

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Tewksbury, qualified to vote in Town affairs, to meet and assemble at Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, May 6, 2008, at 7:00 p.m. to act on the following articles:

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### ARTICLE 1

To see if the Town will vote to appropriate and raise by borrowing the sum of \$18,400,000 to be added to the sum of Article 1 of the October 1, 2002 Special Town Meeting for the costs of design, construction and supervision of construction of sanitary sewers and their appurtenances and other costs incidental and related thereto in the Town of Tewksbury: that the Town Manager is authorized to expend these sums on behalf of the Town to acquire any fee, easement or other interest in land by purchase, gift or otherwise, and that to meet this additional appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$18,400,000 under and pursuant to Chapter 44 Section 7 (1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore and that the Town Manager is authorized to apply for, accept and expend any federal, state or private grants or contributions that may be available with respect to the project, all of which contributions and grants shall be applied to the project in addition to the sums appropriated by the Town for such purposes.

Town Manager

**Motion:** That the Town hereby appropriates the additional sum of \$18,400,000 to be expended by the Town Manager for the purpose of financing the design, construction and supervision of construction of sanitary sewer and their appurtenances and other costs incidental and related thereto in the Town of Tewksbury; that the Town Manager is authorized to expend these sums on behalf of the Town to acquire any fee, easement or other interest in land by purchase, gift or otherwise, and to meet the appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow \$18,400,000 and issue bonds or notes therefore under and pursuant to Chapter 44 Sections 7 and 8 of the Massachusetts General Laws, or any other enabling authority, that such bonds or notes shall be general obligations of the Town and that the Town Manager is hereby authorized to apply for, accept and expend any federal, state or private grants or contributions that may be available with respect to the project, all of which contributions and grants shall be applied to the project in addition to the sums appropriated by Town Meeting for such purposes and to take any other action necessary for the completion of the project, provided however, that (i) in the event that funds authorized for this project by this vote are not borrowed for this purpose and if the Board of Selectmen shall certify that such funds are not needed to complete the project authorized herein, then any such amounts shall be automatically rescinded upon such certification by the Board of Selectmen; and (ii) any funds borrowed for this project which shall not be necessary for the completion of this project, as the Board of Selectmen shall determine, may be appropriated only for costs associated with another sewer project, and may not be applied to the costs of any other capital project of the Town, unless the Town is advised in a written opinion of bond counsel, that such expenditure is necessary to comply with the applicable requirements of the Internal Revenue Code of 1986, as amended.

**Executive Summary:** The article would allow the Town to borrow an additional \$18,400,000 to complete the last phase of the master sewer project approved in October 2002. Funds are expected to be recovered through user rates and the assessment of a sewer connection fee.

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### ARTICLE 2

To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of \$1,390,000 to be expended under the direction of the School Building Committee to conduct a feasibility study (which shall consist of hiring contracting with an Owners Project Manager, contracting with an architectural firm to prepare the schematic

designs and contracting with a Construction Manager at Risk) for the proposed project at Tewksbury Memorial High School (Map 46 Lot 32) consisting of 55.49 acres located at 320 Pleasant St, Tewksbury MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved and received from the MSBA shall be the sole responsibility of the Town.

**Motion:** That the Town of Tewksbury appropriates the sum of \$1,390,000 for the Tewksbury Memorial High School, 320 Pleasant St Tewksbury MA feasibility study, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under Massachusetts General Law Chapter 44, or any other enabling authority, provided that the Town of Tewksbury acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Tewksbury incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Tewksbury and further provided that the amount of borrowing authorized pursuant to this motion shall be reduced by any amounts received or expected to be received from the MSBA.

School Building Committee

**Executive Summary:** This article authorizes the Town to borrow \$1,390,000 to fund an MSBA feasibility study for the Tewksbury Memorial High School. No funds will be expended by the Town until the MSBA approves the feasibility study so that the Town may be reimbursed 51.42 percent of the MSBA's approved amount for the feasibility study.

The feasibility study will determine whether the Town can be eligible for an MSBA construction grant to construct a new high school, renovate and add to the existing high school or renovate the existing high school. The funds will be used to hire an Owners Project Manager, which is required under Chapter 149 of the Massachusetts General Law and who would assist the School Building Committee throughout the project to manage the project; an architectural firm to prepare schematic designs so that there is greater certainty in the projected construction costs as MSBA will not revise the grant amount once the Project Scope and Budget Agreement has been signed. The School Building Committee may hire a general contractor based on qualifications and who would have some risk in the project versus the former model where the contractor was selected most often on its bid amount and there were no incentives on the contractor to control costs.

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### **ARTICLE 3**

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Map 114, Lot 1 and 2, (49.44 acres), Map 109, Lot 76 (25.34 acres) and Map 115, Lot 1 (0.41 acres) and Lot 2 (11.76 acres) as a Priority Development Site, or take any other action in relation thereto.

Economic Development Committee

**Executive Summary:** The purpose of this article is to designate the area of the Highway Corridor Overlay District (land formerly designated as the Mills mall proposal, now owned by Simon and RJ Kelly) as a Priority Development Site (PDS) under MGL Chapter 43D. Simon is currently considering a lifestyle center, however, any proposed change from the "Mills" proposal will require a Zoning by-law change plus any non-single family/non-40B development on these parcels will still require an interchange with I-93 to be permitted. The adoption of this article does not change current zoning for these land areas, this is not a zoning article. By designating this area as a PDS, the Town will avail itself up to \$150,000 for the development of design guidelines, infrastructure analysis, legal agreements, and land use and permitting requirements. The Town will be working with Andover, Wilmington, property owners and stakeholders in this area of Town where there is a proposed interchange off of I-93. Both Towns are also seeking PDS sites in the vicinity on the Westside of I-93 with access limited to the construction of an interchange.



**ARTICLE 4**

To see if the Town will vote to amend the Tewksbury Zoning Bylaw, Section 4148 as adding the word “minimum” before the word “lot” and adding “area required in the district the “lot” is located” after the word “lot” so that 4148 reads as follows:

**4148.** Not less than 50% of any minimum lot area required in the district the lot is located shall be contiguous uplands as defined by M.G.L. c. 131, s. 40. Proposed structures shall be located on said uplands.

Planning Board

**Executive Summary:** This amendment is to clarify that the 50% uplands requirement applies to the minimum lot area for the district the lot is located in.

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**ARTICLE 5**

To see if the Town will vote to approve the sum of \$17,020.53 to pay outstanding bills of a previous fiscal year and that to raise this appropriation the Town will vote to transfer \$17,020.53 from General Fund free cash or take any other related action.

Fire-Operating			
Energy Utilities	Direct Energy		\$ 121.48
			\$ 118.48
			\$ 47.99
			\$ 956.25
			\$ 284.94
			\$ 41.99
			\$ 469.40
Dept of Public Works			
Highway			
Road Resurfacing	Felix Marino		\$ 4,829.18
	Felix Marino		\$ 1,216.80
	Felix Marino		\$ 568.35
Fleet			
Machinery	Vernon’s Auto Body		\$ 2,117.75
Treasurer/Collector			
Professional Services	Middlesex Retirement System		<u>\$6,247.92</u>
Total			<u>\$17,020.53</u>

Town Manager

**Executive Summary:** According to Massachusetts General Law bills that are late must be approved by Town Meeting before payment. This article will authorize the bill to be paid and allow transfers to cover the amount

**ARTICLE 6**

To see if the Town will vote to transfer the following sums or take any action related thereto:

FROM:		TO:	
Cable TV-Operating	\$ 9,408	School-Salaries	\$ 9,408
PRRB Salary Escrow	\$41,995	Veterans-Aid	\$25,000
Planning – Salaries	\$ 5,000	Fire – Salaries	\$30,000
Library - Salaries	\$35,000	Comp Serv-Capital	\$14,500
Unemployment	\$ 5,000	Medicare	\$12,000
Liability Ins	\$ 3,500	Town Clerk Operating	\$ 1,995
GF Free Cash	\$40,000	Occupational	\$47,000
Total	\$ 139,903	Total	\$ 139,903

Town Manager

**Executive Summary:** This article is a regular Special Town Meeting article where the Town transfers funds from accounts with a projected surplus to accounts with a projected deficit.

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**ARTICLE 7**

To see if the Town will vote to appropriate \$2,200 from available funds and authorize the Town Manager to acquire or purchase or by taking by eminent domain or otherwise, in fee simple and/or by easement or other interest in land along Andover Street, Westland Drive and New Jersey Road as shown on plans entitled “Utility Easement Plan, Andover Street Tewksbury Massachusetts”, “Utility Easement Plan, New Jersey Road Tewksbury Massachusetts” and “Utility Easement Plan, Westland Drive Tewksbury Massachusetts” prepared by Chas. H. Sells, Inc. for the Town of Tewksbury dated March 10, 2008, for the purpose of performing improvements on existing sewer pump stations, which plans are to be recorded at the Middlesex Registry of Deeds as follows:

ANDOVER STREET  
LEGAL DESCRIPTION  
“PERMANENT UTILITY EASEMENT AREA “A”

A CERTAIN EASEMENT LOCATED ON THE NORTHERLY SIDELINE OF ANDOVER STREET IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TEWKSBURY TAX MAP 67 LOT 6 AND BEING SHOWN AS “SEWER EASEMENT AREA “A” ON PLAN ENTITLED “UTILITY EASEMENT PLAN ANDOVER STREET TEWKSBURY, MASSACHUSETTS”, PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 6, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE SOUTHEASTERLY CORNER OF LOT 6 TAX MAP 67 AND THE EASEMENT DESCRIBED HEREON.

N 89°31’43” W TWENTY THREE AND 23/100 FEET (23.23’) TO A POINT; THENCE,  
N 00°28’17” E SIXTY TWO AND 39/100 FEET (62.39’) TO A POINT ALONG THE TEWKSBURY AND ANDOVER TOWNLINE; THENCE ALONG THE TEWKSBURY AND ANDOVER TOWNLINE,  
S 57°09’09” E TWENTY SEVEN AND 50/100 FEET (27.50’) TO A POINT AT LAND NOW OR FORMERLY THE TOWN OF TEWKSBURY; THENCE,  
ALONG THE LAND NOW OR FORMERLY THE TOWN OF TEWKSBURY,  
S 00°28’20” W FORTY SEVEN AND 66/100 FEET (47.66’) TO THE POINT OF BEGINNING.

SAID ”PERMANENT UTILITY EASEMENT AREA “A” CONTAINS 1,278.00 S.F. MORE OR LESS.

ANDOVER STREET  
LEGAL DESCRIPTION

“PERMANENT UTILITY EASEMENT AREA “B”

A CERTAIN EASEMENT LOCATED ON THE NORTHERLY SIDELINE OF ANDOVER STREET IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TEWKSBURY TAX MAP 67 LOT 4 AND BEING SHOWN AS “SEWER EASEMENT AREA “B” ON PLAN ENTITLED “UTILITY EASEMENT PLAN ANDOVER STREET TEWKSBURY, MASSACHUSETTS”, PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 6, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE SOUTHEASTERLY CORNER OF LOT 4 TAX MAP 67 AND THE EASEMENT DESCRIBED HEREON.

N 89°36'30" W SEVENTY FIVE AND 01/100 FEET (75.01') TO A POINT LOCATED AT THE SOUTHEASTERLY CORNER OF LAND NOW OR FORMERLY JANICE J. ZECCO; THENCE, NORTHERLY ALONG SAID LAND, N 00°28'20" E FORTY SEVEN AND 66/100 FEET (47.66') TO A POINT ALONG THE TEWKSBURY AND ANDOVER TOWNLINE; THENCE, SOUTHERLY ALONG THE TEWKSBURY AND ANDOVER TOWNLINE, S 57°09'09" E EIGHTY EIGHT AND 81/100 FEET (88.81') TO THE POINT OF BEGINNING.

SAID "PERMANENT UTILITY EASEMENT AREA “B” CONTAINS 1,787.00 S.F. MORE OR LESS.

ANDOVER STREET  
LEGAL DESCRIPTION  
“TEMPORARY ACCESS EASEMENT”

A CERTAIN EASEMENT LOCATED ON THE NORTHERLY SIDELINE OF ANDOVER STREET IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TEWKSBURY TAX MAP 67 LOT 6 AND BEING SHOWN AS “TEMPORARY ACCESS EASEMENT” ON PLAN ENTITLED “UTILITY EASEMENT PLAN ANDOVER STREET TEWKSBURY, MASSACHUSETTS”, PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 6, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE SOUTHWESTERLY CORNER OF THE EASEMENT DESCRIBED HEREON. SAID POINT IS ONE HUNDRED TWENTY SIX AND 57/100 FEET (126.57') FROM A POINT AT THE SOUTHWESTERLY CORNER OF LOT 6 ON TAX MAP 67.

N 00°28'17" E EIGHTY ONE AND 41/100 FEET (81.41') TO A POINT LOCATED ALONG THE TEWKSBURY AND ANDOVER TOWN LINE; THENCE, SOUTHERLY ALONG THE TEWKSBURY AND ANDOVER TOWNLINE, S 57°09'09" E THIRTY FIVE AND 52/100 FEET (35.52') TO A POINT; THENCE, S 00°28'17" W SIXTY TWO AND 39/100 FEET (62.39') TO A POINT LOCATED ALONG THE NORTHERLY SIDELINE OF ANDOVER STREET; THENCE, NORTHERLY ALONG ANDOVER STREET, N 89°31'43" W THIRTY AND 00/100 FEET (30.00') TO THE POINT OF BEGINNING.

SAID "TEMPORARY ACCESS EASEMENT" CONTAINS 2,157.00 S.F. MORE OR LESS.

WESTLAND DRIVE  
LEGAL DESCRIPTION  
“PERMANENT UTILITY EASEMENT AREA “A”

A CERTAIN EASEMENT LOCATED ON THE EASTERLY SIDELINE OF WESTLAND DRIVE IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TAX MAP 64 LOT 14 AND BEING SHOWN AS “PERMANENT UTILITY EASEMENT AREA “A” ON PLAN ENTITLED “UTILITY EASEMENT PLAN WESTLAND DRIVE TEWKSBURY,

MASSACHUSETTS”, PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 10, 2008 AND LAST REVISED ON MARCH 23, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE NORTHWESTERLY CORNER OF TAX MAP 64 LOT 14 AND THE EASEMENT DESCRIBED HEREIN; THENCE,

N 78°08'00" E TWELVE AND 00/100 FEET (12.00') ALONG THE SOUTHERLY SIDELINE OF LAND NOW OR FORMERLY STEVEN C. TSIMTSOS & SUSAN J. DESMOND TO A POINT; THENCE,

ALONG OTHER LAND OF ANN CONLIN AND GARY ANDRIOTAKIS THE FOLLOWING TWO COURSES:

S 11°52'00" E TWENTY SEVEN AND 90/100 FEET (27.90') TO A POINT;

S 78°08'00" W TWELVE AND 00/100 FEET (12.00') TO A POINT; THENCE,

ALONG WESTLAND DRIVE N 11°52'00" W TWENTY SEVEN AND 90/100 FEET (27.90') TO THE POINT OF BEGINNING.

SAID "PERMANENT UTILITY EASEMENT AREA "A" CONTAINS 334.76 S.F. MORE OR LESS.

WESTLAND DRIVE  
LEGAL DESCRIPTION  
"PERMANENT UTILITY EASEMENT AREA "B"

A CERTAIN EASEMENT LOCATED ON THE EASTERLY SIDELINE OF WESTLAND DRIVE IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TAX MAP 64 LOT 13 AND BEING SHOWN AS "PERMANENT UTILITY EASEMENT AREA "B" ON PLAN ENTITLED "UTILITY EASEMENT PLAN WESTLAND DRIVE TEWKSBURY, MASSACHUSETTS", PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 10, 2008 AND LAST REVISED ON MARCH 23, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE SOUTHWESTERLY CORNER OF LOT 13 TAX MAP 64 AND THE EASEMENT DESCRIBED HEREIN; THENCE,

ALONG WESTLAND DRIVE N 11°52'00" W TWENTY EIGHT AND 83/100 FEET (28.83') TO A POINT; THENCE,

ALONG OTHER LAND OF STEVEN C. TSIMTSOS AND SUSAN J. DESMOND THE FOLLOWING TWO COURSES:

N 78°08'00" E TWELVE AND 00/100 FEET (12.00') TO A POINT;

S 11°52'00" E TWENTY EIGHT AND 83/100 FEET (28.83') TO A POINT; THENCE,

ALONG THE NORTHERLY SIDELINE OF LAND NOW OR FORMERLY ANN CONLIN & GARY ANDRIOTAKIS S 78°08'00" W TWELVE AND 00/100 FEET (12.00') TO THE POINT OF BEGINNING.

SAID "PERMANENT UTILITY EASEMENT AREA "B" CONTAINS 345.91 S.F. MORE OR LESS.

NEW JERSEY ROAD  
LEGAL DESCRIPTION  
"TEMPORARY ACCESS EASEMENT"

A CERTAIN EASEMENT LOCATED ON THE NORTHERLY SIDELINE OF NEW JERSEY ROAD IN THE TOWN OF TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS. SAID EASEMENT LOCATED ON TAX MAP 81 LOT 224 AND BEING SHOWN AS "TEMPORARY ACCESS EASEMENT" ON PLAN ENTITLED "UTILITY EASEMENT PLAN NEW JERSEY ROAD TEWKSBURY, MASSACHUSETTS", PREPARED BY CHAS H. SELLS, INC. AND DATED MARCH 10, 2008.

SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE SOUTHWESTERLY CORNER OF THE EASEMENT DESCRIBED HEREIN AND ON THE NORTHERLY SIDELINE OF NEW JERSEY ROAD. SAID POINT IS

ONE HUNDRED FIFTY FIVE AND 00/100 FEET (155.00') FROM A CONCRETE BOUND WITH DRILL HOLE FOUND AT THE SOUTHWESTERLY CORNER OF LOT 224 ON TAX MAP 81; THENCE,

ALONG OTHER LAND OF MICHAEL AND PAULA FARLEY N 28°33'40" E NINETY AND 00/100 FEET (90.00') TO A POINT; THENCE,

ALONG THE LAND NOW OR FORMERLY RICHARD W. FROST AND DENISE LYONS S 61°26'20" E TWENTY FIVE AND 00/100 FEET (25.00') TO A POINT; THENCE,

ALONG OTHER LAND OF MICHAEL AND PAULA FARLEY S 28°33'40" W NINETY AND 00/100 FEET (90.00') TO A POINT; THENCE,

ALONG THE NORTHERLY SIDELINE OF NEW JERSEY ROAD N 61°26'20" W TWENTY FIVE AND 00/100 FEET (25.00') TO THE POINT OF BEGINNING.

SAID "TEMPORARY ACCESS EASEMENT" CONTAINS 2,250.00 S.F. MORE OR LESS.

Said plans and legal description is on file in the office of the Town Clerk and in the Community Development Department in the DPW Building.

Town Manager

**Motion:** That the Town hereby appropriates the sum of \$2,200 to pay the costs for the taking of land and for all other costs incidental and related thereto, the Town Manger is authorized to expend these sums on behalf of the Town to acquire any fee, easement, or other interest in land by purchase, eminent domain, gift or otherwise.

**Executive Summary:** This article allows the Town to acquire temporary and permanent easements of land along Andover Street, Westland Drive and New Jersey Road in order to update the existing sewer pump stations on these areas.

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### ARTICLE 8

To see if the Town will vote to authorize the board of Selectmen to petition the General Court to enact special legislation authorizing the Town to issue bonds or notes for the purpose of funding the Town's liability attributable to the additional benefits payable under the early retirement incentive programs authorized by the General Court in 2002 and 2003, and the underfunded benefits payable under the normal retirement program, or take any other action relative thereto.

Board of Selectmen  
Town Manager

**Executive Summary:** This article will allow the Town to refinance underfunded pension liabilities at a lower interest rate than charged by the Middlesex Retirement System

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### ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen to sell a parcel of Town property, Lot 48 on Assessor's Map 98, and further described as 5,000 sq. ft. and located on Wamesit Road. Said property was acquired by the Town by tax foreclosure procedure and shall be sold in accordance with Section 3.12.010 of the Town By-laws, or take any action relative thereto.

Town Manager

**Executive Summary:** The town acquired this property by tax foreclosure on or about March 1, 1982. By selling this property the town can return it to the tax rolls. The request to sell this property was made by an abutter.

**ARTICLE 10**

To see if the Town will vote to transfer the following amounts from Provisions for Abatements and Exemption accounts that have a surplus to Provision for Abatements and Exemptions account that have a deficit as follows:

FROM:		TO:	
FY98 Provision	\$ 2,589.69	FY05 Provision	\$67,635.47
FY04 Provision	\$50,000.00	FY06 Provision	\$30,411.83
FY07 Provision	\$45,457.61		
Total	\$98,047.30	Total	\$98,047.30

Town Manager

**Executive Summary:** This transfer eliminates the deficits in the FY05 and FY06 Provision for Abatements and Exemption accounts by transferring surplus balances from the FY98, FY04 and FY07 Provision for Abatements and Exemptions accounts. Therefore these deficits will not have to be raised on the FY09 Tax Recap. This transfer has been approved by the Tewksbury Board of Assessors.

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**ARTICLE 11**

To see if the Town will authorize the Board of Selectmen to petition the state legislature for special legislation to authorize the Division of Capital Asset Management for the Commonwealth of Massachusetts to enter into a long term lease with the Town of Tewksbury for the placement of microwave and communication equipment on the water tower at the Tewksbury Hospital for the Town-wide microwave and communication system, with the terms and conditions to be agreed upon by the parties, or take any action relevant thereto.

Board of Selectmen  
Town Manager

**Executive Summary:** This Article will allow the Town to acquire a long-term lease for the Town-wide microwave and communication system, installed on the water tower at the Tewksbury Hospital.

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**ARTICLE 12**

To see if the Town will vote to appropriate and raise by borrowing the sum of \$375,000 to be added to the sum of Article 6 of the October 5, 2004 Special Town Meeting for the costs of design, construction and supervision of construction related to the expansion of the water storage system in the Town of Tewksbury including other costs incidental and related thereto; that the Town Manager is authorized to expend these sums on behalf of the Town to acquire any fee, easement or other interest in land by purchase, gift or otherwise, and that to meet this additional appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$375,000 under and pursuant to Chapter 44 Sections 7 and 8 and Chapter 29C, of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore or borrow from the Massachusetts Water Pollution Abatement Trust and that the Town Manager is authorized to apply for, accept and expend any federal, state or private grants or contributions that may be available with respect to the project, all of which contributions and grants shall be applied to the project in addition to the sums appropriated by the Town for such purposes or take any action related thereto.

Town Manager

**Motion:** That the Town hereby appropriates the additional sum of \$375,000 to be expended by the Town Manager for the purpose of financing the design, construction and supervision of construction related to the expansion of the water storage system in the Town of Tewksbury including any other costs incidental and related thereto; including

without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that the Town Manager is authorized to expend these sums on behalf of the Town to acquire any fee, easement or other interest in land by purchase, gift or otherwise, that to meet the appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow \$375,000 and issue bonds or notes therefore under and pursuant to Chapter 44 Sections 7 and 8 of the Massachusetts General Laws and/or Chapter 29C of the General Laws or any other enabling authority, that such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion from the Massachusetts Water Pollution Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement with the trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all the funds available for the project and to take any other action necessary to carry out the project.

**Executive Summary:** The article would allow the Town to borrow an additional \$375,000 to complete the expansion of the water storage system in the Town of Tewksbury. The additional funds will be used to cover costs not eligible for borrowing from the Massachusetts Water Pollution Abatement Trust and other necessary project costs. The project was originally approved in October 2004 for \$7,250,000. The funds are expected to be recovered through user rates.