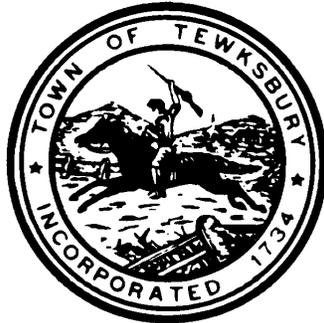


SPECIAL TOWN MEETING

**2014
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

September 24, 2014 7:00 P.M.
Temporary Town Hall – 464 Main Street

Special Town Meeting

October 7, 2014 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, videotaping or using any other means of sonic reproduction is assigned to the designated Press Table or the side aisle perimeters of the gymnasium or auditorium.

This meeting is being held at a site which is physically accessible to persons with disabilities.

For further information please call 978-640-4355.

CART services need to be requested as early as possible, as CART providers often fill their schedule 2-3 months in advance. Other reasonable accommodations for disability related needs will be provided upon request.

TOWN INFORMATION IS AVAILABLE 24/7 ON THESE SOCIAL MEDIA PLATFORMS:

Town of Tewksbury

Facebook: Town of Tewksbury

Twitter: @TownofTewksbury

Website: www.tewksbury-ma.gov

Phone: For Town notifications such as emergency notifications, road closings, announcements, etc. via telephone, text and/or cellphone sign up for CodeRED: <http://cne.coderedweb.com/Default.aspx?groupid=EBHWGJccHQoNDDzxhABs%2fQ%3d%3d>

Tewksbury Public Library

Facebook: www.facebook.com/TewksburyLib

Twitter: @TewksburyLib

Website: <http://www.tewksburypl.org/>

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, October 7, 2014, at 7:00 P.M. to act on the following articles:

ARTICLE 1

To see if the Town will vote to raise and appropriate the sum of \$843,507 to fund the following Fiscal Year (FY2015) Budgets; or take any action relative thereto.

School Budget Operating LEA	460,000
School Debt Exempt Interest	10,000
Board of Selectmen Professional Services	10,000
Town Hall Operating Non-Energy Utilities	1,400
Police Salaries Overtime	75,000
Fire Vehicle Maintenance	7,000
Library Salaries Overtime	6,000
Town Unclassified Occupational Health	25,000
Veterans Operating Veterans Aid	95,000
Essex North Shore Agricultural and Technical School District	154,107
Total	843,507

Town Manager

Executive Summary: This article raises and appropriates funds to FY15 Budgets. The additional funds are available since State and Local revenue will be higher than projected. Funds for the School Budget will be used for: Legal, Building Maintenance, Utilities, Technology and Special Education. Also Funds are needed for School Exempt Debt Interest for the final borrowing for the High School Construction. The Town line-items fund budgets that have projected to have deficits and finally the Tuition Cost for Essex North Shore Agricultural and Technical School District which is no longer part of State Assessments and need to be appropriated within the Budget.

ARTICLE 2

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$59,400 for the following purposes; or take any action relative thereto.

Chair Lift Senior Center	5,000
Hazardous Materials Survey: Former Police Station	2,500
Library Parking Lot and Grounds	10,000
Library Computers	10,000
Computer Services New Computers	18,000
Adopt an Island Program	3,900
Town Hall Annex Carpet	10,000
Total	\$ 59,400

Town Manager

Executive Summary: Funds will repair the chairlift at the Senior Center; allow for a hazardous materials survey to be undertaken prior to demolishing the former Police Station; stripe and seal coat the Library parking lot; purchase new computers for the Library, replace computers for Town offices with a focus on the Fire Department; fund an Adopt an Island Program for the Town and replace/repair the carpet in the Town Annex.

ARTICLE 3

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$110,420 for the following purposes; or take any action relative thereto.

Police Tasers and Accessories	42,097
Police Vehicle and Digital Radio	43,423
Police Installation of new Base Radio	24,900
Total	\$ 110,420

Town Manager

Executive Summary: Funds will purchase 29 new Tasers, an unmarked vehicle for the Detective Division, and a new base radio for the Detective Division.

ARTICLE 4

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$397,590 for the following purposes; or take any action relative thereto.

DPW Highway Volvo Loader	179,900
DPW Highway 2 Dump Body Modifications and Replacements	44,000
DPW Holder Tractor with Boom and Snow Blower Attachments	173,690
Total	\$ 397,590

Town Manager

Executive Summary: DPW will purchase equipment for road maintenance, brush cutting and sanding/plowing operations. The new loader supplements a 2000 loader in the Highway Department; one Truck will have the dump body replaced and two Dump Trucks will be fitted with permanent sanders; a new Holder Tractor will be used to cut roadside brush and vegetation encroaching park facilities and municipal properties and plow sidewalks.

ARTICLE 5

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$58,407 for the following purposes; or take any action relative thereto.

Fire Department Vehicle Warranty	10,120
Fire Department Stretchers	21,558
Fire Department Ambulance Laptops and Software and Vehicle Modems	26,729
Total	\$ 58,407

Town Manager

Executive Summary: Funds will purchase a three year caterpillar engine warranty on the two recently purchased Pierce Engines, purchase two power stretchers and new laptops with EMS Software for the Ambulances, and new modems for all Fire apparatus.

ARTICLE 6

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$485,000 for School Department Capital Expenditures; or take any action relative thereto.

Paving at Strong Field	120,000
Wynn Middle School - Finish Painting and Repairs	100,000
Ryan School - Finish Painting and Repairs	75,000
Wynn Middle School - Replace Sidewalk	100,000
Cafeteria Tables for four Elementary Schools	90,000
Total	\$485,000

Town Manager

Executive Summary: Funds will be used for one-time expenditures: Funding will pave the parking lot at Strong Field located at the High School; finish painting and repairing areas of the Wynn Middle School and Ryan School; replace a sidewalk at the Wynn Middle School and purchase new cafeteria tables for all the Elementary schools.

ARTICLE 7

To see if the Town will vote to raise and appropriate the sum \$41,821.67 to Fiscal Year 2014 budgets in order to pay for the following outstanding bills from the previous year; or take any action relative thereto.

Alpha Imaging Supplies Inc.	800.00
Powers and Sullivan	13,700.00
East Coast Irrigation, Inc.	330.00
Charles J. Zaroulis Law Offices	15,350.00
Blatman, Bobbowski & Mead, LLC	700.00
Allied Waste/Republic Services	425.00
National Grid Electric	9,290.58
Pioneer Manufacturing Co.	182.00
Tewksbury Center Mobil	812.00
W.B. Mason	33.28
Aubuchon	198.81
Total	\$41,821.67

Town Manager

Executive Summary: According to Massachusetts General Laws, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

ARTICLE 8

To see if the Town will vote to re-allocate \$16,854.67 or any amount remaining from the original appropriation of \$65,000.00 as approved at the October 1, 2013 Special Town Meeting for Article 5 concerning the 15 foot Wide Gang Lawn Mower. This re-allocation of funds shall be for the purpose of purchasing attachments for a Parks tractor; or take any action relative thereto.

Town Manager

Executive Summary: At Special Town Meeting in October 2013, funds were approved to purchase a new lawn mower for the Parks and Recreation Department. The \$65,000 appropriation has a balance of \$16,854.67 and this article is asking the Town for approval to use those remaining funds to purchase attachments to the Parks tractor to maintain the Town's recreation fields.

ARTICLE 9

To see if the Town will vote to transfer \$11,397.64 from the Fire Department Protective Gear Stabilization Fund for the purpose of purchasing protective gear for new Firefighters; or take any action relative thereto.

Town Manager

Executive Summary: This article utilizes funds from an account specifically set up to pay for protective gear for the Fire Department. \$11,397.64 is being transferred from the fund to purchase protective gear for new Firefighters.

ARTICLE 10

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$40,000 for a Town Center Master Plan; or take any action relative thereto.

Town Manager

Executive Summary: Funds will be used to hire a consultant to work with the Town Center Master Plan Committee to undertake and develop a study and plan for the Town's Center.

ARTICLE 11

To see if the Town will vote to transfer the sum of \$1,000,000 from certified Free Cash to the Town's Health Insurance Claims Trust Fund; or take any action relative thereto.

Town Manager

Executive Summary: Since Free Cash has been certified as of July 1, 2014, and a major portion of the amount was from Town and School Health Insurance, this article seeks approval to transfer that amount into the Health Insurance Claims Trust Fund for future medical costs and that the Town would be responsible to pay as a self-insured health provider.

ARTICLE 12

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$350,000 to the Other Post Employment Benefit (OPEB) Account; or take any action relative thereto.

Town Manager

Executive Summary: Funds will be transferred from Free Cash certified as of July 1, 2014 into the Other Post Employment Benefit Account to fund the Town's outstanding unfunded liability of \$166 million for Retiree Health Insurance.

ARTICLE 13

To see if the Town will vote to raise and appropriate \$230,000 and in addition transfer the sum of \$1,538,579 from certified Free Cash to the Town Stabilization Fund; or take any action relative thereto.

Town Manager

Executive Summary: New local revenues are higher than originally projected and there is Free Cash certified as of July 1, 2014. This article seeks approval to be set aside these funds in the Stabilization Fund and used for future emergencies or one time purchases or projects.

ARTICLE 14

To see if the Town will vote to amend the Tewksbury Zoning Bylaw with the following underlined insertions as follows:

- a) Section 2300 (MAP), paragraph 3 insert 25017C0279E, between panel numbers 25017C0278E, 25017C0281E.
- b) Section 8120 (Floodplain District Boundaries): insert 25017C0279E, between panel numbers 25017C0278E, 25017C0281E.

Town Manager

Executive Summary: In order to continue participation in the Flood Plain Insurance Program, the above referenced floodplain map needs to be incorporated into the Town's Floodplain Overlay District. These maps are updating previously existing maps already on file.

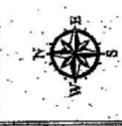
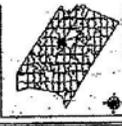
ARTICLE 15

To see if the Town of Tewksbury will vote to amend the Tewksbury Zoning Bylaw and the Zoning Map by adding the land area described below to the zoning map comprising a portion of Community Village Overlay District (CVOD), Section 8680, or do anything in relation thereto.

Map 76 Lot 23 – 737 Livingston Street, Tewksbury, MA
Map 76 Lot 24 – 731 Livingston Street, Tewksbury, MA
Map 76 Lot 25 – 721 Livingston Street, Tewksbury, MA
Map 76 Lot 26 – 715 Livingston Street, Tewksbury, MA

Arnie Martel and Others

Executive Summary: The adoption of the article will include the land above in a new zoning overlay district along Livingston Street. This Overlay District recognizes the existing nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact.

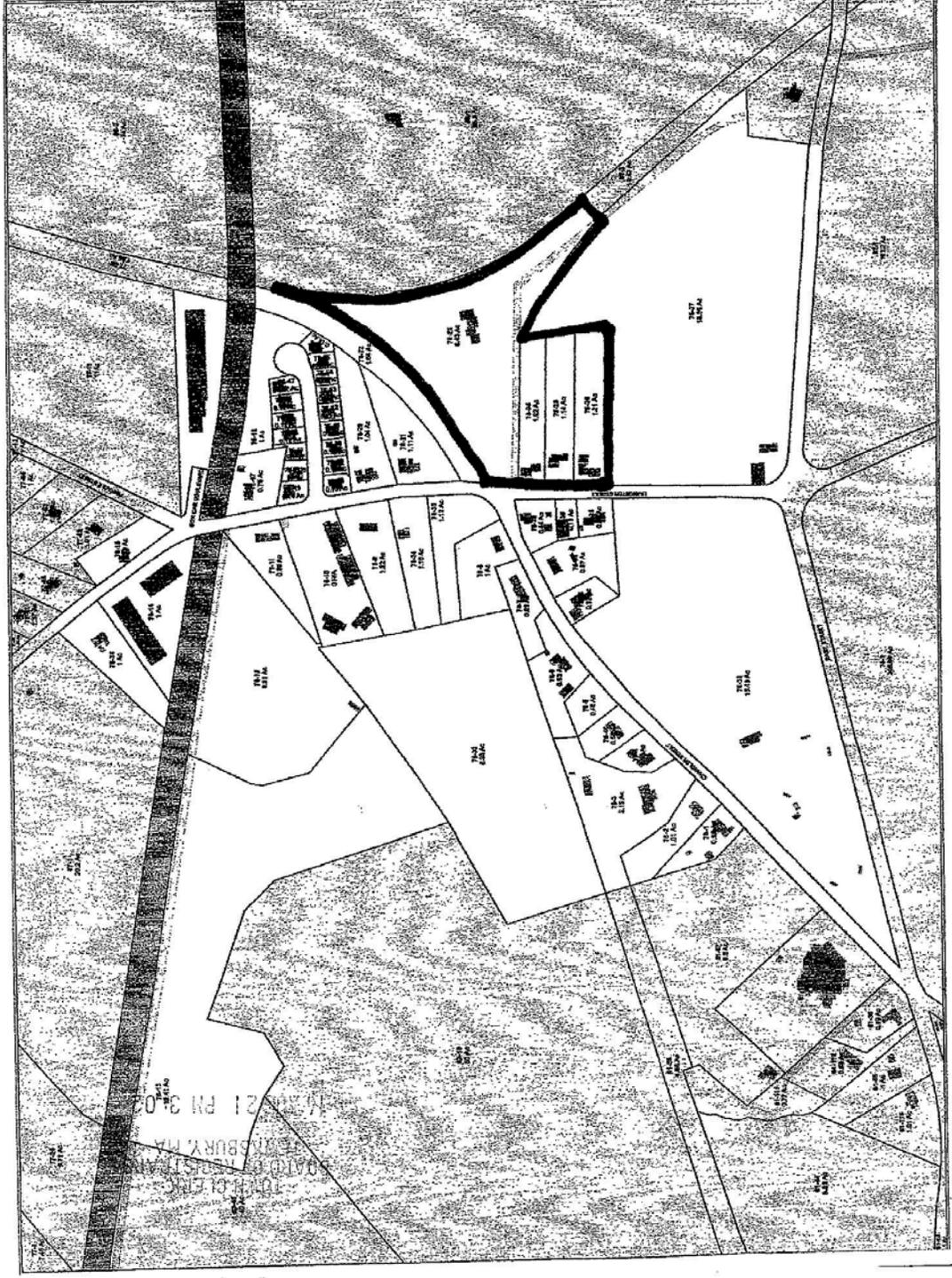


- LEGEND**
- RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - PUBLIC UTILITIES
 - OPEN SPACE
 - WATER
 - WETLANDS
 - FLOOD HAZARD
 - HIGHWAY
 - RAILROAD
 - AIRPORT
 - SCHOOL
 - CHURCH
 - PARK
 - GOLF COURSE
 - CEMETERY
 - HISTORIC DISTRICT
 - LANDMARK
 - ZONING DISTRICT
 - TAX MAP

Tax Map

76

Fiscal Year
2014



JOHN J. ERIC
 3400 N. HARTMAN
 DANBURY, CT 06810
 MARCH 21 PM 3:02

ARTICLE 16

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Sections 21-24, as amended, and any other applicable statutes, to accept the laying out as a town way by order of the Board of Selectmen:

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts shown as Wells Drive and Drainage Easements on a plan entitled, "Street Acceptance Plan, Wells Drive, Wells Estates, Tewksbury, MA dated August 13, 2014, prepared by Cuoco & Cormier Engineering Associates, Inc., 170 Main Street Unit 212, Tewksbury, MA 01876", a copy of which plan has been filed with the office of the Town Clerk and the Department of Community Development; and such plan is referred to for more particular description and to authorize the Board of Selectmen to take by eminent domain, an easement, or in fee; or take any other action relative thereto.

Wells Estates, LLC Dennis Sheehan, Manager and Others

Executive Summary: The purpose of this article is to accept Wells drive as a public way (Town Street).

ARTICLE 17

To see if the town will vote to discontinue the use of the Common Core State Standards (CCSS) and the associated testing known as PARCC within the Tewksbury school district, and return to using the previous Massachusetts academic standards and associated testing known as MCAS.

“WHEREAS: The Commonwealth of Massachusetts has had the highest educational standards in the country for decades because of effective policy handled by local school boards with input from parents; and

WHEREAS: Education is most effectively handled at the local level, where parents can have direct control over school curriculum and policy; and

WHEREAS: the federal government’s takeover of education, known as “Common Core”, threatens parental control over their children’s education”¹ as noted below:

“The Common Core State Standards Initiative (CCSSI) is a set of national K-12 standards developed primarily by a nonprofit called Achieve, Inc., in Washington, D.C. under the auspices of the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO). The Common Core was developed without state legislative authority.”²

By linking Race-to-the-Top grant funds to the implementation of Common Core State Standards “and linking the Common Core to No Child Left Behind waivers, the federal government is acting as the “enforcer” to herd states into the “one-size-fits-all” Common Core in spite of the fact that three federal laws:² (*The Department of Education Organizational Act, established in 1979, Section 103b; The General Education Provisions Act; and The Elementary and Secondary Act, first enacted in 1965*) “prohibit the federal government from guiding the educational curriculum of the states. Not only the U.S. Constitution, but also state constitutions maintain that education is a power reserved to the states and their citizens. Yet, state legislatures or state school boards cannot change the Common Core.”²

“Taxpayers pay hundreds of billions in state and local taxes per year for K-12 education. Yet, the Common Core guarantees taxpayers and parents NO VOICE in math and English content standards of their states and thus no control over what children will learn in these subjects. In fact, most states agreed to implement the Common core before the standards were even released, all without state legislative approval or even public hearings.”²

“The Common Core ensures that the states build expensive high-tech systems that will track student performance and other personal data and provide that information to the federal government.

The unfunded mandates associated with the Common Core are open-ended in areas such as professional development, new textbooks and instructional materials, testing, and data-tracking systems. A recent study shows implementation will cost \$16 billion or more nationwide, with about 90 percent of this paid for by states and local

districts, despite the \$4,35 billion Race to the Top grants. The Common Core fuels a money pot of tax dollars going to pre-selected vendors.”²

THEREFORE: We reject the use of the Common Core State Standards and the associated testing known as PARCC (Partnership of Assessment of Readiness for College and Careers) which stifles academic freedom and achievement, and return control over education of the local school district of Tewksbury, Massachusetts. We choose to use the previous Massachusetts academic standards and associated testing, known as MCAS, which has made Massachusetts’ education number one in the nation and competitive with the top ranking countries on international standardized tests.

1. educate through local control petition (<http://throughlocalcontrol.wix.com/educatetlc#!petition/c24vq>)
2. www.stopcommoncore.com

Ruth Cho and Others

Executive Summary: This article is to authorize the town to discontinue the use of the Common Core State Standards (CCSS) and the associated testing known as PARCC within the Tewksbury school district, and return to using the previous Massachusetts academic standards and associated testing known as MCAS, which has made Massachusetts’ education number one in the nation and competitive with the top ranking countries on international standardized tests.

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 twelfth day of August in the year of Our Lord, two thousand and fourteen.

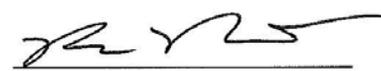
BOARD OF SELECTMEN



Todd R. Johnson, Chairman



Scott Wilson, Vice Chairman



Bruce Panilaitis, Clerk



David H. Gay



James D. Wentworth

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, on the Town's Website www.tewksbury-ma.gov 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 voter's signatures for insertion in the Annual Town Meeting Warrant, and one hundred (100) or more registered voter's 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.