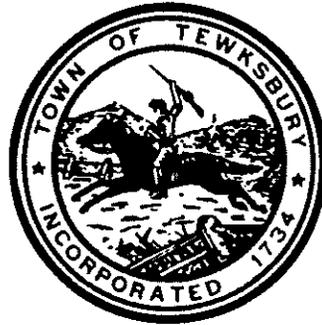


**SPECIAL TOWN MEETING**

**2013  
WARRANT**



**TOWN OF TEWKSBURY  
COMMONWEALTH OF MASSACHUSETTS**

**Finance Committee Public Hearing**

**April 25, 2013 7:00 P.M.**  
Town Hall Auditorium

**Special Town Meeting**

**May 8, 2013 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.**

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 8, 2013, 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 transfer the following sums of money or take any action related thereto:

FROM:	AMOUNT:
Unclassified: Fire and Liability Insurance:	9,000.00
Unclassified: Town Group Health insurance:	210,000.00
Unclassified: Town Unemployment:	5,000.00
Computer Services Regular Salaries:	12,000.00
Treasurer/Collector Regular Salaries:	1,000.00
Treasurer/Collector Overtime:	1,500.00
Parks and Recreation Regular Salaries	3,000.00
Planning Regular Salaries:	4,500.00
COA Permanent Part-Time	1,300.00
DPW Administration Operating	10,000.00
DPW Highway Operating	15,000.00
DPW Forestry Operating Contract Sevices	10,000.00
DPW Highway Regular Salaries:	19,000.00
Library Regular Salaries:	30,000.00
<b>Total</b>	<b>331,300.00</b>
TO:	
School Health Insurance	12,500.00
Unclassified: Town Debt Principal:	16,200.00
Veterans Aid	142,000.00
Veterans Medical	22,000.00
Admin. Services Medical	1,000.00
Board of Selectmen Legal	19,000.00
Town Counsel	19,000.00
Town Hall Energy Utilities:	10,000.00
Town Hall Maintenance and Repair:	5,000.00
Auxiliary Buildings Energy Utilities:	2,000.00
Police Gas/Diesel:	30,000.00
Police Overtime:	16,600.00
Fire Gas/Diesel:	13,000.00
Fire Overtime:	23,000.00
<b>Total</b>	<b>331,300.00</b>

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 or to accounts to allow for the purchase of needed items or services.

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**ARTICLE 2**

To see if the Town will vote to approve the sum of \$3,500 to pay an outstanding bill of previous fiscal year from Sewer Enterprise Fund; or take any other related action.

Sewer Enterprise Fund	Garrity and Knisely	\$3,500
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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.

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**ARTICLE 3**

To see if the Town of Tewksbury will vote to appropriate the sum of \$450,000 to assist in the creation of a new proposed recreational Athletic Field, not including artificial turf, on the campus of Tewksbury Memorial High School, 320 Pleasant Street, including allowed costs incidental and related thereto;

To fund such creation, \$450,000 shall be transferred from the Tewksbury Community Preservation Undesignated Fund Balance.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and or to take any other action thereon.

Community Preservation Committee

**Executive Summary:** The Friends of Tewksbury Athletic Complex propose the use of CPA funds to assist in the construction of the new Athletic Complex on our High School campus. This use of CPA funds is allowed under MGL Chapter 44B, Section 5.b.2 as creation of a new recreational use. CPA funds will not be used to fund the turf field portion, as prohibited in MGL, but will be used to fund other costs related to the construction of this Complex.

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**ARTICLE 4**

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$400,000 to be expended by the Town Manager for the cost of constructing an all-purpose artificial turf field at the Tewksbury Memorial High School, including the payment of all costs incidental and related thereto.

Town Manager

**Executive Summary:** This article expends funds from the Stabilization fund as part of the Town's match to a Grant through Massachusetts Division of Conservation Services PARC Grant Program to fund the construction of an all-purpose artificial turf field, at the Tewksbury Memorial High School

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## ARTICLE 5

To see if the Town will vote to accept the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, establishing a self-sufficient revolving fund, effective July 1, 2013, to account for revenues and expenditures relating to improving the energy efficiency of Town and School Buildings, equipment and infrastructure. The fund shall be credited with amounts received related to rebates, grants and donations generated from energy efficiency projects and programs through the Commonwealth of Massachusetts, Public Utilities and Non-profits or Private entities.. 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 \$500,000, or take any other action relative thereto.

Town Manager

**Executive Summary:** This article authorizes the Town to establish a self-sufficient revolving fund to account for the revenues received from grants and donations generated from energy efficiency projects and programs that the Town participates. Expenditures will be used for energy efficiency and improvement projects within the Town.

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## ARTICLE 6

To see if the voters of the Town of Tewksbury will amend the Zoning Bylaws by adding the following language to Section 8684 1. Residential Uses, Affordable Housing Requirement:

Section 8684 1. Residential Uses.

Affordable Housing Requirement

An application for a CVOD Special Permit as a Residential Use development shall require that 15 % of the dwelling units, be established as Affordable Housing Units (Section 7013.a.) in perpetuity,

**ADD: with the exception of Assisted living and Elderly congregate living facility proposals, where the Planning Board finds that strict adherence to Section 7013 a. and State defined requirements for Affordable Housing are not feasible.**

Planning Board

**Executive Summary:** The addition of this exception to the Affordable Housing requirement for Assisted Living and Elder Congregate care facilities will give the Planning Board the flexibility to accept proposals that meet diverse housing needs where strict adherence to State defined Affordable Housing requirements is not feasible.

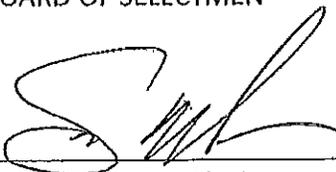
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And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving at copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

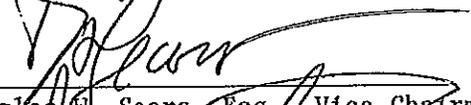
HEREOF, FAIL NOT, AND MAKE DUE RETURNS OF THIS WARRANT, with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

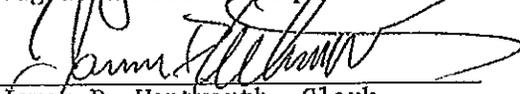
Given under our hands this ninth day of April, 2013 in the year of Our Lord, two thousand and thirteen.

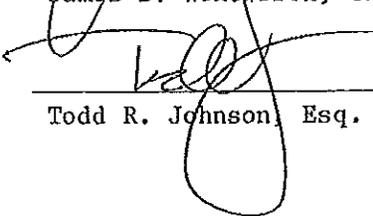
BOARD OF SELECTMEN

  
\_\_\_\_\_  
Scott Wilson, Chairman

  
\_\_\_\_\_  
David H. Gay

  
\_\_\_\_\_  
Douglas W. Sears, Esq. Vice Chairman

  
\_\_\_\_\_  
James D. Wentworth, Clerk

  
\_\_\_\_\_  
Todd R. Johnson, Esq.

## 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, 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.