by federal and state law. This bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this bylaw are:

1. to prevent pollutants from entering the Town’s municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to storm water discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, surveillance, monitoring, and enforcement.

**20.020 Definitions**

For the purpose of this bylaw, the following shall mean:

**ALLOWABLE CONNECTION:** Drainage facility, part of or a component of a drainage system and/or discharge that has been reviewed and approved by the Town for construction.

**AUTHORIZED ENFORCEMENT AGENCY:** The Town’s Department of Public Works (DPW) Superintendent or his or her designee to enforce this bylaw.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff or stormwater discharge.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U. S. C §1251 et seq.) and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities subject to National Pollutant Discharge Elimination System (NPDES) Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth of Massachusetts (“the Commonwealth”) from any source.

**DRAINAGE SYSTEM:** A network by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**FACILITY:** Often referred to as facilities, including, but not limited to, land, and/or buildings or structures within property limits to serve a specific function affording a convenience or service.

**GROUNDWATER:** Water beneath the surface of the ground.

**HAZARDOUS MATERIALS:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLCIT CONNECTION:** A surface or subsurface drain or conveyance, which allows any non-permitted or unlawful discharge into the municipal storm drain system, including, but not limited to, sewage, process wastewater, cooling waters or wash water, and any connections from the indoor drains, sinks, sumps or toilets, without limitation regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

**ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of storm water, except as exempted in Section 20.080. The term includes a discharge in compliance with NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 20.080, of this bylaw.

**IMPERVIOUS SURFACE:** Any material or structure on or above or immediately below the ground that prevents water infiltrating the underlying soil. Impervious surface includes, but is not limited to, paved parking lots, sidewalks, and rooftops.

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

**LESSEE:** A person that leases, orally or in writing, the use and/or possession of property from its owner.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, gully, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by Environmental Protection Agency (EPA) (or by the Commonwealth under authority delegated pursuant to 33 USC § 1342(B)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORM WATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of storm water.

**NOTICE OF ADMINISTRATIVE APPEAL:** A written request by the alleged violator to the Town Manager as set forth in Section 20.120.6.

**NOTICE OF APPEAL:** A written request with supplemental evidence by the alleged violator to the DPW Superintendent as set forth in Section 20.120.6.

**NOTICE OF VIOLATION:** A written documentation from the Town to the person violating this bylaw as set forth in Section 20.120.3.

**OWNER:** A person with a legal or equitable interest in a property.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department, or political subdivision of the Commonwealth or the federal government, and any other officer, employee, or agent of such person.

**POLLUTANT:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, the following: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PROCESS WASTEWATER:** Water which, during the manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate, product, finished product, or waste product.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**STORM WATER:** Any surface flow, snow melt, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORM WATER MANAGEMENT PLAN:** A document containing narrative, drawings and details prepared by a registered professional engineer (PE) which includes structural and non-structural best management practices to manage and treat stormwater

runoff generated from regulated development activity. A stormwater management plan also includes an operation and maintenance plan describing the maintenance requirements for structural best management practices.

**SURFACE WATER DISCHARGE PERMIT:** A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes discharges to waters of the Commonwealth.

**TOTAL SUSPENDED SOLIDS (TSS):** Material, including but not limited to, trash, debris, soils, silts, sediment, particulates and sand suspended in stormwater

**TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include without limitation any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defines as Toxic or hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

**VIOLATOR:** Any person that does not comply with this bylaw.

**WARNING NOTICE:** A written warning document from the Town to the person violating this bylaw as detailed in Section 20.120.2.

**WATERCOURSE:** A natural or man-made channel or other water body through which water flows or a stream of water including a river, brook, or underground stream.

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WASTEWATER:** Any water or other liquid, other than a uncontaminated stormwater, discharged from a facility, including, but not limited to, any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production use of any raw material, intermediate product, finished product, byproduct or waste product.

**WETLANDS:** Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L.c.131, § 40 and 310 CMR 10.00 et seq.

### **20.030 Applicability**

This bylaw shall apply to all water entering directly or indirectly into the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the DPW Superintendent.

### **20.040 Authority**

This bylaw is adopted under the authority granted by provisions of the Clean Water Act (1987) requiring National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges. Under 40 CFR 122.34 (b)(3), The Clean Water Act, section 402 (p)(3)(B)(ii) requires that permits for municipal separate storm sewer systems (MS4) include a requirement to effectively regulate problematic non-storm water discharges into storm sewers. This bylaw in no way supersedes or diminishes the authority or jurisdiction of any state or federal regulations governing discharges to Waters of the Commonwealth or the United States or any other applicable regulation governing illicit discharges. Enforcement of said state and federal regulations are governed by those applicable government agencies.

### **20.050 Responsibilities for Administration**

The DPW Superintendent shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the DPW Superintendent may be delegated in writing by the DPW Superintendent to his or her designee.

### **20.060 Regulations**

The Town Manager shall promulgate Regulations to implement and establish fees and penalties to effectuate the purpose of this bylaw. Failure by the Town Manager to promulgate such Regulations or fee and penalty structures shall not have the effect of suspending or invalidating this bylaw.

### **20.070 Prohibited Activities**

20.070.1 Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the MS4, watercourse, or waters of the Commonwealth or the United States.

20.070.2 Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulations or custom at the time of connection.

20.070.3 Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drain system without prior written approval from the DPW Superintendent.

## **20.080 Exemptions**

The commencement, conduct or continuance of any illegal or illicit discharge to the storm drain system is prohibited except for non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system as described as follows:

20.080.1 Waterline flushing;

20.080.2 Flow from potable water sources;

20.080.3 Springs;

20.080.4 Natural flow from riparian habitats and wetlands;

20.080.5 Diverted stream flow;

20.080.6 Rising groundwater

20.080.7 Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater;

20.080.8 Water from the exterior foundation drains, roof drains, footing drains (not including active groundwater dewatering systems), or air conditioning condensation;

20.080.9 Discharge from landscape irrigation or lawn watering;

20.080.10 Water from residential activities, including, but not limited to, car washing, washing walkways, patios, house siding, windows, or similar exterior structure-related washing activities;

20.080.11 Discharge from dechlorinated swimming pool water (less than one ppm total chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.

20.080.12 Discharge from street sweeping;

20.080.13 Dye testing, provided verbal notification is given to the DPW or its agent prior to the time of the test and providing resulting concentrations are not at levels detrimental to resident aquatic organisms;

20.080.14 Non-storm water discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

20.080.15 Discharge for which advanced written approval is received from the DPW Superintendent or its agent as necessary to protect public health, safety, welfare or the environment.

## **20.090 Watercourse Protection**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the water course within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become hazard to the use, function, or physical integrity of the watercourse.

## **20.100 Compliance Monitoring**

### **20.100.1 Right of Entry: Inspection and Sampling.**

20.100.1.1 The DPW Superintendent or his or her designee shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw.

20.100.1.2 If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the DPW Superintendent or his or her designee.

20.100.1.3 Facility operators and/or owners shall allow the DPW Superintendent or his or her designee the ready access to all parts of the premises where water may be discharged from into a municipal utility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

20.100.1.4 The DPW Superintendent or his or her designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the DPW Superintendent to conduct monitoring and/or sampling of the facility's storm water discharge.

20.100.1.5 The DPW Superintendent or his or her designee shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

20.100.1.6 Unreasonable delays in allowing the DPW Superintendent or his or her designee access to a facility is a violation of a storm water discharge permit and of this bylaw. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the DPW Superintendent or his or her designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this bylaw.

## **20.100.2 Search Warrants**

If the DPW Superintendent or his or her designee has been refused access to any part of the premises from which storm water is discharged, and the DPW Superintendent or his or her designee is able to demonstrate probable cause to believe that there may be a violation of this bylaw, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the DPW Superintendent or his or her designee may seek issuance of a search warrant from any court of competent jurisdiction.

## **20.110 Notification of Spills**

20.111 Notwithstanding other requirements of local, state, or federal law, as soon as any person responsible for a facility, or responsible for emergency response for a facility or operation resulting in or which may result in discharge or pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous or toxic materials, the person shall immediately notify the municipal fire department. In the event of a release of non-hazardous material, the reporting person shall as soon as practical notify the DPW Superintendent and provide a written notification within three (3) business days thereafter of the spill occurrence. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Failure to provide notification of a release as provided above is a violation of this bylaw.

## **20.120 Violation, Enforcement, and Penalties**

### **20.120.1 Violations**

20.120.1.1 It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this bylaw or any regulations promulgated thereunder. Any person who violates this bylaw or its regulations may be subject to enforcement action, request for injunctive relief by a court of competent jurisdiction, or any other legal action as provided by law.

20.120.2 In the event the violation constitutes an immediate potential danger to public health welfare or safety, the DPW Superintendent or his or her designee may enter upon the subject private property, without prior notice, and to take any and all measures necessary to abate the danger, eliminate the violation and/or restore the property to a safe condition, the cost of which will be the obligation and responsibility of the violating party.

### **20.120.2 Warning Notice**

When the DPW Superintendent or his or her designee finds that any person has violated, or continues to violate, any provision of this bylaw or its regulations, or any order issued hereunder, the DPW Superintendent or his or her designee may serve upon said person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a timely resolution whereby any offending discharge will cease within a time frame stipulated within the Warning Notice. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the DPW Superintendent or his or her designee to take action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

### **20.120.3 Notice of Violation**

20.120.3.1 Whenever the DPW Superintendent or his or her designee finds that a person has violated a prohibition or failed to meet a requirement of this bylaw, the DPW Superintendent or his or her designee may order compliance by written Notice of Violation to the responsible person and the owner of the property, if different.

20.120.3.2 The Notice of Violation shall contain:

- (1) The name and address of the alleged violator and the owner of the property, if different;
- (2) The address when available or description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this bylaw and a time schedule for the completion of such remedial action;

- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Town Manager with a copy to DPW Superintendent by filing a written notice of appeal within 14 days of service of notice of violation; and
- (7) A statement specifying that, should then violator fail to restore compliance within the established time schedule, the work will be done by the Tewksbury DPW or a contractor and the expense therefore shall be charged to the violator.

20.120.3.3 Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) The violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

#### **20.120.4 Compensatory Action**

In lieu of enforcement proceedings, penalties, and remedies authorized and impose upon a violator through this bylaw, the DPW Superintendent or his or her designee may grant an alternative compensatory actions by said violator, such as storm drain stenciling, attendance at compliance workshops, stream clean up, or the like as approved by the DPW Superintendent.

#### **20.120.5 Suspension of MS4 Access**

20.120.5.1 When the DPW Superintendent or his or her designee finds that any person has violated, or continues to violate, any provision of this bylaw, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the DPW Superintendent or his or her designee may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all bylaw requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

20.120.5.2 Any person notified of a warning or notification of violation is directed to under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the Notice of Violation, the DPW Superintendent or his or her designee may or without obligation take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States or the Commonwealth and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The DPW Superintendent or his or her designee may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the DPW Superintendent or his or her designee that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this bylaw. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the DPW Superintendent within 30 days of receipt of the Notice of Violation. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

20.120.5.3 In cases of emergency situations, the DPW Superintendent or his or her designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States or the Commonwealth. If the violator fails to comply with a Notice of Violation issued in an emergency, the DPW Superintendent or his or her designee may take such steps as deemed necessary and without obligation to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

20.120.5.4 Any person discharging to the MS4 in violation of this bylaw may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The DPW Superintendent will notify a violator of the proposed termination of its MS4 access. The violator may first petition the DPW Superintendent with a Notice of Appeal and secondly, to the Town Manager for a reconsideration and hearing with a Notice of Administrative Appeal.

20.120.5.5 A person commits an offence if the person reinstates a previously terminated MS4 access to premises pursuant to this section, without the prior approval of the DPW Superintendent.

## **20.120.6 Civil Penalties, Criminal Prosecution, Appeals and Enforcement**

20.120.6.1 In the event the alleged violator fails to take the remedial measures set forth in the Notice of Violation or otherwise fails to resolve the violations described therein within 30 days, or such greater period as the DPW Superintendent shall deem appropriate, after the DPW Superintendent has taken one or more of the actions described above, the DPW Superintendent may impose a penalty not to exceed \$5000 (depending on the severity of the violation) per violation for each day the violation remains unremedied after the receipt of the Notice of Violation.

20.120.6.2 Any person that has violated or continues to violate this bylaw shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$5000 per violation per day. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

20.120.6.3 Any person receiving a Notice of Violation may appeal the determination of the DPW Superintendent. The Notice of Appeal must be received within 14 days from the date of the Notice of Violation with all supplemental evidence of the violating party to be entered into record as the basis of the appeal. If the appeal is denied by the DPW Superintendent, the violating party may within five (5) days submit a Notice of Administrative Appeal to the Town Manager. No supplemental evidence will be allowed with this second appeal. Hearing on the appeal before the Town Manager or his or her designee shall take place within 30 days from the date of receipt of the Notice of Administrative Appeal. The decision of the Town Manager shall be final.

20.120.6.4 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the DPW Superintendent and/or the Town Manager upholding the Notice of Violation, then representatives of the DPW Superintendent or his or her designee may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property to a safe condition, the cost of which will be the obligation and responsibility of the violating party. At the discretion of the DPW Superintendent, violations will be forwarded to the Massachusetts Department of Environmental Protection for corrective action. It shall be unlawful for any person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

### **20.130 Cost of Abatement of the Violation**

Within 30 days after cessation of the violation, the violator and the owner of the property, if different, will be notified of the cost of the abatement, including administrative costs. The violator or the property owner may file a written protest to the DPW Superintendent objecting to the amount of the assessment with 14 days.

### **20.140 Violations deemed a Public Nuisance**

In addition to the enforcement process and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this bylaw that is deemed a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. State and/or federal regulation enforcement authorities may also be solicited to aid in enforcement actions.

### **20.150 Severability**

The provisions of this bylaw are hereby declared to be severable. If any provisions, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

### **20.160 Transitional Provisions**

Property owners shall have 30 days from the effective date of the bylaw to comply with its provisions.

Town Manager

**Executive Summary:** Passage of this article will allow the Town to monitor and enforce work that affects the Town's stormwater system. This is a requirement under the Federal Clean Water Act as put forth through the Non-Point Discharge Elimination System general permit filed with the State DEP and Federal EPA.

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## **ARTICLE 28**

To see if the Town will vote to amend Section 8000 of the Zoning Bylaw, Interstate Overlay District, by amending Section 8402 therein to read as follows:

8402. Scope of Authority. The Interstate Overlay District is an overlay district that may be superimposed on all Heavy Industrial (HI) zoning districts. All uses permitted in the underlying Heavy Industrial (HI) District shall be allowed in the Interstate Overlay District as further described in Appendix A, Table of Use Regulations, subject to said existing by-right and special permit requirements. The following additional uses shall also be allowed in the Interstate Overlay District as a principal or accessory use upon the issuance of a Special Permit from the Planning Board: (a) Automotive Refueling Station and accessory uses incidental thereto; (b) Car Wash; (c) Garaging and Towing of Motor Vehicles; and, (d) Motor Vehicle Rental or Leasing Agencies. (Changes Underlined)

Provided, further, in all other respects the remaining provisions of said Section 8000 shall remain unchanged and shall continue in effect.

Richard O’Neill and Others

**Executive Summary:** The purpose of the Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town of Tewksbury that are intersected by roadways that are part of the Federal Interstate Highway System. The Interstate Overlay District is located within two very narrowly defined areas: (1) that portion of the Town of Tewksbury (a) situated within a one half (½) mile radius of a circle, the radius point of which is the intersection of the Massachusetts Highway Department layout of Route Interstate Route 93 and Dascomb Road, in Andover, and (2) that portion of the Town of Tewksbury situated within a one quarter (¼) mile radius of a circle, the radius point of which is the intersection of the Massachusetts Highway Department layout of Route 38 (Main Street) and Interstate Route 495.

The changes requested in this amendment in the last sentence of said Section 8402 seek to clarify the Planning Board’s authority to grant Special Permits in this Overlay District for uses that are both principal and accessory, and to add as a further allowed use by Special Permit, Motor Vehicle Rental or Leasing.

**ARTICLE 29**

To see if the Town will vote to amend the Zoning By-Law in Appendix A, Table of Use Regulations, Section C, Commercial Uses, Subsections 12 and 13 thereof, to read as follows:

C. COMMERCIAL USES	R40	FA	LB	COM	TR	P	MN	MFD	MFD / 55	CDD	HI	OR
12. Motor vehicle, motorcycle, trailer, snowmobile, or boat sales and rental	N	N	N	N	N	N	N	N	N	N	PB	N
13. Motor vehicle light service; Motor vehicle general and body repair	N	N	N	N	N	N	N	N	N	N	PB	N

Provided, further, in all other respects the remaining provisions of said Appendix A, Table of Use Regulations, shall remain unchanged and shall continue in effect.

Richard O’Neill and Others

**Executive Summary:** The two changes requested in this amendment would allow the uses set for in Subsection 12 and 13 to become permitted uses by Special Permit from the Planning Board only in the Heavy Industrial District. These uses will continue to not be allowed in all other Zoning Districts.

**ARTICLE 30**

To Change the zoning classification of the rear portion of 1201 Main Street (Map 60 Lot 39) from Residential to Commercial.

R. Paul Morris and Others

**Executive Summary:** The parcel consists of 156,272 sq. feet. The portion of the parcel on Main Street is Zoned Commercial and is currently operated as a professional doctors building. The owner wishes to build an additional professional office building on the rear portion which is approximately 75,177 sq. feet. This portion is currently Zoned Residential but it can not be developed because it is landlocked as it borders on wetland.

**ARTICLE 31**

Water and sewer consumption measured by one recording meter serving two or more condominium housing units will be billed at the tier rate that is to be calculated by dividing total recorded consumption by the number of condominium housing units serviced by the recording meter. This supersedes any and all preceding By-Laws, regulations or policies.

Robert Stanley and Others

**Executive Summary:** Currently, one meter records water and sewer consumption for up to 18 residential condominium homes. This article will require recorded consumption for multi-units to be billed to the condominium association at the tier rate based upon the consumption of the individual units.

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 9<sup>th</sup> day of March in the Year of Our Lord, Two Thousand and Ten.

**BOARD OF SELECTMEN**

Todd R. Johnson, Chairman

Anne Marie Stronach, Vice Chairman

Scott Wilson, Clerk

David H. Gay

Douglas W. Sears

**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](http://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.

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## **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.

- NOTES -

- NOTES -

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**