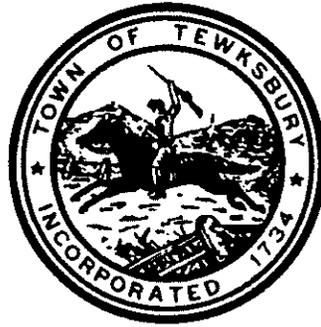


ANNUAL TOWN MEETING

2013
WARRANT



TOWN OF TEWKSBURY COMMONWEALTH OF MASSACHUSETTS

Finance Committee Public Hearing

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

Annual Town Meeting

May 6, 2013 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.

<u>Annual Town Meeting</u>	<u>Annual Town Meeting</u>	<u>Special Town Meeting</u>
MONDAY May 6, 2013 8 P.M.	WEDNESDAY May 8, 2013 8 P.M.	WEDNESDAY May 8, 2013 7 P.M.
<ul style="list-style-type: none"> • Consent Calendar Articles • Annual Budget • Budget Related Articles • Personnel By-Law Amendments 	<ul style="list-style-type: none"> • Zoning By-Law Amendments • Town By-Law Amendments • General Articles 	

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 6, 2013, at 8:00 o'clock p.m. to act on the following articles:

SECTION 1

ARTICLE 1

To choose all necessary Town Officers, by ballot,

To choose all necessary Town Officers, by ballot, Two (2) members of the Board of Selectmen for three (3) years; Two (2) members of the School Committee for three years; One (1) member of the Planning Board for five years; Two (2) members of the Board of Health for three years; One (1) member of the Board of Health (unexpired seat) for two years; Two (2) Library Trustees for three years; One (1) position on the Shawsheen Regional Technical School Committee for three years; and One (1) member of the Housing Authority for five years.

SECTION 2

ARTICLE 2	Elected Official 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	One Time Expenditures
ARTICLE 8	Budget Related	Town Wide School Maintenance
ARTICLE 9	Budget Related	Maintain/Upkeep for High School
ARTICLE 10	Budget Related	Town/School Communication System
ARTICLE 11	Budget Related	Water Treatment Plant Renovation/Upgrade
ARTICLE 12	Budget Related	Water System Improvements
ARTICLE 13	Budget Related	Water/System Vehicle
ARTICLE 14	Budget Related	Sewer System Improvements
ARTICLE 15	Budget Related	Tax Relief Programs
ARTICLE 16	Budget Related	Recycling Revolving Funds
ARTICLE 17	Budget Related	Hydrant Marker Revolving Fund
ARTICLE 18	Budget Related	Tewksbury Trail Rail
ARTICLE 19	Budget Related	Wamesit Indian Statue
ARTICLE 20	Budget Related	Affordable Housing

ARTICLE 21	Budget Related	AHTF Allocation Plan
ARTICLE 22	Budget Related	Easement – Towers Drive/Main Streets
ARTICLE 23	Budget Related	Affordable Housing

SECTION 2

ARTICLE 2

To see if the Town will vote to fix the salaries of several elected officials for the fiscal year 2014.

	<u>FY13</u> <u>Present</u>	<u>FY14</u> <u>Requested</u>
<u>BOARD OF HEALTH</u>		
Chairman	405	405
Members (4)	315	315
<u>MODERATOR</u>		
	450	450
<u>PLANNING BOARD</u>		
Chairman	1080	1080
Members (4)	765	765
<u>SCHOOL</u>		
<u>COMMITTEE</u>		
Chairman	2700	2700
Members (4)	2250	2250
<u>SELECTMEN</u>		
Chairman	5400	5400
Members (4)	4500	4500

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

ARTICLE 3

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 3-24 Accept the Annual Report

ARTICLE 3-25 Lease/Purchase Agreement

ARTICLE 3-26 Authorize Chapter 90 Funds

ARTICLE 3-27 Re-Authorize Revolving Funds

ARTICLE 3-24

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 are in the 2012 Town Report located on the Town's Website.

ARTICLE 3-25

To see if the Town will vote to authorize the Town Manager to enter into Lease/Purchase Agreements up to five (5) years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations; or take any action relative thereto.

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.

ARTICLE 3-26

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.

ARTICLE 3-27

To see if the Town will vote to re-authorize under the provisions of Chapter 44 Section 53E1/2 of the Massachusetts General Laws, the following self-sufficient revolving funds as noted below. The funds shall be credited with all amounts received relating to the activities listed below. Expenditures of the funds shall be authorized by the person(s) noted below or their designee. The total amount which may be expended from the funds in any given fiscal year shall be limited to the individual amounts listed below; or take any action relative thereto.

**TOWN OF TEWKSBURY
REVOLVING FUNDS**

NAME	DEPARTMENT	PURPOSE	AUTHORIZATION	EXPENDITURE
Council on Aging	Council on Aging	Trips and Activities	Town Manager	\$50,000
Parks and Recreation	Parks and Recreation	Summer Program/Activities	Town Manager	\$200,000
Emergency 72 Hour Go Kits	Board of Health	Purchase and Sell "Emergency 72 Hour Go Kits" to Tewksbury Residents	Health Director and Town Manager	\$10,000
Traffic Signage	Dept. of Public Works	Purchase, Manufacture and Installation of Street and Traffic Signage, including Pavement Markings	Town Manager	\$10,000
GIS	Community Development	Operate a Geographical Information System	Town Manager	\$25,000
Stormwater	Dept. of Public Works	Maintain Stormwater	Town Manager	\$50,000
Records Preservation	Town Clerk	Preservation and Safe Keeping of Historic Records	Town Clerk	\$20,000

Town Manager

Executive Summary: This article reauthorizes the Town to continue self-sufficient revolving fund accounts for the items listed above in the Town of Tewksbury. This article is always in the Annual Town Meeting as separate articles and was combined for simplicity.

ARTICLE 4

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, 2013; or take any action relative thereto.

**TOWN OF TEWKSBURY
FY14 GENERAL FUND BUDGET**

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
General Government				
Moderator				
<i>Salaries</i>	563	450	450	450
<i>Operating</i>	-	75	75	75
<i>Capital Outlay</i>	-	-	-	-
Total Moderator Budget	563	525	525	525
Selectmen				
<i>Salaries</i>	28,490	26,384	26,384	26,384
<i>Operating</i>	173,464	112,413	111,140	111,140
<i>Capital Outlay</i>	-	-	-	-
Total Selectmen Budget	201,953	138,797	137,524	137,524
Town Manager				
<i>Salaries</i>	268,586	276,459	281,748	281,748
Water Enterprise Fund Allocation	(7,950)	(7,400)	(7,548)	(7,548)
Sewer Enterprise Fund Allocation	(7,950)	(7,400)	(7,548)	(7,548)
<i>Total Salaries Net of Allocations</i>	252,686	261,659	266,652	266,652
<i>Operating</i>	4,060	4,498	4,800	4,800
<i>Capital Outlay</i>	-	-	-	-
Total Town Manager Budget	272,646	280,957	286,548	286,548
Total Town Manager Budget Net Allocations	256,746	266,157	271,452	271,452
Finance Committee				
<i>Salaries</i>	2,157	2,515	2,515	2,515
<i>Operating</i>	326	679	679	679
<i>Capital Outlay</i>	-	-	-	-
Total Finance Committee Budget	2,483	3,194	3,194	3,194
Town Counsel				
<i>Operating</i>	145,575	150,000	150,000	150,000
Total Operating	145,575	150,000	150,000	150,000
Administrative Services				
<i>Salaries</i>	41,550	45,779	51,903	51,903
Water Enterprise Fund Allocation	(484)	(674)	(746)	(746)
Sewer Enterprise Fund Allocation	(484)	(674)	(746)	(746)
Health Insurance Trust	-	-	-	-
<i>Total Salaries Net of Allocations</i>	40,582	44,431	50,411	50,411

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
<i>Operating</i>	18,357	12,950	13,415	13,415
Water Enterprise Fund Allocation	(180)	(194)	(201)	(201)
Sewer Enterprise Fund Allocation	(180)	(194)	(201)	(201)
<i>Total Operating Net of Allocations</i>	17,997	12,562	13,013	13,013
<i>Capital Outlay</i>	-	-	-	-
Total Administrative Services Budget	59,907	58,729	65,318	65,318
Total Administrative Services Budget Net Allocations	58,579	56,993	63,424	63,424
Town Clerk				
<i>Salaries</i>	163,340	176,638	186,921	186,921
<i>Operating</i>	14,319	12,165	15,005	15,005
<i>Capital Outlay</i>	-	-	-	-
Total Town Clerk Budget	177,660	188,803	201,926	201,926
Election				
<i>Salaries</i>	21,886	37,600	14,400	14,400
<i>Operating</i>	8,227	10,750	6,430	6,430
<i>Capital Outlay</i>	-	-	-	-
Total Election Budget	30,113	48,350	20,830	20,830
Board of Registrars				
<i>Salaries</i>	2,850	2,850	2,850	2,850
<i>Operating</i>	100	700	700	700
<i>Capital Outlay</i>	-	-	-	-
Total Board of Registrars Budget	2,950	3,550	3,550	3,550
Computer Services				
<i>Salaries</i>	159,048	162,347	163,470	148,047
Water Enterprise Fund Allocation	(2,388)	(2,333)	(1,275)	(1,275)
Sewer Enterprise Fund Allocation	(2,388)	(2,333)	(1,275)	(1,275)
<i>Total Salaries Net of Allocations</i>	154,272	157,681	160,920	145,497
<i>Operating</i>	206,665	233,932	85,512	83,512
<i>Capital Outlay</i>	33,173	8,000	8,000	8,000
Total Computer Services Budget	398,886	404,279	256,982	239,559
Total Computer Services Budget Net Allocations	394,110	399,613	254,432	237,009
Total General Government	1,292,735	1,277,184	1,126,396	1,108,973
Total General Government Net Allocations	1,270,731	1,255,982	1,106,856	1,089,433
Finance Department				
Accounting				
<i>Salaries</i>	185,265	202,247	205,736	205,736
Water Enterprise Fund Allocation	(5,095)	(4,958)	(5,143)	(5,143)
Sewer Enterprise Fund Allocation	(5,095)	(4,958)	(5,143)	(5,143)
<i>Total Salaries Net of Allocations</i>	175,075	192,331	195,450	195,450

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
<i>Operating</i>	35,355	5,275	184,628	170,362
Water Enterprise Fund Allocation	(116)	(132)	(4,259)	(4,259)
Sewer Enterprise Fund Allocation	(116)	(132)	(4,259)	(4,259)
<i>Total Operating Net of Allocations</i>	35,123	5,011	176,110	161,844
<i>Capital Outlay</i>	-	-	-	-
Total Accounting Budget	220,620	207,522	390,364	376,098
Total Accounting Budget	210,198	197,342	371,560	357,294
Assessor				
<i>Salaries</i>	232,861	214,395	230,138	233,284
<i>Operating</i>	17,269	22,965	53,400	42,900
<i>Capital Outlay</i>	1,500	-	-	-
Total Assessor Budget	251,630	237,360	283,538	276,184
Treasurer/Collector				
<i>Salaries</i>	325,577	295,635	299,441	299,441
Water Enterprise Fund Allocation	(16,926)	(17,932)	(18,798)	(18,798)
Sewer Enterprise Fund Allocation	(16,926)	(17,932)	(18,798)	(18,798)
<i>Total Salaries Net of Allocations</i>	291,725	259,771	261,846	261,846
<i>Operating</i>	164,307	130,576	132,733	130,233
Water Enterprise Fund Allocation	(13,192)	(9,450)	(10,023)	(10,023)
Sewer Enterprise Fund Allocation	(13,192)	(9,450)	(10,023)	(10,023)
<i>Total Operating Net of Allocations</i>	137,923	111,676	112,687	110,187
<i>Capital Outlay</i>	-	-	-	-
Total Treasurer/Collector Budget	489,883	426,211	432,174	429,674
Total Treasurer/Collector Budget Net Allocations	429,647	371,447	374,533	372,033
Total Finance Department	962,133	871,092	1,106,076	1,081,956
Total Finance Department Net Allocations	891,475	806,148	1,029,630	1,005,510
Community Services				
Cable Television				
<i>Salaries</i>	2,853	2,160	2,160	2,160
<i>Operating</i>	463	969	969	969
<i>Capital Outlay</i>	-	-	-	-
Total Cable Television Budget	3,316	3,129	3,129	3,129
Veteran's Services				
<i>Salaries</i>	49,376	50,378	51,366	51,366
<i>Operating</i>	219,222	148,350	195,033	195,033
<i>Capital Outlay</i>	-	-	-	-
Total Veteran's Budget	268,598	198,728	246,399	246,399

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
Exceptional Children				
<i>Salaries</i>	-	-	-	-
<i>Operating</i>	-	-	-	-
<i>Capital Outlay</i>	-	-	-	-
Total Exceptional Children Budget	-	-	-	-
Community Events				
<i>Operating</i>	1,350	3,100	3,100	3,100
<i>Capital Outlay</i>	-	-	-	-
Total Patriotic Committee Budget	1,350	3,100	3,100	3,100
Parks and Recreation				
<i>Salaries</i>	54,928	82,029	83,100	83,100
<i>Operating</i>	67,508	48,680	41,235	41,235
<i>Capital Outlay</i>	9,867	-	-	-
Total Parks and Recreation Budget	132,304	130,709	124,335	124,335
Total Community Services	405,568	335,667	376,963	376,963
Council on Aging				
<i>Salaries</i>	125,724	156,192	203,082	167,697
<i>Operating</i>	69,319	72,030	72,930	72,030
<i>Capital Outlay</i>	-	-	-	-
Total Council on Aging Budget	195,043	228,222	276,012	239,727
Facilities				
Town Hall				
<i>Salaries</i>	32,333	42,071	42,893	42,893
<i>Operating</i>	45,296	33,870	33,870	33,870
<i>Capital Outlay</i>	-	-	-	-
Total Town Hall Budget	77,629	75,941	76,763	76,763
Auxiliary Buildings				
<i>Operating</i>	35,986	32,400	32,400	32,400
Total Auxiliary Buildings Budget	35,986	32,400	32,400	32,400
Cemeteries				
<i>Operating</i>	3,000	3,000	3,000	3,000
<i>Capital Outlay</i>	-	-	-	-
Total Cemeteries Budget	3,000	3,000	3,000	3,000
Total Facilities	116,616	111,341	112,163	112,163

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
Library				
Salaries	626,362	689,975	707,477	697,664
Operating	228,119	246,778	251,748	251,748
Capital Outlay	-	-	-	-
Total Library Budget	854,480	936,753	959,225	949,412
Planning and Development				
Planning (Community Development)				
Salaries	208,164	230,077	231,188	231,188
Wetlands Protection Allocation	(10,000)	-	-	-
Total Salaries Net of Allocations	198,164	230,077	231,188	231,188
Operating	19,608	20,785	24,285	24,285
Capital Outlay	-	-	-	-
Total Community Development Budget	227,772	250,862	255,473	255,473
Total Community Development Budget Net Allocations	217,772	250,862	255,473	255,473
Building Department				
Salaries	214,960	235,488	239,552	245,317
Water Enterprise Fund Allocation	(2,025)	(1,525)	(1,617)	(1,617)
Sewer Enterprise Fund Allocation	(5,570)	(3,557)	(3,772)	(3,772)
Total Salaries Net of Allocations	207,365	230,406	234,163	239,928
Operating	5,363	5,010	5,210	5,210
Capital Outlay	-	-	-	-
Total Building Department Budget	220,323	240,498	244,762	250,527
Total Building Department Budget Net Allocations	212,728	235,416	239,373	245,138
Board of Health				
Salaries	208,948	211,917	226,014	226,014
Operating	10,162	6,225	6,225	8,225
Capital Outlay	-	-	-	-
Total Board of Health Budget	219,109	218,142	232,239	234,239
Total Planning and Development	667,204	709,502	732,474	740,239
Total Planning and Development Net Allocations	649,609	704,420	727,085	734,850
Public Safety				
Police				
Salaries	4,883,486	5,094,245	5,295,466	5,253,288
Operating	574,353	550,490	435,823	435,823
Capital Outlay	122,852	114,117	163,325	163,325
Total Police Budget	5,580,690	5,758,852	5,894,614	5,852,436
Fire				
Salaries	3,852,908	4,150,970	3,909,857	3,875,556
Operating	250,983	326,421	271,206	271,206
Capital Outlay	373,464	-	-	-
Total Fire Budget	4,477,355	4,477,391	4,181,063	4,146,762

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
Emergency Management				
Salaries	4,827	4,637	4,637	4,637
Operating	24,552	26,635	27,685	27,685
Capital Outlay	13,753	-	11,100	-
Total Emergency Mgt. Budget	43,131	31,272	43,422	32,322
Parking Clerk				
Salaries	4,000	4,000	4,000	4,000
Operating	362	1,200	1,200	1,200
Capital Outlay	-	-	-	-
Total Parking Clerk Budget	4,362	5,200	5,200	5,200
Total Public Safety Budget	10,105,539	10,272,715	10,124,299	10,036,720
School Departments				
Tewksbury				
Salaries	24,578,563	25,338,760	26,450,081	26,234,650
Operating	11,905,082	12,243,226	12,157,510	12,157,510
Capital Outlay	20,000	20,000	20,000	20,000
Total School Operating Budget	36,503,645	37,601,986	38,627,591	38,412,160
Offsets	(1,615,300)	(1,857,000)	(2,004,837)	(2,004,837)
Net School Operating Budget	34,888,345	35,744,986	36,622,754	36,407,323
Fixed Costs				
Health	7,552,860	7,740,957.00	8,357,191	8,357,191
Retirement	866,844	903,772.00	961,625	961,625
Medicare	345,000	365,000.00	375,950	375,950
Unemployment	57,000	40,000.00	40,000	40,000
Insurance	112,951	112,951.00	152,918	152,918
Principal	10,000	10,000.00	11,945	11,945
Long Term Interest	1,575	1,325.00	1,464	1,464
Short Term Interest	-	-	-	-
Total Fixed Costs	8,946,230	9,174,005	9,901,093	9,901,093
Town Tewksbury School Budget	43,834,575	44,918,991	46,523,847	46,308,416
Exempt School Debt Principal	2,101,000	1,975,000	2,005,850	2,005,850
Exempt School Exempt Interest	632,695	1,199,064	1,083,175	1,083,175
Regional Vocational School	5,470,783	5,625,001	5,970,959	5,970,959
Total School Departments	52,039,053	53,718,056	55,583,831	55,368,400
Department of Public Works				
DPW Administration				
Salaries	220,680	271,389	287,899	282,907
Water Enterprise Fund Allocation	(40,248)	(65,756)	(68,356)	(68,356)
Sewer Enterprise Fund Allocation	(40,248)	(65,756)	(68,356)	(68,356)
Total Salaries Net of Allocations	140,184	139,877	151,187	146,195

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
<i>Operating</i>	129,574	120,130	118,730	118,230
Water Enterprise Fund Allocation	(30,149)	(30,033)	(29,558)	(29,558)
Sewer Enterprise Fund Allocation	(30,149)	(30,033)	(29,558)	(29,558)
<i>Total Operating Net of Allocations</i>	69,276	60,064	59,614	59,114
<i>Capital Outlay</i>	-	-	-	-
Total DPW Administration Budget	350,254	391,519	406,629	401,137
Total DPW Administration Budget Net Allocations	209,460	199,941	210,801	205,309
DPW Engineering				
<i>Salaries</i>	171,770	188,405	184,630	187,693
Water Enterprise Fund Allocation	(74,798)	(77,315)	(74,793)	(74,793)
Sewer Enterprise Fund Allocation	(42,298)	(46,307)	(54,792)	(54,792)
<i>Total Salaries Net of Allocations</i>	54,674	64,783	55,045	58,108
<i>Operating</i>	11,455	7,145	7,745	7,745
Water Enterprise Fund Allocation	(2,500)	(3,001)	(3,253)	(3,253)
Sewer Enterprise Fund Allocation	(2,500)	(2,429)	(2,633)	(2,633)
<i>Total Operating Net of Allocations</i>	6,455	1,715	1,859	1,859
<i>Capital Outlay</i>	-	-	-	-
Total DPW Engineering Budget	183,225	195,550	192,375	195,438
Total DPW Engineering Budget Net Allocations	61,129	66,498	56,904	59,967
DPW Highway				
<i>Salaries</i>	414,687	507,666	518,047	518,047
<i>Operating</i>	98,598	169,140	174,290	174,290
<i>Capital Outlay</i>	79,419	-	-	-
Total DPW Highway Budget	592,704	676,806	692,337	692,337
DPW Forestry				
<i>Salaries</i>	-	-	-	-
<i>Operating</i>	47,118	61,450	61,450	61,450
<i>Capital Outlay</i>	-	-	-	-
Total DPW Forestry Budget	47,118	61,450	61,450	61,450
DPW Fleet Maintenance				
<i>Salaries</i>	187,009	182,152	241,992	241,992
Water Enterprise Fund Allocation	(31,570)	(29,409)	(32,874)	(32,874)
Sewer Enterprise Fund Allocation	(31,570)	(29,409)	(32,874)	(32,874)
<i>Total Salaries Net of Allocations</i>	123,869	123,334	176,244	176,244
<i>Operating</i>	187,124	175,600	378,648	378,648
Water Enterprise Fund Allocation	(35,000)	(35,000)	(35,120)	(35,120)
Sewer Enterprise Fund Allocation	(35,000)	(35,000)	(35,120)	(35,120)
<i>Total Operating Net of Allocations</i>	117,124	105,600	308,408	308,408
<i>Capital Outlay</i>	126,119	-	-	-
Water Enterprise Fund Allocation	(6,502)	-	-	-
Sewer Enterprise Fund Allocation	(6,502)	-	-	-
<i>Total Capital Outlay Net of Allocations</i>	113,115	-	-	-
Total DPW Fleet Maint, Budget	500,253	357,752	620,640	620,640
Total DPW Fleet Maint, Budget Net Allocations	354,109	228,934	484,652	484,652

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
DPW Electrician				
<i>Salaries</i>	-	-	-	-
<i>Operating</i>	4,383	5,000	-	-
<i>Capital Outlay</i>	-	-	-	-
Total DPW Electrician Budget	4,383	5,000	-	-
DPW Snow and Ice				
<i>Salaries</i>	48,351	95,000	95,000	95,000
<i>Operating</i>	245,815	146,000	161,000	161,000
<i>Capital Outlay</i>	-	-	-	-
Total DPW Snow and Ice Budget	294,166	241,000	256,000	256,000
Street Lighting				
<i>Operating</i>	164,928	160,000	160,000	160,000
Total Street Lighting Budget	164,928	160,000	160,000	160,000
Solid Waste				
<i>Operating</i>	2,259,081	2,406,517	2,365,530	2,365,530
Total Solid Waste Budget	2,259,081	2,406,517	2,365,530	2,365,530
Total DPW Budget	4,396,112	4,495,594	4,754,962	4,752,532
Total DPW Budget Net Allocations	3,987,078	4,046,146	4,287,675	4,285,245
Unclassified				
Reserve Fund	-	70,344	214,061	214,061
Non-Exempt Principal Maturing Debt	122,330	114,330	115,495	115,495
Non Exempt Interest-Maturing Debt	26,888	24,028	15,534	15,534
Interest-Temporary Loans	-	1,000	1,000	1,000
Exempt Principal Maturing Debt	2,208,590	2,225,219	2,291,873	2,291,873
Exempt Interest-Maturing Debt	2,124,987	2,055,430	1,961,386	1,961,386
<i>Middlesex Retirement Assmt.</i>	4,474,377	4,664,837	4,974,958	4,974,958
Water Enterprise Fund Allocation	(258,523)	(275,770)	(318,543)	(318,543)
Sewer Enterprise Fund Allocation	(76,857)	(87,023)	(107,492)	(107,492)
<i>Total Retirement</i>	4,138,997	4,302,044	4,548,923	4,548,923
Occupational Injury Reserve	80,795	80,800	80,795	80,795
Unemployment Compensation	30,483	10,000	10,000	10,000
<i>Group Insurance</i>	4,545,200	4,480,352	4,620,244	4,620,244
Water Allocation	(206,378)	(227,067)	(233,962)	(233,962)
Sewer Allocation	(72,198)	(70,364)	(66,958)	(66,958)
<i>Total Group Insurance</i>	4,266,624	4,182,921	4,319,324	4,319,324
<i>Medicare Tax</i>	182,008	195,000	190,000	190,000
Water Enterprise Fund Allocation	(13,117)	(9,291)	(9,790)	(9,790)
Sewer Enterprise Fund Allocation	(2,457)	(3,465)	(3,322)	(3,322)
<i>Total Medicare Tax</i>	166,434	182,244	176,888	176,888

General Fund Budget Classification	FY2012 EXPENDED	FY2013 BUDGETED	FY2014 DEPT REQ	FY2014 TM REC
Fire and Liability Insurance	200,659	331,900	331,900	331,900
Total Unclassified Budget	13,996,316	14,253,240	14,807,246	14,807,246
Total Unclassified Budget Net Allocations	13,366,786	13,580,260	14,067,179	14,067,179
Total Budget Before Transfers, Allocations and Offsets	86,646,099	89,066,365	91,964,484	91,579,168
Total Budget Before Transfers Net Allocations/Offsets	83,881,978	85,995,709	88,650,918	88,265,603
Transfers				
To the Sewer Enterprise Fund	296,089	281,485	268,721	268,721
To the Water Enterprise Fund		-	-	-
Special Revenue		-	-	-
Town Trust Funds			-	-
Total Transfers	296,089	281,485	268,721	268,721
ATM General Fund Budget	84,178,067	86,277,194	88,919,639	88,534,324
Executive Summary: The purpose of the Article is to fund various department budgets for Fiscal Year 2014.				

ARTICLE 5

To see if the Town will vote to raise and appropriate \$6,091,199 to operate the sewer enterprise fund; or take any other action relative thereto.

TOWN OF TEWKSBURY	
SEWER ENTERPRISE FUND	
FISCAL YEAR 2014 PROPOSED BUDGET	
Direct Expenses	
Salaries	304,474
Expenses	321,550
Capital Outlay	0
Lowell Sewer	1,280,000
Reserve Fund	60,000
Debt	3,684,683
Subtotal	<u>5,650,707</u>
Indirect Expenses	
Town Manager	7,548
Accounting	9,402
Computer Services	1,275
Treasurer/Collector	28,821
Administrative Services	947
Building Dept.	3,772
Dept. of Public Works	223,333
Group Insurance	66,958
Retirement	107,493
Medicare	3,322
Subtotal	<u>452,871</u>
Total	<u>6,103,578</u>
Projected Sewer Revenue	
User Fees	4,559,569
New Connections	50,558
Sewer Liens	500,000
Connection Fees	815,652
Application Fees	7,000
Prior Year Surplus	-
Transfer From General Fund	268,721
Total	<u>6,201,500</u>
Deficit/Surplus	<u>97,922</u>

Executive Summary: The purpose of this article is to fund the Sewer Enterprise Fund for FY14.

ARTICLE 6

To see if the Town will vote to raise and appropriate \$5,600,590 to operate the water enterprise fund; or take any action relative thereto.

TOWN OF TEWKSBURY	
WATER ENTERPRISE FUND	
FISCAL YEAR 2014 PROPOSED BUDGET	
Direct Expenses	
Salaries	1,351,128
Expenses	1,355,462
Capital Outlay	0
Reserve Fund	25,000
Debt	<u>2,038,188</u>
Subtotal	4,769,778
Indirect Expenses	
Town Manager	7,548
Accounting	9,402
Computer Services	1,275
Treasurer/Collector	28,821
Administrative Services	947
Building Dept	1,617
Dept of Public Works	243,954
Group Insurance	233,962
Retirement	318,543
Medicare	<u>9,790</u>
Subtotal	855,859
Total	<u>5,625,637</u>
Projected Water Revenue	
User Fees	5,741,916
Water Liens	650,000
Connection Fees	15,000
Total	6,406,916
Deficit/Surplus	781,279

Town Manager

Executive Summary: The purpose of this article is to fund the Water Enterprise Fund for FY14.

ARTICLE 7

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$635,368 for the following purposes; or take any action relative thereto.

Stormwater and Drainage Maintenance and Repair: 70,000

Design and Engineering of Repairs and Upgrades to the Center Fire Station and DPW Facility:	110,000
Fire Ambulance Upgrade:	125,000
DPW 6 Wheel Dump Truck with Plow and Sander:	170,000
DPW F250 4x4 with Plow:	35,000
Sick Leave Buyback:	125,368

Town Manager

Executive Summary: This article allows the Town to utilize funds from the Stabilization Fund for various one-time expenditures: Stormwater and Drainage Maintenance and Repair: \$70,000 will be used for repairing drainage manholes and mapping a portion of the drainage system as required by DEP; Design and Engineering of Repairs and Upgrades to the Center Fire Station and DPW Facility: \$110,000 will be used to design and engineer need repairs and upgrades to the Center Fire Station and DPW for areas such as windows, roof, ceiling, exterior and interior walls of each facility; Fire Ambulance Upgrade: \$125,000 will replace 2007 Ford E-450 Horton Ambulance with like model to maintain two-year ambulance replacement program. Instead of a traditional new 2013 ambulance chassis and box which would cost approximately \$160,000 the plan will be to remount the Horton box on a 2013 Ford E-450 chassis. DPW 6 Wheel Dump Truck with Plow and Sander: \$170,000 will be used to replace a 1996 Mack dump truck with 60,000 miles and over 5800 hours of use and has reached its maximum return as a front line truck. DPW F250 4x4 with Plow: \$35,000 will be used to replace a ¾ ton Dodge pick-up with plow. Sick Leave Buy-back: \$125,368 Funds will be used to pay for sick leave buy back as required in the Town’s Collective Bargaining Agreements or Personnel By-law.

ARTICLE 8

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$608,345 for the following purposes; or take any action relative thereto.

School Buildings and Maintenance	284,345
School Technology	139,000
School Instructional	185,000

Town Manager

Executive Summary: This article allows the Town to utilize funds from the Stabilization Fund, for the above one-time expenditures. These expenditures have been identified and prioritized by both School Administration and the School Committee and are needed in order to maintain School facilities/infrastructure while providing students with a quality educational experience.

ARTICLE 9

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$125,000 for the purpose of maintaining the Tewksbury Memorial High School; or take any action relative thereto.

Town Manager

Executive Summary: This article will be used by the School Department to maintain and upkeep of the High School Building.

ARTICLE 10

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$100,000 for the purpose of upgrading to the Town’s Micro-wave Communications System; or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize funds from the Stabilization Fund for various one-time expenditures to upgrade the outdated equipment in the Town’s Micro-wave Communications System. Since the microwave system is at capacity, the Town and the School Department are unable to move forward with any technological advances that are necessary for the Town and School Department operations. The microwave system must be upgraded so as to increase its capacity and reliability so that the Town and School Department can implement technologies such as security video surveillance and systems that will help the Town and School Department operate in a more efficient and safe manner.

ARTICLE 11

To see if the Town will vote to transfer the sum of \$1,250,000 from Water Enterprise Retained Earnings to be expended by the Town Manager for the cost of design, engineering and contracting the services of a Project Manager/Clerk of the Works for renovating and upgrading the Town’s Water Treatment Plant, including the payment of all costs incidental and related thereto.

Town Manager

Executive Summary: This article allows the Town to utilize \$1,250,000 from Water Retained Earnings available as of July 1, 2012, which has a balance of \$1,251,088 for the design, engineering and owner’s project management of renovating and upgrading the Town’s Water Treatment Plant. The Tewksbury Water Treatment Plant was built and came on-line in 1988. The plant is beyond its initial 20-year design life. Plant improvements began in FY13 with an assessment of the plant building and mechanical systems. The assessment has identified numerous deficiencies and needed upgrades. This project proposes to design and engineer upgrades of the building envelope, existing mechanical equipment and other ancillary equipment currently in critical condition that may result in failure; further assessing treatment options through piloting various treatment methods (DEP requirement) to incorporate into the plant’s design; and to secure Project Manager/Clerk of the Works. Construction phases are not scheduled to begin until FY2015 and the projected cost is \$8,000,000.

ARTICLE 12

To see if the Town will vote to raise and appropriate the sum of \$ 175,000 from the Water Enterprise Fund to undertake the following:

Hydrant Replacement Program:	\$100,000
Water Distribution System Improvements Engineering/Design:	\$35,000
Water Tank Upgrades and Improvements:	\$40,000

or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to raise \$175,000 from the Water Enterprise Fund to be expended by the Town Manager for the following purposes: Hydrant Replacement Program: \$100,000 for the continuation of an ongoing program of Hydrant Replacement at various locations based upon survey of the current inventory. It has been estimated that 600 of the approximate 1600 hydrants need to be replaced over a ten year period. This article funds the replacement of 25 hydrants in FY14; Water Distribution System Improvements Engineering/Design: \$35,000 will be used for engineering and design of upgrades to the water main on Shawsheen St (Main St to Kenneth Lane); Water Tank Upgrades and Improvements: \$40,000 will be used for a comprehensive, cleaning and inspection of Astle Street and Colonial Street tanks.

ARTICLE 13

To see if the Town will vote to authorize the expenditure of \$29,500 from the Town's Insurance Recovery Account and to further transfer \$25,000 from Sewer Retained Earnings and raise and appropriate \$25,000 from Water Enterprise Fund for a total of \$79,500 to purchase a Ford 550 Utility Motor Vehicle for the Water Sewer Department; or take any action relative thereto.

Town Manager

Executive Summary: This article transfers funds received from an insurance claim to purchase a new vehicle within the DPW Water/Sewer Division. A DPW Water/Sewer Vehicle was in an accident that rendered the vehicle unsafe to drive. The insurance company paid the Town \$29,500 for replacement value but the funds are deposited in the Town's Insurance Recovery Account and need Town Meeting approval to be expended by the Town Manager. Since the insurance proceeds are not enough to pay for the new vehicle, \$25,000 from Sewer Retained Earnings and \$25,000 raised in the Water Enterprise Fund will be needed. This article allows the Town to utilize Water and Sewer Retained Earnings as of July 1, 2012 which has a balance of \$2,765,951.

ARTICLE 14

To see if the Town will vote to transfer from the certified Sewer Enterprise Fund Retained Earnings the sum \$130,000 for the following purposes;

Inflow and Infiltration Investigation and Repair and Upgrades	\$80,000
Sewer Pump Station Modifications	\$50,000

or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize \$175,000 from Sewer Retained Earnings available as of July 1, 2012 and has a balance of \$2,765,951 for the following purposes: Inflow and Infiltration Investigation and Repair and Upgrades: \$80,000 will be used for the rehabilitation and repair of sewer manholes identified in an engineering report submitted by Coughlin Environmental Services. This year's project will consist of rehabilitation of manholes identified as contributing the greatest amount of infiltration to (3) sub-basins. The Town will contract the rehabilitation and repair of approximately (25) manholes in the East Street sub-basin, (25) manholes in the Andover Street sub-basin and approximately (25) manholes in the Burnham Road sub-basin. In addition, (35) sewer manhole covers will be reset along streets where covers have settled; Sewer Pump Station Modifications: \$50,000 will be used for needed general improvements at sewer pump stations. Work scheduled for FY14 includes continuation of flush/mixing valve installation. Ten of the (30) identified pump stations were retrofitted with mixing valves as part of FY13 budget. An additional (20) valves are scheduled for installation in FY14- FY15. These mixing valves mix waste prior to pumping from the wet-well.

ARTICLE 15

To see if the Town will vote to transfer the sum of \$35,000 from Overlay Surplus to fund a Senior Tax Relief Work Program and a Veterans Tax Relief Program; or take any action relative thereto.

Town Manager

Executive Summary: This article allows the Town to utilize funds considered surplus from Assessors Overlay Reserve to fund a Senior Tax Relief Program/Veterans Tax Relief Program that allows eligible Senior Citizens /Veterans of the Town to work for Town and School offices and receive a reduction in their property tax bill.

ARTICLE 16

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 related to the operation of the solid waste, recycling and household hazardous waste. The fund shall be credited with amounts received related to rebates, fines and donations generated from solid waste, recycling and household hazardous waste operations and programs. 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 \$200,000; 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 solid waste, recycling and household hazardous waste operations and programs. Expenditures will be used for programs and education to improve the amount of trash and hazardous waste removed from the Town's waste stream.

ARTICLE 17

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 related to hydrant markers in the Town of Tewksbury. The fund shall be credited with amounts received from reimbursement of damaged markers and donations to install markers. 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 \$20,000, 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 reimbursement of damaged markers and donations to install markers. Expenditures will be used for the installation of hydrant markers throughout the town.

ARTICLE 18

To see if the Town of Tewksbury will vote to appropriate the sum of \$35,000 for the purpose of developing a bicycle/walking trails feasibility Study and phased development Plan, within the Town of Tewksbury's open space areas: including, but not limited to, abandoned rail lines, preserved open space lands and other connection ways. Said Study and Plan shall be developed by an experienced professional consultant in this field and shall include allowed costs incidental and related thereto.

To fund such Study and Plan, \$35,000 shall be transferred from the Tewksbury Community Preservation Fund Open Space Reserve.

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 or to take any other action thereon.

Community Preservation Committee

Executive Summary: The Tewksbury Rail Trails citizen group has applied for Community Preservation Funds to begin the process of discovering possibilities and best next steps for developing biking and/or walking trails for the enjoyment and connection of Tewksbury's open spaces. This proposed project serves to begin a process expressed by Town citizens as a top goal of the Tewksbury 2009 Open Space and Recreation Plan. This Study will take into consideration the feasibility of the use of abandoned rail lines, connections and pathways of the Bay Circuit Trail and other connections to open space, as well as to surrounding towns' trails.

ARTICLE 19

To see if the Town of Tewksbury will vote to appropriate the sum of \$7,500 for the restoration and preservation of the Wamesit Indian Statue, including allowed costs incidental and related thereto; said historic restoration expenses as necessary for removal of corrosion and resurfacing the Statue.

To fund such restoration, \$7,500 shall be transferred from the Tewksbury Community Preservation Historic Reserve Fund.

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

Community Preservation Committee

Executive Summary: The Tewksbury Planning Board requests CPA funds to restore and preserve the Wamesit Indian Statue, constructed in 1989, a historic landmark and resource on Tewksbury's Main Street, in the area known as Wamesit. This Statue is one of several Sculptures in Tewksbury by the distinguished artist Mico Kaufman. This process is proposed to include a soft walnut shell blast removal of corrosion, replacement of bronze patina and the addition of protective coating. This restoration of a historic Town resource has the support of the Tewksbury Historic Commission.

This program is supported in part by a grant from the Tewksbury Cultural Council, a local agency which is supported by the Massachusetts Cultural Council, a state agency, in the amount of \$500.00.

ARTICLE 20

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 2014, with each item to be considered a separate appropriation:

Appropriations:

Administrative Costs \$ 38,776

Reserves:

Open Space	\$ 77,553
Community Housing	\$ 77,553
Historic Preservation	\$ 77,553
FY2014 Budgeted Reserve	\$ 500,000

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 FY14 revenue is \$775,531.

ARTICLE 21

To see if the Town will vote to approve the FY 2014 Affordable Housing Trust Fund Allocation Plan as follows:

There were no expenditures out of the Affordable Housing Trust Fund for FY2013.

ALLOCATION PLAN	for FY 2014
Starting Balance:	\$2,477,002
Total Available Funds FY14	\$2,477,002
Expenses	
LHP Consulting Services	\$40,000
Audit of 3 Local Initiative Projects (\$7,500 per project)	\$22,500
Creation of New Units/ Buy down of existing units	<u>\$2,183,284</u>
Total Projected Expenses for FY14	\$2,414,502

Town Manager

Community Development Director

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 2014 allocation plan meets the expenditure requirements of the Special Act.

ARTICLE 22

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or take by eminent domain the layout alteration of the right of way, temporary and/or permanent easements or in fee for the purpose of providing proper improvements to the intersection at Towers Drive (Archstone Avenue) and Main Street/Route38 as shown on the plan entitled "Definitive Subdivision Plan Towers Drive, Old Boston Road and Main Street Tewksbury Massachusetts, dated June 4, 1997, and prepared by Cuoco and Cormier Engineering Associates. Inc., or take any action relative thereto. A copy of the plan may be viewed at the Department of Public Works, Engineering Division, 999 Whipple Road.

Town Manager

Executive Summary: This will allow the Selectmen to obtain the necessary easements in order to undertake proper improvements to the intersection of Towers Drive (Archstone Avenue) and Main Street/Route38.

ARTICLE 23

To see if the Town will vote to authorize the Board of Selectmen to transfer all or a portion of a certain parcel of land located on Map 94, Block 346 as shown on the current Assessor's Map, for affordable housing purposes; or act in relation thereto.

Town Manager

Executive Summary: This article would transfer a parcel of land to a non-profit to be used for building and selling an affordable home. The land is assessed at \$156,400 and the lot is 9,368 SF. There is currently a small house on the lot that will need to be demolished.

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

- ARTICLE 3-24
- ARTICLE 3-25
- ARTICLE 3-26
- ARTICLE 3-27

SECTION 3

ARTICLE 28	Zoning By-Law	Zoning By-Law 8603
ARTICLE 29	Zoning By-Law	Medical Marijuana Treatment Zoning
ARTICLE 30	Zoning By-Law	Multi Family Zoning Map 89, Lots 18, 19, 20, 21, & 22
ARTICLE 31	Zoning By-Law	Modify Open Space Residential Design
ARTICLE 32	Zoning By-Law	Amend Zoning Map 76 Lot 23
ARTICLE 33	Zoning By-Law	Amend Zoning Map 76 Lots 23 & 24
ARTICLE 34	Zoning By-Law	Change Zoning By-Law
ARTICLE 35	Town By-Law	Sex Offender By-Law
ARTICLE 36	Town By-Law	Handicapped Parking Placard/Permit
ARTICLE 37	Town By-Law	Dog By-Law

ARTICLE 38	Town By-Law	Town Meeting By-Law
ARTICLE 39	Town By-Law	Wetlands Protection By-Law
ARTICLE 40		Constitutional Amendment

ARTICLE 28

To see if the Town will vote to delete Section 8603 in the Tewksbury Zoning Bylaw in its entirety and replace it with new Section 8603 as follows:

8603. Relationship to Existing Zoning. The underlying zoning shall remain an integral part of the Tewksbury Zoning Bylaw and is not modified, repealed nor amended by this section. The property owners in this overlay district shall possess all current zoning rights including by-right uses for the underlying districts and be subject to the requirements applicable in the underlying zones when utilizing the uses allowed in the underlying district. In the event that an owner desires to use the owner's property for development as here defined, the regulations of this overlay district shall apply and by filing an application for development subject to such regulations, the owner accepts and is bound by such regulations. Municipal Zoned properties located within the TCOD are not eligible to apply for a permit under the provisions of the TCOD. Where this overlay district's provisions are silent on a zoning rule, the requirements of the underlying zoning shall apply to such as, but not limited to, off street parking and open space requirements. In addition, projects allowed under the underlying zoning are not eligible to apply under this overlay district unless they meet all of the requirements of this overlay district. .

Tewksbury Planning Board

Executive Summary: The purpose of this revised language of the Town Center Overlay District is to ensure that the by-right uses allowed in the underlying district are still available to property owners so that the bylaw complies with the uniformity provisions of MGL Chapter 40A, Section 4 and relevant case law. The language of 8603 Relationship to Existing Zoning, effects Overlay District sections 8623, 8643, 8663, 8683 as defined therein.

ARTICLE 29

To see if the Town of Tewksbury will vote to amend the Tewksbury Zoning Bylaw by adding a new Section 6500, Interim Regulations for Medical Marijuana Treatment Centers as follows:

6500 INTERIM RESTRICTION/ MORATORIUM FOR MEDICAL MARIJUANA TREATMENT CENTERS

6510. Purpose. At the November 6, 2012 state election, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which legislation became effective on January 1, 2013. The legislation requires the state Department of Public Health to issue regulations regarding implementation of the legislation by May 1, 2013 which are expected to provide guidance in regulating medical marijuana, including medical marijuana treatment centers. As the regulation of medical marijuana raises novel and complex legal and planning issues, the Town requires adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions should such facilities be located in the Town of Tewksbury. Therefore, the Town adopts this temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers in order to allow the Town sufficient time to engage in a planning process to address the potential impacts on adjacent uses and on general public health, safety and welfare, and to develop and enact zoning bylaws and other applicable regulations that appropriately

address these considerations consistent with statewide regulations and permitting procedures, and in a manner consistent with sound land use planning goals and objectives.

6520. Definition. A “Medical Marijuana Treatment Center” as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health.

6530. Exclusion of Other Marijuana Uses. Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly licensed and registered by the Massachusetts Department of Public Health, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

6540. Exclusion of Accessory Uses. In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

6550. Interim Restriction/Moratorium. Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Tewksbury so long as this section remains in effect, as set forth below. Use variances are strictly prohibited. During this moratorium period, the Town will undertake a planning process to address the potential impacts of medical marijuana in Tewksbury, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and enact zoning bylaws or other regulations to address the impact and operation of medical marijuana treatment centers and their related uses.

6560. Expiration. This section shall be effective for a period of twelve (12) months beginning at the date of the publication of the Planning Board’s public hearing for this zoning amendment or until such future time that the Tewksbury Town Meeting enacts superseding zoning bylaws that set forth the allowed zoning districts, dimensional, parking and other requirements applicable to medical marijuana treatment centers and their related uses, whichever occurs first.

6570. Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the TEWKSBURY ZONING BYLAW.

Tewksbury Planning Board

Executive Summary: The passage of the Law for the Humanitarian Medical Use of Marijuana on November 6, 2012 by the voters of the Commonwealth did not provide the Town with adequate time to evaluate the impacts of the law. This moratorium will allow the Town of Tewksbury the necessary time to evaluate the law and its impacts on public safety, public health, and zoning issues. Note, this is a zoning bylaw and not a health regulation.

ARTICLE 30

To see if the Town will vote to amend the Zoning Map for parcels shown on Assessor's Map 89 Lots 18, 19, 20, 21 and 22, from Residential (R40) to Multi Family District (MDF).

LEGAL DESCRIPTION

Beginning at a point on the northerly line of East Street at the south west corner of land of now or formerly Marc P Ginsburg & Arnold O. Martel Jr., now Bella Woods, LLC being Lot 23 on Tewksbury Assessor's Map 89, thence; westerly by the northerly line of East Street 690.00 feet, more or less, to land of said Bella Woods, LLC., thence; Northwesterly by said Bella Wood, LLC. land 290.40 feet, more or less, to a point, thence; Northeasterly by said Bella Woods land 300.00 feet, more or less, to a point, thence; Southeasterly by said Bella Woods land 90.40 feet, more or less, to a point, thence; Northeasterly by said Bella Woods land 390.00 feet, more or less, to a point at the northwest corner of said Lot 23, thence; Southeasterly by said Bella Woods land, 200.00 feet, more or less, to the point of beginning. Said land is shown as Lots B, C, D, E and F on a plan entitled "Subdivision of Land in Tewksbury, MA for Walter Doucette dated April 11, 1957, recorded in Middlesex North District Registry of Deeds Plan Book 88 Plan 149.

Arnie Martel and Others

Executive Summary: The proposed zoning article seeks to extend the existing Multi-Family Zoning District to 5 adjoining parcel.

ARTICLE 31

PROPOSED ZONING ARTICLE

To see if the Town will vote to amend the Tewksbury Zoning By-Law appendix A, Section A.7 for Open Space Residential Design from (N) in HI zone to (PB) Special Permit Required.

Marc P Ginsburg

Executive Summary: This change would allow the Planning Board to issue a special permit for Open Space Residential Design in a HI district, which is consistent with use in an R40 zone.

**APPENDIX A
EXISTING TABLE OF USE REGULATIONS
DISTRICTS**

A. RESIDENTIAL USERS	R40	FA	LB	COM	TR	P	MN	MFD	MFD 55	CDD	HI	OR
7. Open Space Residential Design	PB	PB	N	N	N	N	N	N	N	N	N	N

**APPENDIX A
PROPOSED TABLE OF USE REGULATIONS
DISTRICTS**

A. RESIDENTIAL USERS	R40	FA	LB	COM	TR	P	MN	MFD	MFD 55	CDD	HI	OR
7. Open Space Residential Design	PB	PB	N	N	N	N	N	N	N	N	PB	N

ARTICLE 32

To see if the Town will vote to amend the Zoning Map for parcels shown on Assessor's Map 76 Lot 23, from Heavy Industry (IH) to Residential (R40).

LEGAL DESCRIPTION

Beginning at a point on the easterly line of Livingston Street at the north west corner of land of now or formerly David & Jessica Deniger, being Lot 24 on Tewksbury Assessor's Map 76, thence; northerly by the easterly line of Livingston Street, 83 feet, more or less, to land of now or formerly New England Telephone Company thence; Northeasterly said New England Telephone land, by a curved line to the left, having a radius of 1211.22 feet, a length of 1025.20 feet, more or less, to a point at land junction of land of now or formerly the Boston & Maine Railroad and the Commonwealth of Massachusetts, thence; Southerly by said Commonwealth land, by a curved line to the left, a distance of 1,010 feet, more or less, to a point, thence; Southwesterly by said Commonwealth land, a distance of 92.92 feet, more or less, to a point, thence; Northwesterly by said Commonwealth land to a point at the northeast corner of said Deniger land, thence; Westerly by said Deniger land 400 feet, more or less, to the point of beginning.

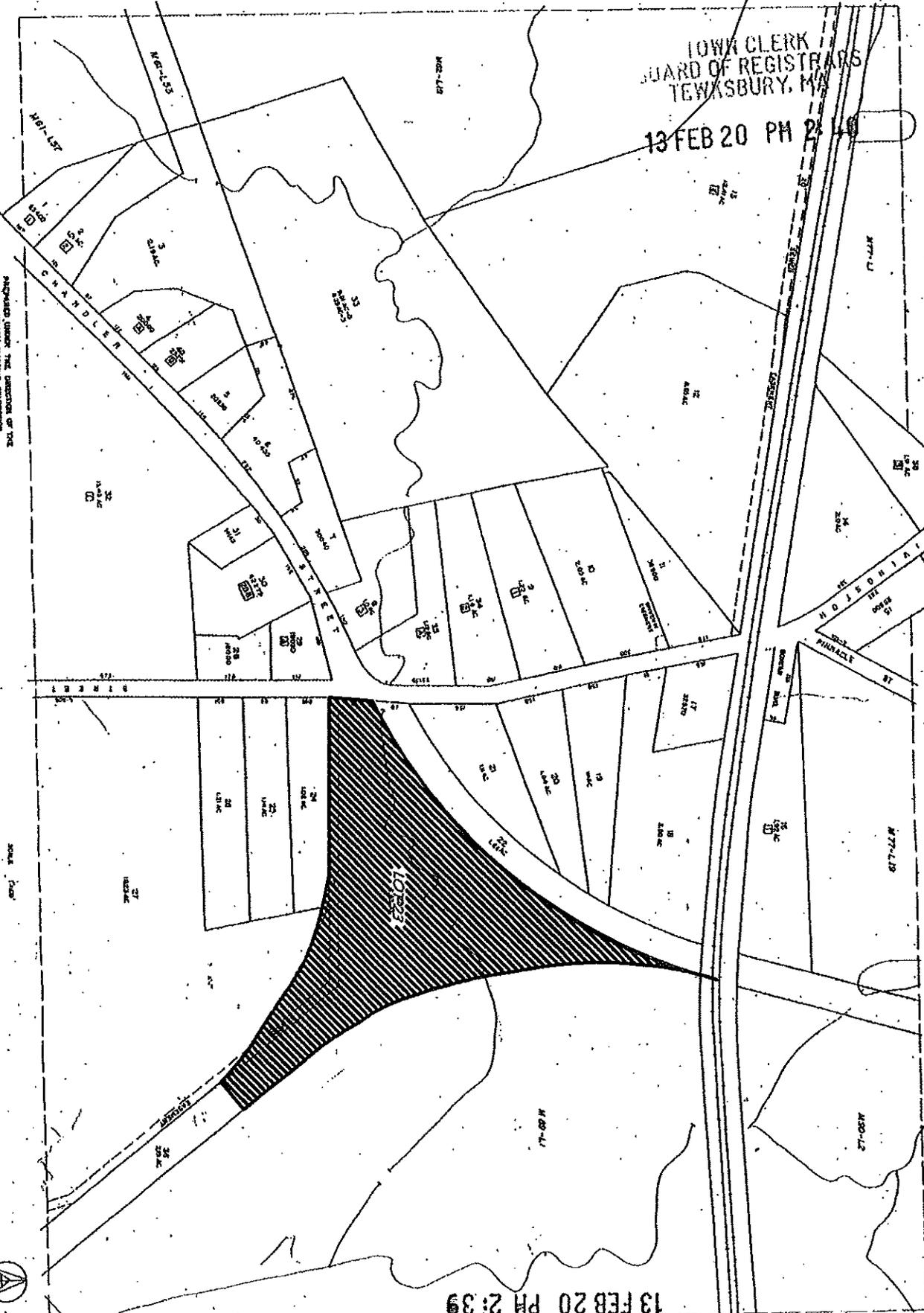
Marc P. Ginsburg

Executive Summary: The proposed zoning article seeks to rezone land currently used by residential dwellings from Heavy Industry to Residential (R40) which is consistent with the current use of the property.

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA

13 FEB 20 PM 2:40

TOWN OF TEWKSBURY, MASSACHUSETTS
ASSESSORS' MAPS



13 FEB 20 PM 2:39

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA

APPROVED UNDER THE DIRECTION OF THE
TERRITORIAL MAPS AND PLANNING BOARD
AVIS AIRFIELD, INC.
MASSACHUSETTS CONSULTANTS

REV	DATE	BY	DESCRIPTION
01	07/00	AVS	ORIGINAL ISSUE
02	07/00	AVS	
03	07/00	AVS	

ARTICLE 33

To see if the Town will vote to amend the Zoning Map for parcels shown on Assessor's Map 76 Lots 23 and 24, from Heavy Industry (IH) to Residential (R40).

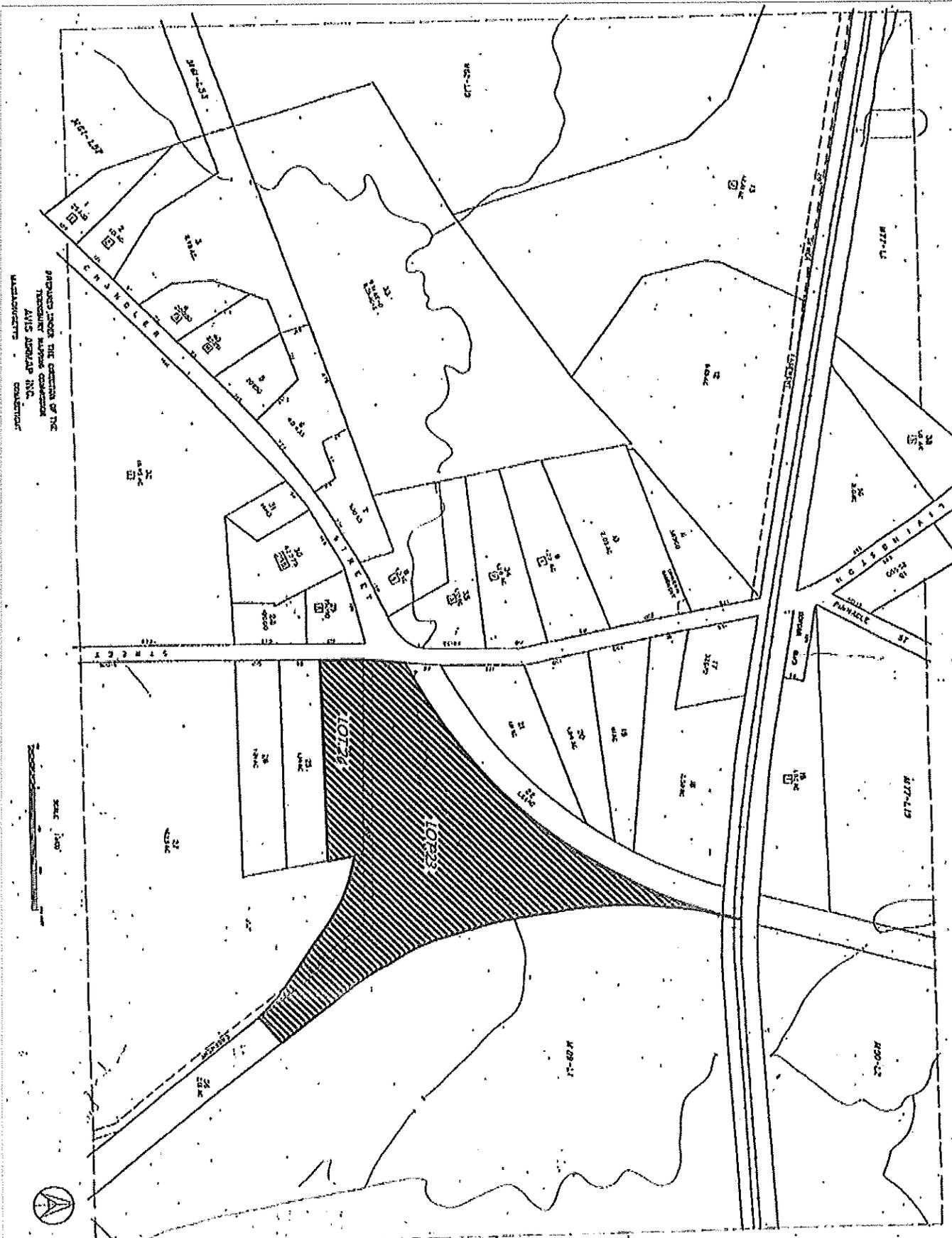
LEGAL DESCRIPTION

Beginning at a point on the easterly line of Livingston Street at the north west corner of land of now or formerly William & Virginia McCreedy, being Lot 25 on Tewksbury Assessor's Map 76, thence; northerly by the easterly line of Livingston Street, 183 feet, more or less, to land of now or formerly New England Telephone Company thence; Northeasterly said New England Telephone land, by a curved line to the left, having a radius of 1211.22 feet, a length of 1025.20 feet, more or less, to a point at land of the Commonwealth of Massachusetts, thence; Southerly by said Commonwealth land, by a curved line to the left, a distance of 1,010 feet, more or less, to a point, thence; Southwesterly by said Commonwealth land, a distance of 92.92 feet, more or less, to a point, thence; Northwesterly by said Commonwealth land to a point on the easterly line of land of now or formerly David & Jessica Deniger, thence; Southerly by said Deniger land 56 feet, more or less, to a point at the northeast corner of said McCreedy land, thence; Westerly by said McCreedy land, a distance of 497.24 feet, more or less, to the point of beginning.

Marc P. Ginsburg

Executive Summary: The proposed zoning article seeks to rezone land currently used by residential dwellings from Heavy Industry to Residential (R40) which is consistent with the current use of the property.

TOWN OF TEXMUNSI, MASSACHUSETTS
ASSESSOR'S MAP



PREPARED UNDER THE DIRECTION OF THE
TOWN ENGINEER AND THE
ASSESSOR'S OFFICE
MAY 1900
MASSACHUSETTS
COMMISSIONERS

Scale 1:500



Map prepared by J. W. ...

DATE	BY	FOR
1900	J. W. ...	ASSESSOR'S OFFICE
1901	J. W. ...	ASSESSOR'S OFFICE
1902	J. W. ...	ASSESSOR'S OFFICE
1903	J. W. ...	ASSESSOR'S OFFICE
1904	J. W. ...	ASSESSOR'S OFFICE
1905	J. W. ...	ASSESSOR'S OFFICE
1906	J. W. ...	ASSESSOR'S OFFICE
1907	J. W. ...	ASSESSOR'S OFFICE
1908	J. W. ...	ASSESSOR'S OFFICE
1909	J. W. ...	ASSESSOR'S OFFICE
1910	J. W. ...	ASSESSOR'S OFFICE

ARTICLE 34

Change zoning By-law to residential zoning (which is if on your St. or road their is no acre. Lots preexisting lots can be split back original lots.)

Paul Harrington and Others

Executive Summary: Create jobs construction (i.e. roofs, plumbing, electric) stabilize sewer and water rates

ARTICLE 35

To see if the Town will vote to amend its General By-laws by adding the following to Title 5 Sex Offender By-law

TOWN OF TEWKSBURY CHAPTER SEX OFFENDERS

5.10.010 Findings and Intent

- A. The intent of this chapter is to serve and to protect the Town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town of Tewksbury by creating areas around locations where children, the elderly and the mentally retarded regularly congregate in concentrated numbers and where certain registered sex offenders are prohibited from loitering and establishing temporary or permanent residence.
- B. After careful consideration, the Town finds that this By-law is the most narrowly tailored means of limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach or otherwise come in contact with children, the elderly and the mentally retarded in places where children, the elderly and the mentally retarded would naturally congregate, and that the protection of the health and safety of our children, elderly and the mentally retarded is a compelling governmental interest.
- C. By the enactment of this By-law or any other legislation, the Town understands that it cannot remove the threat posed to or guarantee the safety of children, the elderly and the mentally retarded, or assure the public that registered sex offenders will comply with the mandates of this By-law. This By-law is intended to create a civil, nonpunitive regulatory scheme in order to protect children, the elderly and the mentally retarded to the extent possible under the circumstances and not as a punitive measure of any kind.
- D. Registered sex offenders pose a clear threat to the children, the elderly and the mentally retarded residing or visiting in the community. Because registered sex offenders are more likely than any other type of offender to reoffend for another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting the children, the elderly and the mentally retarded. The purpose of this By-law is to reduce the potential risk of harm to children, the elderly and the mentally retarded of the community by impacting the ability for registered sex offenders to be in contact with unsuspecting children, the elderly and the mentally retarded in locations that are primarily designed for use by or are primarily used by children, the elderly and/or the mentally retarded, namely, the grounds of a public or private school for children, a center or facility that provides day care or children's services, a park, other public recreational facility, elderly housing facilities or facilities for the mentally retarded. The Town desires to add location restrictions to such offenders to the extent state law is silent.

5.10.020 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHILD or CHILDREN

Person or persons under 18 years of age.

DAY-CARE CENTER

Any establishment, whether public, private or parochial, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.

ELDER or ELDERLY

Person or persons over 60 years of age.

ELDERLY HOUSING FACILITY

Includes any building which provides a group residence for the elderly and is located within the Town.

ESTABLISHING A RESIDENCE

To set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

FACILITY FOR THE MENTALLY RETARDED

Includes facilities under the jurisdiction of the Department of Developmental Services and which is located within the Town.

LOITERING

To remain for more than fifteen (15) minutes within a five hundred (500) foot distance of the location in question.

MENTALLY RETARDED PERSON

Pursuant to MGL c. 123B, § 1, a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the Department of Developmental Services, is substantially limited in his or her ability to learn or adapt, as judged by established standards available for the evaluation of a person's ability to function in the community.

PARK

Includes active and passive public land designated for recreational or athletic use by the Town and located within the Town.

PERMANENT RESIDENCE

A place where a person lives, abides, lodges or resides for 14 or more consecutive days.

RECREATIONAL FACILITY

Includes, but is not limited to, a playground, soccer field, baseball field, football field, basketball court, hockey rink, mini-golf business, video arcade, laser tag establishment, skate park, (whether publicly or privately owned), to which the public has a right of access as an invitee and which is located within the Town.

REGISTERED SEX OFFENDER

For the purposes of this chapter shall mean: a) any person who is designated as a sexually violent predator pursuant to MGL 6, § 178K(2)(c), and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; b) any person who is required to register as a sex offender pursuant to MGL 6, § 178C and for so long as such person is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board; and c) any person who is required to register as a sex offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws, for so long as such person is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry Board, and who has committed a sex offense against a child, an elder and/or a mentally retarded person.

SCHOOL

Any public or private educational facility that provides educational instruction to children in grades pre-K through 12.

SCHOOL BUS STOP

Any area designated by the public school district within the Town as a school bus stop.

SEX OFFENDER and SEX OFFENSE

The same meanings as provided for in MGL c. 6, § 178C.

TEMPORARY RESIDENCE

A place where a person lives, abides, lodges or resides for a period of less than 14 consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence; but "temporary residence," shall not include residence at a hospital or other health care or medical facility for less than 14 consecutive days or 14 days in the aggregate during any calendar year.

5.10.30 Residency Restrictions

- A. **Prohibition** A registered sex offender is prohibited from establishing a permanent residence or temporary residence within 1,000 feet of any school, day-care center, park, other recreational facility, elderly housing facility or facility for the mentally retarded; provided, however, that the prohibition contained in this section shall not apply to any level 3 offender, to the extent and in the manner such Level 3 offender is already governed by MGL c. 6, § 178K(2)(e).
- B. **Evidentiary matters; measurements** For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded.
- C. **Exceptions** A registered sex offender residing within 1,000 feet of any school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded does not commit a violation of this section if any of the following apply:
 - 1) The registered sex offender established the permanent residence prior to the effective date of this chapter, and:
 - (a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Tewksbury different from the permanent residence established prior to the effective date of this chapter; or

(b) Permanent residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this chapter, as long as the registered sex offender continues to reside within and does not move to another restricted location in the Town different from the permanent residence established prior to the effective date of this chapter; or

(c) Permanent residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within and does not move to another restricted location in the Town different from the permanent residence established prior to the effective date of this chapter.

2) The registered sex offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has(have) established a permanent residence pursuant to 5.10.030C(1).

3) The school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded within 1,000 feet of the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence.

D. Forfeiture of exception If, either after the effective date of this chapter or after a new school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded opens, a complaint or an indictment is issued by a court against a registered sex offender otherwise enjoying an exception under Subsection C that such sex offender has committed another sex offense, he or she will immediately forfeit that exception and be required to comply with this section.

E. Notice to move A registered sex offender who resides on a permanent or temporary basis within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded shall be in violation of this section and shall, within 30 days of receipt of written notice of the registered sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded. Furthermore, it shall be a violation each day that a registered sex offender shall move from one location in the Town to another that is within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility or facility for the mentally retarded.

F. Penalties Any violation of this section shall be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D, as follows:

(1) First offense by registered sex offender: noncriminal fine of \$150 and notification to offender that he or she has 30 days to move.

(2) Subsequent offense by registered sex offender: noncriminal fine of \$300 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board, that the sex offender has violated a municipal By-law.

5.10.040 Safety Zones

A. Prohibitions

- (1) A registered sex offender is prohibited from entering upon the premises of a school or day-care center unless previously authorized specifically in writing by the school administration or day-care center owner.
- (2) A registered sex offender is prohibited from entering upon the premises of an elderly housing facility or facility for the mentally retarded unless previously authorized in writing by the on-site manager of the elderly housing facility or facility for the mentally retarded.
- (3) A registered sex offender is prohibited from entering upon the premises of a park or any recreational facility.
- (4) A registered sex offender, after having received notice from the Tewksbury Police Department that he or she is loitering by having remained for more than 15 minutes within 500 feet of a school, a day care center, a park, any recreational facility, elderly housing facility or facility for the mentally retarded, is prohibited from continuing to so loiter. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the school, a day-care center, a park, any recreational facility, elderly housing facility or facility for the mentally retarded.
- (5) A registered sex offender, after having received notice from the Tewksbury Police Department that he or she is loitering by having remained for more than 15 minutes within 500 feet of a school bus stop, is prohibited from continuing to so loiter; provided, however, that this prohibition shall not apply on days when the schools within the Town are not in session.

B. Exceptions

- (1) The prohibitions defined in 5.10.040A(1) through (3) shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.
- (2) The prohibitions defined in 5.10.040A(4) and (5) do not apply to a registered sex offender's place of residence when such residence is excepted under 5.10.030C.

C. Penalties Any violation of this section may be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D, resulting in a noncriminal fine of \$150 for a first violation and a noncriminal fine of \$300 for each additional violation of this section. A registered sex offender commits a separate offense for each and every violation of this section.

5.10.050 Exemptions

The provisions of this chapter shall not be applicable to registered sex offenders incarcerated in any facilities owned, maintained and/or operated by the Town.

5.10.060 Enforcement

- A. The Tewksbury Police Department shall be charged with the enforcement of this chapter.
- B. A written list describing the prohibited areas defined in this chapter inclusive of school bus stops, as well as a map depicting the residency restriction areas and a map depicting the safety zones

exclusive of school bus stops, shall be created by the Town and maintained by the Tewksbury Department of Public Works. As to school bus stops, the list and not the map depicting the safety zones shall govern. The Town shall review both the list and the maps no less than annually for changes. The list, the maps and a copy of this chapter will be available to the public at the Tewksbury Police Department and Tewksbury Town Clerk's office, and on the Town's website.

Town Manager
Police Chief

Executive Summary: This Article limits the proximity a register sex offender can live or loiter from a school, daycare, park, elderly housing, mentally retarded facility, bus stop, etc. or recreational facility in the Town of Tewksbury.

ARTICLE 36

To see if the Town will vote to amend Chapter 8 of the Town of Tewksbury General Bylaws, Section 8.24.020 Handicapped Parking - Temporary Handicapped Parking Placard/Permit as follows:

DELETE: The Town Clerk may issue a Temporary Handicapped Parking Placard/Permit to any Tewksbury resident upon application and with a supporting letter signed by a licensed physician designating the applicant as physically handicapped. The temporary Handicapped Parking Placard/Permit shall be issued with an expiration date not to exceed 180 days from the date of issue and shall be displayed so as to be visible through the left portion of the front windshield of any vehicle parked in a designated Handicapped Parking Space. The Temporary Handicapped Parking Placard/Permit will be mutually honored by the Towns of Billerica, Chelmsford, Dracut, Tewksbury, Tyngsboro, Westford, and the City of Lowell.

Town Clerk

Executive Summary: The Temporary Handicapped Parking Placard/Permit mutual agreement referenced in the bylaw is no longer in effect. The Massachusetts Registry of Motor Vehicles issues disabled placards for both temporary and permanent conditions.

ARTICLE 37

To see if the voters of the Town of Tewksbury will vote to amend the Tewksbury Bylaws by replacing the existing General Bylaw, Chapter 6.04 Dogs with the following revised Bylaw as shown, with DELETIONS denoted in strike-through format and ADDITIONS denoted in underline format.

Chapter 6.04

DOGS

Sections:

- 6.04.005 Purpose.**
- 6.04.010 Reference to Massachusetts general laws.**
- 6.04.020 Definitions.**
- 6.04.030 Registration Licenses.**
- 6.04.040 Vaccination against rabies.**
- 6.04.050 Dog tag.**
- 6.04.060 License fees Late fees Penalties.**
- 6.04.070 Kennel License Fees.**
- 6.04.080 Animal Control Officer.**
- 6.04.090 Hearing Officer.**

- 6.04.100 Leash law.
- 6.04.110 Public nuisances.
- 6.04.120 Disposition of dogs.
- 6.04.130 Informal disposition process.
- 6.04.140 Non-Criminal Disposition of Violation.
- 6.04.150 Bylaw violation.
- 6.04.160 Penalty Bylaw violation.
- 6.04.170 Dog Fund.
- 6.04.180 Massachusetts General Laws incorporated into this bylaw.
- 6.04.190 Effective implementation date of this bylaw.
- 6.04.200 Severability clause.
- 6.04.005 Purpose.

These Bylaws are intended to guide those persons owning or keeping dogs within the Town of Tewksbury in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must be understood that the enforcement of this bylaw is necessary to protect the rights and safety of the public. (Art. 21, ATM 1997)

6.04.010 Reference to Massachusetts general laws.

Any reference to a "Section" in this Bylaw shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated. (Art. 21, ATM 1997)

6.04.020 Definitions.

Unless otherwise set out in this Bylaw, any term defined in Chapter 140, Section 136A, Massachusetts General Laws, shall have the same meaning in this Bylaw, and shall be expressly incorporated herein.

"Animal control officer", an appointed officer authorized to enforce sections 136A to 174D, inclusive.

"Animal shelter" Any premises designated for the purpose of impounding and caring for animals held under authority of this bylaw.

"At large" At large shall mean on or off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

"Enclosed area" A portion of the owner's property which is secured by fencing in such a manner that the dog, once inside the area cannot exit of its own accord. The Animal Control Officer, after an inspection of the area, will determine if the enclosed area is suitable or not.

~~"Kennel" One (1) pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs, three (3) months old or older, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained.~~

"Kennel", a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- "Commercial boarding or training kennel", an establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of such establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of such animal; provided, however, that this definition shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a facility which does not provide overnight boarding for animals but does provide dog grooming, dog training, supervised playtime of dogs or dog walking with not more than 12 dogs on a single premises or

individuals who temporarily, and not in the normal course of business, board or care for animals owned by others.

- “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.
- “Domestic charitable corporation kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose while providing veterinary treatment and care.
- “Personal kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.
- “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care.

“Licensing Authority”: As provided by the Massachusetts General Laws (MGL) is the Town Clerk.

“License Period” The license period shall be from January 1 of each year to December 31 of the same year.

“Livestock or Fowls” Animals or fowls kept or propagated by the owner for food or as a means of livelihood; also and deer, elk, cottontail rabbit,^s and northern hare,^s pheasants, quail, partridge and other birds and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

“Owner” Owner shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.

“Person” An individual, partnership, company or corporation.

“Restraint” A dog shall be deemed to be under “restraint” if it is on the premises of the owner accompanied by a person who shall have the dog under control; or is in a suitably enclosed area; or if outside the premises of the owner, is accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length.

“Veterinary hospital” An establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals. (Art. 26, ATM 2004; Art. 21, ATM 1997)

6.04.030 Registration – Licenses.

~~A person who at the commencement of a licensed period is, or who during any license period becomes, the owner or keeper of a dog six (6) months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six (6) months old during a license period, shall cause it to be registered, numbered, described and~~

~~licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be done in the office of the Town Clerk on a form prescribed and supplied by the Town Clerk, and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowl.~~

The owner or keeper of any dog over the age of 6 months shall obtain a license for the dog. The registering, numbering, describing and licensing of a dog shall be conducted in the Office of the Town Clerk. The license shall be subject to the condition expressed in the license that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowl.

Dogs must wear identification tags, attached to the collar, at all times when off the premises of the owner. The Town Clerk shall maintain a record of the identifying numbers and shall make this record available to the public. No person shall keep more than four (4) dogs, over the age of six (6) months, at any single family residence within the Town. (Art. 21, ATM 1997)

6.04.040 Vaccination against rabies.

The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian’s certification that such dog has been vaccinated in accordance with the provisions of Section 145B (CH.140,MGL) or has been certified exempt from such provision as outlined in Section 137 or 137A (CH.140,MGL).

Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health. (Art. 21, ATM 1997)

6.04.050 Dog tag.

The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: (a) Town of Tewksbury, (b) year of issue, and (c) tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of five (\$5.00) dollars.

The provision of Section 138 (change of owner and out of state/country), Section 138A (commercial sale) and Section 146 (license valid throughout Commonwealth) of (CH.140, MGL) shall be expressly incorporated herewith and shall henceforth apply under this Bylaw. (Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.060 License fees Late fees – Penalties.

~~Fees for all dogs male, female, neutered or spayed shall be fifteen (\$15.00) dollars annually, payable on January 1.~~

~~Late Fees: Overdue fees shall be increased to twenty (\$20.00) dollars if not paid on or before March 15 and to thirty (\$30.00) dollars if not paid on or before July 1.~~

The fee is \$15.00 for a dog license, \$20.00 if the dog has not been spayed or neutered, payable on January 1.

Late Fees: If your dog is not licensed by March 15th, an additional Late Fee of \$5.00 will be assessed.

If your dog is not licensed by July 1st, an additional Late Fee of \$10.00 will be assessed.

	<u>January 1st - March 15th</u>	<u>March 16th – July 1st</u>	<u>July 2nd – December 31st</u>
<u>Spayed or Neutered</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>
<u>Not Spayed or Neutered</u>	<u>\$20</u>	<u>\$25</u>	<u>\$35</u>

The license fee for a spayed or neutered dog shall be less than the license fee of an intact dog. Upon application for a license, the Town Clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation.

Except as provided by Section 138 (CH.140, MGL) a person applying for a license hereunder shall be obligated to pay all outstanding fees related to the dog in question previously required by this bylaw.

Determination of licensing eligibility, dogs not required to be licensed, or refunding license fees shall be determined as set out in Section 139, (CH.140, MGL).

Any dog, impounded by the Animal Control Officer or others duly authorized, which is not wearing a tag indicating a current rabies vaccination, shall be vaccinated by a licensed veterinarian. The owner shall be required to pay such cost. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.070 Kennel license – Fees.

Any person maintaining a kennel shall have a kennel license.

Any person who meets the requirement of the Town Zoning By-Laws relating to kennels and the provisions of Section 137A, (CH.140, MGL) may apply for a license to operate from the Town Clerk on a form pre scribed and supplied by the Town Clerk upon payment of the required fee. In the case of an applicant for initial licensure, and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

Domestic charitable organizations incorporated exclusively to protect animals from cruelty, neglect or abuse, or for relief of suffering among animals may be issued a kennel license without charge provided the above requirements have likewise been met.

The provisions of Section 137B, (CH.140, MGL) (Sale of dogs by Kennels regulated) shall be expressly incorporated into this bylaw. The Board of Health, its designee, or the Animal Control Officer may at any time inspect, or cause a kennel to be inspected. If their judgment is that the facility is not being maintained in a sanitary and humane manner or that records are not being legally kept, a petition shall be filed with the Hearing Officer setting forth the facts.

Within seven (7) days of receiving such a petition, or a similar complaint by twenty-five (25) citizens alleging they are aggrieved or annoyed to an unreasonable extent by one (1) or more dogs in a kennel because of excessive barking or the vicious disposition of said dogs, or other conditions at such kennel which they claim constitute a public nuisance, the Hearing Officer shall notify all interested parties of a public hearing, the date of which shall be within fourteen (14) days of the original filing date. No longer than seven (7) days thereafter the Hearing Officer shall issue one of the following orders:

- (a) Revoke/suspend its license or otherwise regulate such kennel;
- (b) Dismiss the petition(s).

The Hearing Officer shall forthwith mail a copy of his/her decision to the license holder, and file copies with the Town Clerk and Animal Control Officer. Within ten (10) days thereafter the licensee may appeal an adverse decision to the District Court. A person who continues to operate a kennel after its license has been revoked or suspended shall be punished as set forth elsewhere in this bylaw. The provision of Section 137D (CH.140,MGL, Cruelty to Animals) shall be expressly incorporated under this bylaw.

Kennels shall be limited to a total of fifteen (15) dogs to be maintained on said premises. It shall be a violation of this bylaw to have any dogs on said premises over and above said number.

Kennel License/Fees:	
Five (5) dogs or less	\$50.00
Ten (10) dogs or less	\$100.00
Fifteen (15) dogs or less	\$150.00
Over sixteen dogs	Prohibited

Said fees are subject to all other conditions set forth in Section 139 (CH.140, MGL). (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.080 Animal Control Officer.

The Town Manager shall appoint an Animal Control Officer and as many Assistant Animal Control Officers as he/she determines necessary to enforce this bylaw and, said individual(s) shall enforce this bylaw and perform such other duties as the Town Manager may determine.

The Animal Control Officer shall seek out, catch and confine all dogs within the Town that have not been licensed within sixty (60) days of the time the dog is required to be licensed under this bylaw; and shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dog being in violation of this requirement of this bylaw; and shall seek out, catch and confine any dog within the Town when said dog was cited for a violation of any provision of this bylaw, and the owner or keeper has failed, within twenty-one (21) days, to avail him/herself to the provision of this bylaw, or within twenty-one (21) days of a determination by the court under the provision of Chapter 1.08, General Penalty, Town by laws, that any sums are due and has failed to pay said sums.

Any owner or keeper of any dog who refuses to turn over any dog to the Animal Control Officer upon demand, said seeking out, catching or confinement authorized in the above paragraph shall be punished by a fine of one hundred and fifty (\$150.00) dollars. Each day that said violation continues shall constitute a separate offense.

No person shall interfere with, hinder, molest or abuse an Animal Control Officer in the exercise of such responsibilities. The provisions of Section 151 and 151A (CH.140,MGL) regarding ~~killing~~ ethanization and/or transfer of any dogs shall apply and are expressly incorporated in this bylaw. No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out his/her official assignments as an agent for this Town, or shall any other agent of the Town, give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished as provided in Section 151 (CH.140,MGL).

Duties of Officers. Each police officer, Animal Control Officer or Assistant Animal Control Officer to whom such authority is issued shall, on the first week of every month, make returns to the Director of Public Health and shall state in said returns the number of dogs which he/she has caught, confined or ~~killed~~ ethanized, or made available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in the Town have been caught, confined ~~or killed~~ ethanized, or adopted, and the names of persons against whom complaints have been made under the provision of Chapter 140, MGL, and this bylaw relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.090 Hearing Officer.

The Town Manager shall appoint a Hearing Officer who shall act on his/her behalf of all matters pertaining to the enforcement of this bylaw and the settling of any disputes between dog owner/keeper, the Town or its residents. (Art. 21, ATM 1997)

6.04.100 Leash law.

No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to seeing eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of aiding the deaf.

Restraint of Dogs. No person shall own, keep or harbor in the Town, within the confines of the owner's property (meaning owned, rented or leased), any dog which is left unattended and is not leashed or otherwise restrained or, if outside the premises of the owner (meaning owned, rented or leased), any dog which is not held firmly on a leash no greater than six (6) feet in length by a person who shall have control of such dog. This regulation shall not apply to a dog accompanying a person who, by reason of his/her disability, is physically unable to comply with the requirements of this bylaw or to any individual who utilizes a seeing eye guide dog.

Leash Law:	
1st Offense	Warning
2nd Offense	\$50.00
Each Subsequent Offense	\$100.00

Unrestrained dogs may be taken by the Animal Control Officer or police and impounded in an animal shelter, and there confined in a humane manner. If the dog can be identified, the Animal Control Officer shall notify the owner of the impoundment. Impounded dogs shall be kept for ~~ten (10)~~ seven (7) days unless reclaimed by their owner. Dogs not claimed within ~~ten (10) days~~ seven (7) or not placed in suitable homes may be humanely euthanized by the Animal Control Officer or by an agency delegated by him/her to exercise that authority. In addition to or in lieu of impounding a dog found at large, the Animal Control Officer or police officer shall issue to the known owner of such dog a notice of the bylaw violation. Dogs being conveyed in a vehicle or boat shall be deemed to be under the personal control of the owner/keeper or custodian thereof. This bylaw shall not apply to dogs commonly known to be used for hunting, tracking or advanced obedience training purposes during any period said dogs are being used for such activity. Any dog being used for advanced obedience training shall have written proof of an AKC obedience certificate and be under total supervision, within fifty (50) feet, of a trainer or owner. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.110 Public nuisances.

Every owner or keeper of a dog shall exercise proper care and control of his/her dog so as to prevent said dogs from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon private or public property and deposit feces thereon, unless immediately removed by the owner or keeper of said dog.

Every Owner or keeper of said dog, who allows a dog in their control or possession to continuously bark for more than ten (10) consecutive minutes shall be deemed a PUBLIC NUISANCE. ~~Or take any other action relative thereto.~~

Female Dogs in Heat. Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. The Animal Control Officer shall have the power to enforce a regulation to eliminate what he/she may deem to be a nuisance. Penalty for the violation of this section shall be:

1st Offense:	Warning
2nd Offense:	\$50.00
Each Subsequent Offense:	\$100.00

Noise, Disturbances, Chasing Vehicles, Trespassing, etc. No owner or keeper shall fail to exercise proper care and control of his/her dog to prevent said dog from becoming a public nuisance. Barking frequently or for continued duration or making sounds which create a noise disturbance across a residential real property boundary, molesting passersby, chasing vehicles, attacking people or other domestic animals, trespassing on school grounds or trespassing on private property in such a manner to damage property shall be deemed a nuisance. Penalty for the violation of this section shall be:

1st Offense:	Warning
2nd Offense:	\$50.00
Each Subsequent Offense:	\$100.00

Quarantine of Dog That Bites. The dog owner or keeper shall immediately, and within twenty-four (24) hours, notify the Board of Health if the dog bites a person.

A dog that bites a person shall be quarantined for ten (10) days if ordered by the Animal Inspector. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Animal Inspector the quarantine may be on the premises of the owner. If the Animal Inspector requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall at his/her own expense place it in a facility approved by the Animal inspector.

If said dog is in violation of one (1) or more of the following: unlicensed, unrestrained or is not currently vaccinated with anti-rabies vaccine, the owner shall surrender the animal for the quarantine period to a veterinary hospital at the owner or keeper's expense.

Animals Suspected of Being Rabid. No police officer or other person shall ~~kill-ethanize~~ or cause to be ~~killed euthanized~~ any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian or Animal Inspector diagnoses rabies in an animal in quarantine, then the animal shall be humanely ~~killed-euthanized~~ and the head of such animal sent to a laboratory for pathological examination and confirmation of diagnosis.

Anti-Rabic Vaccine and Treatment. The Board of Health shall, upon application, furnish free of charge to any Town resident who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the Massachusetts Department of Public Health is authorized to make. Any resident shall have the right to select his/her own physician, who shall be paid by the Town at a rate established by the Board of Health and the fact that a physician is a member of the Board of Health shall not disqualify him/her from being so selected and from being paid by the Town for his/her services. Reimbursement for the cost of furnishing vaccine and treatment shall be made from the Dog Fund.

Ordering Dogs Muzzled or Restrained. All the provisions of Section 167 (CH.140,MGL) shall be incorporated into this bylaw except that any dog held under the provisions of Section 167 (CH.140,MGL) may not be released until all the requirements of this bylaw, regarding licensing and the fee for care of the animal are complied with. All other provisions of Section 167 (CH.140,MGL) shall be incorporated herein. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 37, ATM 2007, Art. 32, ATM 2009)

6.04.120 Disposition of dogs.

Any dog confined by the Animal Control Officer, unless picked up by the owner, shall be kept for at least ~~ten (10)~~ seven (7) days, at which time said dog may be disposed of in a manner approved by the Board of Health, provided that at the end of ~~ten (10)~~ seven (7) days, the Animal Control Officer may make available for adoption any male or any spayed female dog not found to be diseased. Any dog confined by the Animal Control Officer shall not be released to the owner or keeper until the owner produces evidence of a current dog license, ~~and pays a sum of five (\$5.00) dollars per day for care of the animal; each day or part of a day is counted as one (1) day.~~ The Animal Control Officer shall establish a procedure for the adoption of abandoned dogs and in conjunction with the

Director of Public Health set any fees or deposits required.

Any fees in this paragraph are to be in addition to fees or lines as specified elsewhere in this bylaw and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH.140,MGL) or disposed of inconsistent with the provisions of Section 151A (CH.140,MGL).

Reclaiming Impounded Dogs. An owner reclaiming an impounded dog shall pay ~~an administrative fee of twenty five (\$25.00) dollars, plus twenty five (\$25.00) boarding charge for each day that the dog has been impounded. all boarding costs.~~ -In addition, if applicable, veterinary costs plus ~~a 10% administrative fee for a distemper vaccination-~~ costs for any required vaccinations as required by MGL c. 140 Section 145 B, if the dog is not up-to-date on its annual vaccinations, as certified by a licensed veterinarian.

The provisions of Section 160, and Section 161 (CH.140,MGL) regarding property damage, appraisal and reimbursement are expressly incorporated in this bylaw.

The provisions of Section 171 (CH.140,MGL), liability of damages, are expressly incorporated into this by law. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.130 ~~Informal disposition process-~~ Disposition Process

The owner or keeper of the dog that receives a citation under this bylaw, may admit to the offense charged by personally or through a duly authorized agent or by mailing to the Town Clerk, said citation along with payment in the amount as authorized under the penalty provisions of this bylaw. Said payment shall be by postal note, money order or personal check. The payment to the Town shall operate as a final disposition of the case. ~~If such person when issued a citation desires to contest the violation through the Informal Disposition Process, he/she may, within fourteen (14) days of said issuance, request a hearing with the Hearing Officer and may present either in person or by counsel, any evidence he/she may have to refute the allegation contained in the citation. At such hearing, the Hearing Officer shall make a determination as to the facts of the allegation, and said determination shall be final regarding the Informal Disposition Process.~~ (Art. 21, ATM 1997)

6.04.140 Non-Criminal Disposition of Violation.

If any person so notified by citation desires to contest the violation alleged in the citation notice ~~without availing themselves to the provisions of the Informal Disposition Process, or desires to contest the decision of the Hearing Officer,~~ he/she may avail him/herself to the procedures established in Chapter 1.08, Section 1.08.010, of the Town of Tewksbury Town By-Laws. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty-one (21) days, the Town Clerk shall forward a copy of the citation to the District Court where it shall be handled under the provisions of Article 1, Section 2 of the Town By-Laws. (Art. 21, ATM 1997)

6.04.150 Bylaw violation.

Proceedings under this section shall not be criminal. If any violation is continuing, each day's violation shall be deemed to be a separate violation. Complaints will be sought in a District Court according to Chapter 140, Section 173A, Massachusetts General Laws.

Enforcement of this section may, in the first instance, be pursued through the provisions of Section 21D, Chapter 40, Massachusetts General Laws, which provides for a non-criminal disposition. The enforcing persons shall be any police officer of the Town and the Animal Control Officer and the Assistant Animal Control Officer. (Art. 26, ATM 2004; Art. 21, ATM 1997)

6.04.160 Penalty Bylaw violation.

(1) The following penalties, except where otherwise indicated herein, shall be in effect for violations of the provisions of this bylaw:

(a) Informal Disposition Process:	
1st Offense	Warning
2nd Offense	\$50.00
Each Subsequent Offense	\$100.00

(b) Non-Criminal Disposition through Chapter 1.08, General Penalty Town of Tewksbury, Town By-Laws:	
1st Offense	Warning
2nd Offense	\$ 50.00
Each Subsequent Offense	\$100.00

(2) Penalties for violations of any provision of this bylaw, except where otherwise indicated, shall be one hundred (\$100.00) dollars. (Art. 22, ATM 2000; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.170 Dog Fund.

A Dog Fund is hereby created by the Town under the provisions of MGL., Chapter 44, Section 53E, said fund to be used as a depository for all monies collected as fees, fines, charges, penalties and other like monies imposed under this bylaw. It shall be administered by the Treasurer/Collector and may also receive funds from usual municipal financing methods.

Receipts allocated to this fund shall be deposited in a special account by the Treasurer.

Expenditures may be charged against this fund without prior appropriation, subject to the approval by the Town Clerk, and shall be limited to purposes directly connected to the enforcement of the provisions of the dog bylaw.

Said expenditures, or incurred liabilities, shall not exceed the available balance of the fund at any given time nor the actual amounts deposited to it during the previous fiscal year.

The unexpended balance in this account at the end of each fiscal year shall be deposited into the General Fund.

At the written request of the Town Clerk, to the Auditor, a portion of the unexpended balance shall remain in the Dog Fund, to provide for the purchase of supplies and technical services to maintain the Dog Program.

Any veterinarian registered under the provisions of Section 55 or 56A (Ch.112,MGL) who provided emergency treatment of a dog or cat that is injured on any public way in Tewksbury shall receive (in lieu of payment allowed in Section 151B, CH.140,MGL), payment from the Dog Fund provided by this bylaw. All other provisions of Section 151B (CH.140,MGL) shall be incorporated herein under this bylaw.

The Board of Selectmen shall determine certain salaries or expenses that may not be funded with this fund but must be appropriated through the usual municipal financing procedure, and such determination shall be binding on this administration of this fund by the Treasurer/Collector. ~~The Town Clerk shall receive a fee as stipulated in Section 147 (CH.140,MGL).~~ (Art. 21, ATM 1997).

Executive Summary: Passage of this article will modify the existing Dog Bylaw to comply with new state regulations (Chapter 140 MGL and Chapter 193, Acts of 2012) and increase the licensing fee for dogs that have not been spayed or neutered.

ARTICLE 38

To see if the Town will vote to amend the Town Bylaws, Chapter 2.04 – Town Meeting, by deleting the list of Sections within Article 1 – Meeting Procedures and the entire existing Article 1, and replacing it with the following new list of Sections and new Article 1:

Chapter 2.04

TOWN MEETING

Sections:

Article I. Meeting Procedures

2.04.000 Open Town Meeting.

2.04.010 Town Meeting Sections and Schedule.

2.04.020 Article Submission.

2.04.030 Posting Requirements.

2.04.040 Emergency Meeting.

2.04.050 Meetings outside the Geographic Limits of the Town.

2.04.060 Emergency Adjournment of a Scheduled Meeting.

2.04.070 Governance.

2.04.080 Quorum.

2.04.090 Call to Order.

2.04.100 Consent Calendar.

2.04.110 Annual Town Budget.

2.04.120 Rules to Govern Speakers.

2.04.130 Debate Rights of Non-Resident Appointed Town Officials.

2.04.140 Amendment to Bylaws.

2.04.150 Notice of Adjournment.

2.04.160 Minutes Included in Annual Report.

2.04.170 Notification of Appointed Committee Members of Expiration of Term.

Article I. Meeting Procedures

2.04.000 Open Town Meeting.

The legislative body of the Town is an Open Town Meeting (hereafter referenced as "Town Meeting") as defined in Amendment LXXXIX of the Constitution of the Commonwealth of Massachusetts.

The Town shall hold an Annual Town Meeting as required under the provisions of Massachusetts General Laws, Chapter 39, Section 9, as well as Special Town Meetings as called by the Board of Selectmen (hereafter referenced as "Selectmen") under those same provisions.

2.04.010 Town Meeting Sections and Schedule.

A. The Town shall hold the Annual Town Election of Town Officials on the first Saturday of April, except when Easter Sunday falls on the day following the first Saturday of April. In that case, the Town shall hold the said election on the second Saturday of April. Polls will be open from 8:00 a.m. to 8:00 p.m.. In the Annual Town Election warrant, the Selectmen shall designate all town offices that are required by law to be chosen by ballot, along with their respective terms of office.

B. Section I of the Annual Town Meeting is for the consideration of the following types of warrant articles:

- Article 1: Elected Official Salaries
- Article 2: Consent Calendar
- Article 3: Annual Town Budget Article
- Articles related to the Budget or other financial matters
- Personnel Bylaw Amendments

C. Section II of the Annual Town Meeting is for the consideration of the following types of warrant articles:

- General Bylaw Amendments
- Other Articles not related to the Budget
- Zoning Bylaw Amendments

D. Section I will begin on the first Monday in May at 7:00 p.m. and conclude on or before 11:00 p.m.. If the Meeting completes action on Section I before 11:00 p.m. on Monday, the Meeting will adjourn to Wednesday at 8:00 p.m. for Section II. If the Meeting does not complete action on Section I before 11:00 p.m. on Monday, the Meeting will adjourn to Wednesday at 8:00 p.m., at which time it shall complete action on Section I and begin consideration of Section II immediately thereafter. If the Meeting does not complete action on all articles before 11:00 p.m. on Wednesday, the Meeting will adjourn to 7:00 p.m. on Thursday. Any necessary subsequent meetings will follow the same Monday/Wednesday/Thursday schedule in following weeks. The Meeting may conduct no business after 11:00 p.m. at any session except to complete action on the article or departmental budget then under discussion.

General articles (Art. 10 (part), STM 2005: Art. 18, STM 2001; Art. 20, ATM 2000: Art. 30, ATM 1998)

2.04.020 Article Submission.

The Selectmen shall insert in the warrant for the Annual Town Meeting and any Special Town Meetings all articles submitted to them for inclusion by the following:

- A. Town Manager
- B. Elected Town Officials: Town Moderator and Town Clerk (while it remains an elected position)
- C. Elected Town Boards and Committees: Board of Selectmen; Board of Health; Planning Board; Board of Library Trustees; and School Committee
- D. Other Elected Boards: Tewksbury Housing Authority and Shawsheen Valley Regional Vocational Technical School District Committee

Elected boards and committees may submit articles to the Selectmen by a majority vote of the entire board or committee.

Appointed boards and committees may submit articles to the Selectmen by a majority vote of the entire board or committee. Upon receipt of the submitted article the Selectmen, at its next scheduled meeting, shall give due consideration of the article for inclusion in the Annual or Special Town Meeting warrant and shall promptly notify the appointed board or committee of its action. This process is not intended to nor does it prevent any individual member or entire appointed board or committee, or any registered voter, from submitting articles as permitted under Massachusetts General Laws, Chapter 39, Section 10.

For articles submitted by elected or appointed boards, committees, or officials, the Selectmen shall list the submitting board(s), committee(s), or official(s) as the Sponsor of the article in the Town Meeting warrant. For articles submitted by individuals under Massachusetts General Laws, Chapter 39, Section 10, the Selectmen shall list as the Sponsor the first registered voter whose certified signature appears on the article submission sheet.

The Sponsor submitting an article for any Town Meeting shall provide an Executive Summary of no more than 100 words describing the intent of the article. (Art. 30, ATM 1998)

2.04.030 Posting Requirements.

A Constable of the Town shall post the approved warrant of every scheduled Town Meeting in a public place in each precinct and in the Town Hall.

At least fourteen (14) days before any Town Meeting the Selectmen shall prepare copies of the approved warrant at each of the following locations: the Town Hall; the Town Hall Annex; the Library; the Senior Center; and at such other convenient places as the Selectmen deem proper.

At least fourteen (14) days before any Town Meeting the Selectmen shall post the approved warrant on the Town's website.

At least fourteen (14) days before any Town Meeting the Selectmen shall submit an Index of the approved warrant articles, for publication in a newspaper of general circulation.

Upon request to the Office of the Selectmen, the Selectmen shall mail a copy of any approved warrant to a voter's residence.

The Selectmen shall make warrants available at the check-in table before each Town Meeting. (Art. 26, ATM May 2010)

2.04.040 Emergency Meeting.

In cases of emergency or unforeseen circumstances the Selectmen may by a four-fifths (4/5) vote of the entire Board call an emergency Special Town Meeting in fourteen (14) or more days. Notice of such emergency Special Town Meeting will be the minimum requirements of such notice as provided by the General Laws of Massachusetts, rather than any other provisions of the Town Bylaws regarding notice of Town Meeting. All articles in the emergency Special Town Meeting warrant must pertain directly to the emergency. (Bylaws Art. I § 18)

2.04.050 Meetings outside the Geographic Limits of the Town.

Pursuant to Massachusetts General Laws, Chapter 39, Section 9, the Selectmen may by a four-fifths (4/5) vote of the entire Board set the location for a Town Meeting to a location outside the geographic limits of the Town. The warrant for any such meeting must not include the election by ballot of any Federal, State, or Town official nor any article that requires a vote by ballot. The intent of this section is to provide the Selectmen with flexibility in setting the location for:

- A. Emergency Special Town Meetings called under Section 2.04.040.
- B. Previously scheduled Town Meetings whose locations must be changed due to problems with the original location.
- C. Town Meetings where attendance is expected to exceed the maximum occupancy of any location within the Town.

2.04.060 Emergency Adjournment of a Scheduled Meeting.

In the event of a townwide emergency that could prevent most voters from safely attending a scheduled Town Meeting, the Town shall invoke the following procedure:

- A. The following Town Officials shall meet, either in person or by teleconference, to discuss the emergency: Chair of the Selectmen; Chair of the Finance Committee; Chair of the School Committee; Town Manager; Town Clerk; Town Moderator; Police Chief; and Fire Chief.
- B. After this discussion, the Police Chief and Fire Chief shall make a recommendation as to whether Town Meeting should proceed as scheduled.
- C. The Town shall notify residents of the Chiefs' recommendation through any available automated telephone service controlled by the Town or the School Department (i.e. Reverse 911, One Call Now, etc.); the Town's web site; television and radio news sources; and available online news resources. If the recommendation is to postpone Town Meeting, the announcement must include details of the plan to postpone the Town Meeting until a date, time, and place specific determined by the Town Officials in the above meeting.
- D. The Town Moderator and Town Clerk shall proceed to the Town Meeting location specified in the warrant. At the time appointed for the meeting, the Town Moderator shall call the meeting to order, inform any voters in attendance of the decision to postpone the meeting, and immediately adjourn the meeting to the determined date, time, and place specific under the Moderator's

authority. If necessary to ensure the safety of the Town Moderator and Town Clerk, the Police or Fire Departments shall provide them with transportation services to and from the meeting place.

2.04.070 Governance.

The proceedings of all Town Meetings will be governed by Town Meeting Time, Third Edition, 2001, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association, except as follows:

- A. No motion requires a second.
- B. A motion to move the question is in order only if the voter making the motion does not speak on the merits of the article immediately prior to making the motion.
- C. If a voter makes a motion to move the question, the Moderator shall allow the opportunity to speak to those voters standing or otherwise having made known their intention to speak at the time of the motion. The Moderator will then take the vote to move the question. The motion to move the question will require a majority vote to prevail.
- D. A motion for indefinite postponement is not in order. The defeat of a motion to adopt, or the absence of a motion to adopt, is identical to indefinite postponement.
- E. The Sponsor of an article or a representative of the Sponsor who possesses proof of representation may make a motion to withdraw the article. Once debate on an article begins, a motion to withdraw will be out of order. The motion to withdraw will be in order only if:
 - a. The Sponsor submits the motion in writing to the Moderator before debate on the article begins.
 - b. The Sponsor makes the motion either before or immediately after the Finance Committee or an entity to which the Finance Committee has deferred makes its main motion.
- F. If an article proposes an amendment to the Personnel Bylaw to change the salary schedules of positions held by one or more current Town employees, the vote on that article will be by secret ballot, unless the proposed change is to be applied to all schedules within the Bylaw. (Bylaws Art. I § 20)
- G. In discussion of an appropriation article, when several different sums of money have been proposed, Town Meeting shall vote on the amounts from smallest to largest.
- H. Other than for items under the Annual Town Budget article at the Annual Town Meeting, no appropriations or transfers of money in excess of one hundred thousand dollars (\$100,000.00) will be valid, if the Finance Committee has recommended a lesser amount than the Department Head has submitted to said Committee, unless the vote for said appropriation or transfer is by secret ballot. (Art. 21, STM 2001)
- I. At the Annual Town Meeting, a motion to lay on the table will be in order only to table to a date, place, and time specific an article related to an appropriation, transfer, or borrowing. A motion to lay on the table will require a two-thirds (2/3) vote to prevail.
- J. A motion to reconsider a prior vote will be out of order except to correct a procedural defect or scrivener's error. The Moderator, with advice from Town Counsel if requested, shall determine whether a procedural defect or scrivener's error has occurred and whether the motion to reconsider is in order. Any voter may make the motion to reconsider a prior vote to correct a procedural defect or scrivener's error. A motion to reconsider will require a majority vote to prevail. (Art. 30, ATM 1998)
- K. Any warrant article or motion thereunder receiving unfavorable action at any Town Meeting will require a three-fourths (¾) vote for adoption at a subsequent Special Town Meeting, unless a larger vote is required by statute or bylaw. This restriction will apply when an article or motion presented at a Special Town Meeting contains the same subject matter or would produce the same effect as one acted on at a previous meeting. A request for a different sum of money will not be construed as changing the subject matter of such an article or motion. (Bylaws Art. I § 16)

When these Bylaws conflict with Town Meeting Time, these Bylaws will prevail. (Art. 30, ATM 1998)

2.04.080 Quorum.

The number of voters necessary to constitute a quorum at Town Meeting will be zero (0). (Bylaws Art. I § 5)

2.04.090 Call to Order.

At the time appointed the Moderator shall call the Town Meeting to order and all persons will be seated. The Moderator shall read each article before placing it before the meeting for consideration, unless the voters approve a motion to waive the reading of the article(s). (Bylaws Art. I § 7)

2.04.100 Consent Calendar.

At the call of the Consent Calendar, the Moderator shall call out the number of the articles, one by one. If a voter objects to the inclusion of any particular article in the Consent Calendar the voter should call out "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 upon in the usual manner. After calling the individual items in the Consent Calendar, the Moderator shall ask the voters to adopt all remaining items as a unit.

The Consent Calendar may include the following noncontroversial individually numbered articles with a brief description printed under each article:

- A. Sale of tax title property
- B. Lease/purchase agreements
- C. Reauthorization of revolving funds
- D. Sale of town-owned land
- E. Acceptance of gifts and donations to the Town
- F. Acceptance of the Annual Town Report
- G. Real estate and personal property revaluation
- H. Reductions to the tax levy
- I. Authorization of Chapter 90 funds
- J. Acceptance of Public Ways

The Selectmen may add other noncontroversial articles to the Consent Calendar, with a brief description, should the Board consider that the articles would pass without debate. (Art. 20, STM 2001; Art. 30, ATM 1998)

2.04.110 Annual Town Budget.

At the call of the Annual Budget Article, the Moderator shall call out the heading of each Budget Classification. If any voter wishes to speak on any budget line item listed under each Budget Classification, that voter should call out "Debate" when that classification is called. The Moderator shall then call for debate on each Budget Classification called out by voters. After the completion of debate on all Budget Classifications, the Moderator shall call for a vote on the Budget Article.

After the approval of the Annual Town Budget, during the fiscal year, transfers of monies within each Budget Classification Total will be prohibited without the prior written approval of the Town Manager and the Department Head responsible for such budget.

After the approval of the Annual Town Budget, during the fiscal year, in the event of a position transfer the Town Manager shall notify the Finance Committee and the appropriate monies will be transferred to the department to which the employee is transferred. This transfer will not require Town Meeting approval. (Art. 9, STM 2006; Art. 10 (part), STM 2005; Art. 30, ATM 2002; Art. 30, ATM 1998)

2.04.120 Rules to Govern Speakers.

No voter or Town Official may speak on any subject unless recognized by the Moderator. Individuals shall indicate a desire to be recognized by standing at a speaker's microphone or, if unable to stand, by sitting in close proximity to a microphone and raising a hand. If an individual who has not spoken on a subject has indicated a desire to be recognized, the Moderator shall recognize that individual before recognizing anyone who has already spoken once on the subject. No voter or Town Official may speak for more than three minutes at one time, except by approval of the assembly. No voter or Town Official may speak more than twice on any subject, except when responding to a direct question or by approval of the assembly. (Art. 30, ATM 1998)

2.04.130 Debate Rights of Non-Resident Appointed Town Officials.

If a non-resident appointed Town Official sponsors an article, that Official will have the following rights during the debate on the article at Town Meeting without the requirement of approval from the assembly:

- A. To submit amendments to the article and move for adoption of those amendments.
- B. To move for withdrawal of the article under the withdrawal procedure outlined in section 2.04.070 Governance above.
- C. To move to table the article under the provisions of section 2.04.070 Governance above, or to move to take the article off the table.
- D. To speak on the article.
- E. To answer questions regarding the article.

A non-resident appointed Official will not have the right to move for adoption of the article or to make any other motion not listed above.

A non-resident appointed Official will have the right to speak on any article during debate, without requiring approval from the assembly, if the article directly relates to the Official's appointed position or if the Moderator determines that the Official is the appropriate person to respond to a question.

2.04.140 Amendment to Bylaws.

Town Meeting may amend the Town's Bylaws at any Town Meeting, provided that notice of the proposed amendments is provided in the Warrant for said Meeting.

2.04.150 Notice of Adjournment.

The Town Clerk shall post notice of adjourned Town Meetings on government access cable television and in the Town Hall after adjournment. Within 30 days of final adjournment of any Town Meeting, the Town Clerk shall post on the Town's web site and in the Town Hall a list of the articles that came before each Town Meeting and a description of the disposition of each article.

2.04.160 Minutes Included in Annual Report.

The Town Clerk shall include the minutes of all Town Meetings held during the current year in the Annual Report. (Art. 33, ATM 2002: Bylaws Art. I § 6)

2.04.170 Notification of Appointed Committee Members of Expiration of Term.

Before May 1 of each year, the appropriate appointing authority shall notify, in writing, any members of appointed boards or committees whose terms are ending as of the end of the current fiscal year.

Town Moderator

Executive Summary: The purpose of this article is to rewrite the town bylaw that defines the Town's Open Town Meeting procedures. The primary goals of these proposed changes are:

1. Reorganize and reorder the sections into a more cohesive and sensible order.

2. Clarify language to make the chapter more understandable for the general reader.
3. Codify the differences between Tewksbury's enacted and traditional Town Meeting procedures and those defined in Town Meeting Time.
4. Enact new Town Meeting procedures to streamline the Town Meeting process.
5. Remove obsolete or superfluous provisions.

ARTICLE 39

To see if the Town will vote to amend the Town Bylaws, Chapter 18.04 CONSERVATION COMMISSION WETLANDS PROTECTION, Section 18.04.030 Jurisdiction, subsection (7) by changing the current language:

When partial encroachment into the No Build Zone setback is unavoidable, the applicant may mitigate this encroachment by increasing the size of the buffer strip area by an amount equal to or greater than the area of the encroachment, using the following guidelines:

- 1) The encroachment shall not exceed 10% of the total area of the No Build Zone setback for the lot; and
- 2) The encroachment shall not exceed 25% of the recommended width of the total setback from the resource area. The applicant shall demonstrate to the Commission's satisfaction that future use of the site is not likely to result in intrusion into, or alteration of, the buffer strip. The Commission may require the applicant to submit a use plan and narrative as part of that demonstration. At the Commission's request, the applicant shall demonstrate to the Commission's satisfaction that work or activities proposed at the edge of the No Disturb Zone and No Build Zone are necessary and that reasonable alternatives, including reducing the scale and scope of the project or adjusting other setbacks, do not exist.

to the following language:

Partial encroachment into the No Build Zone is allowed subject to the following conditions:

- a) The encroachment shall not exceed 10% of the total area of the No Build Zone for the lot;
- b) The applicant shall demonstrate to the Commission's satisfaction that construction activities and future use of the site is not likely to result in intrusion into, or alteration of, the No Disturb Zone;
- c) The commission may require that permanent and visible demarcation of the No Disturb Zone is established and maintained in perpetuity so that current and future landowners are aware of the No Disturb Zone.

Tewksbury Conservation Commission

Executive Summary: The Tewksbury Conservation Commission, in its effort to promulgate continual improvements to the Town's local Wetlands Protection Bylaw, propose this change to clarify and simplify the language that allows encroachment into the No Build Zone. By limiting the encroachment to 10% of the total area of the No Build Zone, the Bylaw still protects the Resource Areas from the impacts of development, but allows property owners to build additions to their homes. The No Disturb Zone remains unchanged at 25 feet.

ARTICLE 40

Calls on Congress to propose a constitutional amendment that empowers congress and the states to limit political spending in elections, and to end the era of corporate constitutional rights.

William J. Deignan, Jr.

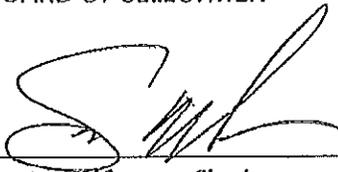
Executive Summary: The 2010 Supreme Court decision in citizens United u Federal Election Commission, declared corporations to have the same constitutional rights as people and took away the power of congress and the states to limit campaign contributions and spending. Following this decision we have seen campaign spending skyrocket. Corporations, unions, super pac are funneling hundreds of millions of dollars into campaigns, dominating debate with their own agendas. A yes vote on Article #1 calls for a constitutional amendment that empowers congress and the states to regulate political spending.

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.

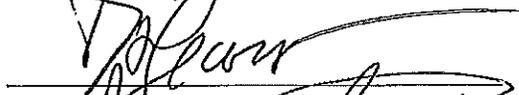
BOARD OF SELECTMEN



Scott Wilson, Chairman



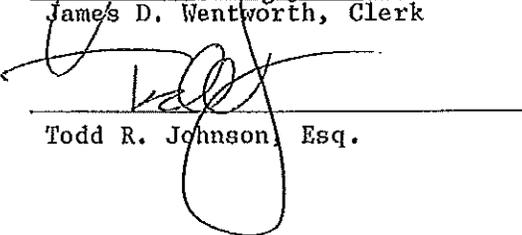
David H. Gay



Douglas W. Sears, Esq., Vice Chairman



James D. Wentworth, Clerk



Todd R. Johnson, Esq.

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 on 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.

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.

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.