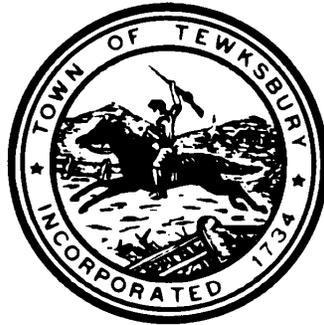


SPECIAL TOWN MEETING

2011 WARRANT



TOWN OF TEWKSBURY COMMONWEALTH OF MASSACHUSETTS

Finance Committee Public Hearing

April 27, 2011 7:00 p.m.
Town Hall Auditorium

Special Town Meeting

May 4, 2011 7:00 p.m.
Tewksbury Memorial High School

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

TOWN MEETING GUIDELINES

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

Middlesex, ss:

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

In the name of the Commonwealth of the 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 Wednesday, May 4, 2011, at 7:00 p. m. to act on the following articles:

ARTICLE 1

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

FROM:		TO:	
Admin Serv Reg Salaries	\$ 17,229	Acctg Reg Salaries	\$ 2,249
Health Reg Salaries	\$ 41,802	Acctg Terminal Leave	\$ 6,285
Unclassified-Unemployment	\$ 26,000		
		Recreation Terminal Leave	\$22,826
		Recreation Perm PT Sal	\$ 2,111
Unclassified-Liability Ins	\$ 30,000	Town Hall Non-Energy Utilities	\$ 5,560
Unclassified-Short-Term Int	\$ 5,000	BOS-Legal Services	\$20,000
Library-Reg Salaries	\$ 5,000	COA Rep & Maint	\$10,000
Solid Waste Legal Services	\$ 10,000	Veterans Aid	\$65,000
DPW Highway Reg Salary	\$ 33,000	Cable TV Salaries	\$ 1,000
		Solid Waste	\$33,000
Total	\$ 168,031	Total	\$168,031

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.

ARTICLE 2

To see if the Town will vote to approve the sum of \$8,347.86 to pay outstanding bills of previous fiscal years and that to raise this appropriation the Town will vote to transfer \$8,347.86 from Sewer Enterprise Fund Operating; or take any other related action.

Sewer Enterprise Fund-Operating

Energy Utilities	National Grid	\$8,347.86
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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 3

To see if the Town will vote to authorize the Board of Selectmen to submit a Home Rule Petition to the General Court of Massachusetts to enact a special act, notwithstanding any general or special law or by-law to the contrary, to effect the vote taken by the voters of the Town of Tewksbury at the election held on April 2, 2011, to exempt the Town from section 21C of chapter 59 of the General Laws the amounts required to pay for 50 per cent of the Town's debt service on all existing sewer bonds which were issued in order to construct the municipal sewer system and which were not previously exempted from the provisions of said section 21C, and said vote be ratified, validated and confirmed, notwithstanding any defect or omission in the election, and further providing that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or to take any other related action.

Town Manager

Executive Summary: This Article will allow legislation to be filed to exempt the Town from the provisions G.L. c. 59, § 21C (k) which would allow the Town to shift 50% of the sewer debt to the tax levy as approved at the April 2, 2011 Town election. Current statute only allows for the exemption of 100% of the debt or specific bond and does not provide communities an opportunity or flexibility to exempt a lower amount; this exemption to the legislation will allow the Town to do so.

ARTICLE 4

To see if the Town will vote to amend Article 16 of the May 4, 2009 Annual Town Meeting to allow the bond authorization to include the installation of chemical feed lines running to and from the Water Treatment plant and the Water Intake Station along the Merrimack River; and other work repairing and replacing water works associated with the River Road Improvement project; or take any other related action.

Town Manager

Executive Summary: The original bond authorization approved on May 4, 2009 at the Annual Town Meeting under Article 16 was in the amount of \$520,000 and specified repairing and replacing water main and service pipe, valves and hydrants or other water works on River Road which in the opinion of the Town Engineer is found to be necessary during the construction phase of the River Road improvement project. The article as written would not allow chemical feed lines running to and from the Water Treatment plant and the Water Intake Station along the Merrimack River. Since that time it has been determined that new chemical feed lines are needed and funding would be available within this previously approved Article.

The water treatment plant uses three (3) 3/4 inch PVC chemical feed lines to transport treatment chemicals and in-process sampling water for quality monitoring between the plants intake station and the main facility (1400 feet). One line has failed and is no longer usable and there are no spares. Since these PVC lines have been in continuous use since 1988 (23 years), this failure is highly indicative that the condition of the remaining two PVC lines are in poor shape and have a high potential for failure. Application of the treatment chemicals at this point of the treatment process is critical to the proper operation of the plant. Installing six (6) new feed lines, will replace the original PVC chemical feed lines and also supply back-up's which should work well for many years. Replacing these lines while Merrimac Drive is being reconstructed through the River Road Improvement project is the most cost effective approach.

In addition, there are numerous lateral streets along the construction limits of the River Road Improvement project that may be found to have water main pipe and works in poor condition. This amendment would allow repairs and or replacement to be made at the time of excavation prior to the road's final paving.

ARTICLE 5

To see if the Town will vote to accept the conveyance of the following parcel of land as open space as part of a definitive subdivision named Triple Lee Estates, Cluster, approved by the Tewksbury Planning Board on June 10, 1996:

OPEN SPACE PARCEL KNOWN AS 0 VALE STREET

Description of a 9.33 acre parcel of land located in Tewksbury, Massachusetts, Middlesex County, shown as "Open Space", on a plan entitled "Triple Lee Estates Cluster Definitive—Plan," prepared for JDB Realty Trust c/o James Andella, prepared by Troy, Mede & Associates, 936 East street, Tewksbury, MA, dated March 27, 1996, approved June 10, 1996, Scale 1" = 40':

Said 9.33 acre parcel being more fully described as follows: Beginning at a point, located at the southeast corner of said parcel on Briana Lee Circle, heading northwest along curve 31.48' at which point the curve changes to a northerly direction for 107.27' to a point, at said point the direction changes to a northwesterly direction N36°37'10"W, 188.11' to a point; thence southwesterly 377.21' to an existing iron pipe; thence 85' on a course N36°35'17"W, 85' to a point; thence S53°24'43"W, 149.94' to a point; thence S36°32'13"E, 65.00' to point; thence S68°09'34"W, 201.00' to a point; thence S12°54'41"E, 258.00' to a point; thence S76°21'18"E, 31.82' to a point; thence S65°05'47"E, 56.7' to a point; thence S54°27'59"E, 47.17' to a point; thence S50°36'08"E, 74.98' to a point; thence S75°52'43", 217.89', 217.89' to a point; thence N81°33'22"E, 362.21' to a point; thence N16°13'44"E, 834.18' to a point; thence N48°00'58"W, 244.77' to a point; thence N10°06'44"W, 53.24' to the point of beginning. Containing 406,436 square feet or 9.33 acres of land, more or less.

A copy of said plan is on file at the Office of the Town Clerk and the Department of Community Development.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept the Open Space Parcel of land from the Triple Lee Estates Cluster Definitive Subdivision Plan as part of the Briana Lee Circle portion of the Subdivision.

And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving 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 22nd day of March in the year of Our Lord, two thousand and eleven.

BOARD OF SELECTMEN

Todd R. Johnson, Chairman

Douglas W. Sears, Vice Chairman

David H. Gay, Clerk

Anne Marie Stronach

Scott Wilson

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 and on the Town's Website <http://www.tewksbury-ma.gov/Pages/index>.

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, scriveners 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.