

**Commonwealth of Massachusetts  
Special Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Tuesday, January 25, 2011 at 7:00 p.m. to act on the following articles:

**SPECIAL TOWN MEETING ARTICLES**

**Article 1.** To see if the Town will vote to transfer the sum of \$5,000.00 from the Town Accountant Salary account to the Clerical Wages account for the purpose of paying Accounting Clerk and Administrative Assistant to the Police Department wages, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: There has been a staffing change in the accounting office resulting in fewer hours for the Town Accountant and a shared administrative position created in the Accounting Office and the Police Department.*

**Article 2.** To see if the Town will vote to transfer the sum of \$170.00 from Free Cash to the Prior Year Bills account for the purpose of paying for a prior year Emergency Management Services bill, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article pays a bill dated before July 1, 2009.*

**Article 3.** I move that the Town of Ashby appropriate the sum of Fifty Thousand Dollars (\$50,000) for a feasibility study for window and roof repairs at the Ashby Elementary School, located at 911 Main Street, Ashby, Massachusetts, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the sum of \$50,000 shall be transferred from Free Cash; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program

based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: As of December 6, 2010 Ashby Elementary School has been invited into the Massachusetts School Building Authority’s Green Repair Program for a potential project involving windows, roofs and/or boilers: The school needs new windows and a roof replacement as soon as possible.*

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby fourteen (14) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 5th day of January, 2011.

_____ Peter McMurray <i>Chair</i>	_____ Daniel Meunier <i>Procurement</i>	_____ Joseph Casey <i>Clerk</i>
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ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least fourteen days before the time of said Special Town Meeting.

DATE: January 8, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

**RESULTS OF SPECIAL TOWN MEETING  
January 25, 2011**

The warrant was returned to the Town Clerk at 6:30 PM .

With a quorum present, the Moderator Nancy Chew called the meeting to order at 7:05 PM.

The warrant showed it had been properly served.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The rules of the meeting were read.

**SPECIAL TOWN MEETING ARTICLES**

**Article 1.** The motion was made and seconded to transfer the sum of \$5,000.00 from the Town Accountant Salary account to the Clerical Wages account for the purpose of paying Accounting Clerk and Administrative Assistant to the Police Department wages.

VOTE: UNANIMOUS

**Article 2.** The motion was made and seconded to transfer the sum of \$170.00 from Free Cash to the Prior Year Bills account for the purpose of paying for a prior year Emergency Management Services bill.

VOTE: UNANIMOUS

**Article 3.** The motion was made and seconded that the Town of Ashby appropriate the sum of Fifty Thousand Dollars (\$50,000) for a feasibility study for window and roof repairs at the Ashby Elementary School, located at 911 Main Street, Ashby, Massachusetts, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the sum of \$50,000 shall be transferred from Free Cash; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

The motion was made and seconded to amend Article 3 by inserting the words “by the Board of Selectmen” after the words “to be expended”.

VOTE ON AMENDED ARTICLE: YES- 20 NO-42 DEFEATED

VOTE ON ORIGINAL ARTICLE: UNANIMOUS

The motion was made and seconded to dissolve the Special Town Meeting at 8:03 PM, and so voted.

Lorraine Pease, *Town Clerk*

**COMMONWEALTH OF MASSACHUSETTS  
TOWN WARRANT  
APRIL 25, 2011**

Middlesex, ss:

TO: Constable of the Town of Ashby:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Ashby Elementary School Auditorium in said Ashby, Monday, the twenty-fifth day of April, next at 7:00 AM, to give their votes on one ballot for the following officers:

- SELECTMAN, Three Years
- ASSESSOR, Three Years
- ASSESSOR, Two Years
- BOARD OF HEALTH, Three Years
- BOARD OF HEALTH, One Year
- PLANNING BOARD, Five Years
- CEMETERY COMMISSIONER, Three Years
- CEMETERY COMMISSIONER, Two Years
- PARK COMMISSIONER, Three Years
- PARK COMMISSIONER, One Year
- 3 LIBRARY TRUSTEES, Three Years
- TREE WARDEN, Three Years
- 3 REGIONAL SCHOOL DISTRICT COMMITTEE
- NORTH MIDDLESEX, Three Years

The polls will be open at 7:00 AM and shall close at 8:00 PM.

And you are hereby directed to serve this warrant by posting an attested copy in three (3) public places in said Ashby at least seven days before holding of said election.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of election aforesaid.

Given under our hands this 29th day of March 2011.

\_\_\_\_\_  
Peter McMurray  
*Chair*

\_\_\_\_\_  
Daniel Meunier  
*Procurement*

\_\_\_\_\_  
Joseph Casey  
*Clerk*

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in Three (3) public places in said Ashby seven days at least before time of said Annual Town Election.

DATE: March 31, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

**RESULTS OF ANNUAL TOWN ELECTION  
APRIL 25, 2011**

The warrant was returned to the Town Clerk at 6:40 AM on Monday, April 25, 2011 by Constable William Davis.

Election officers on duty and duly sworn in were as follows: Betty Tiilikkala, Wendy Baird, Rachel Patnaude, Rosemary Wayrynen, Marja LePoer, Linda Stacy, Heather Lasorsa , Sue Siebert and John Hourihan.

The polls opened at 7:00 AM.

The following is a list of candidates and the votes and blanks each received as they appeared on the official ballot.

	VOTES
SELECTMAN, Three years	
Daniel A. Meunier	81
All others	1
Blanks	18
Total ballots cast	100
ASSESSOR, Three years	
Melissa M. Coyle	85
Blanks	15
Total ballots cast	100
ASSESSOR, Two years	
Charles Perna, write- in	15
All others	1
Blanks	84
Total ballots cast	100
BOARD OF HEALTH, Three years	
Scott Carpenter	79
All others	1
Blanks	20
Total ballots cast	100
BOARD OF HEALTH, One year	
Scott Leclerc, write- in	13
All others	2
Blanks	85
Total ballots cast	100
PLANNING BOARD, Five years	
Andrew Leonard	83
Blanks	17
Total ballots cast	100
CEMETERY COMMISSIONER, Three years	
John Mark Tiilikkala	88
Blanks	12
Total ballots cast	100

CEMETERY COMMISSIONER, Two years	
All others	3
Blanks	97
Total ballots cast	100
PARK COMMISSIONER, Three years	
Peter McMurray, write- in, declined position	12
All others	1
Blanks	87
Total ballots cast	100
PARK COMMISSIONER, One year	
Peter McMurray, write- in	4
Blanks	96
Total ballots cast	100
LIBRARY TRUSTEES, Three years	
Dwight F. Horan	72
Martha S. Morgan	74
Hanae Olmsted	68
Blanks	86
Total votes cast	300
Total ballots cast	100
TREE WARDEN, Three years	
Allan B. Dawson	79
All others	4
Blanks	17
Total ballots cast	100
REGIONAL SCHOOL DISTRICT COMMITTEE NORTH MIDDLESEX, Three years	
Anne E. Buchholz	63
Michael Morgan	60
Randee J. Rusch	71
Blanks	106
Total Votes cast	300
Total ballots cast	100

The polls closed at 8:00 PM.

Tellers on duty and duly sworn in were as follows: Nancy Peeler, Deborah Pillsbury, Elaine Kielty, Pamela Peeler, and Janet Flinkstrom.

At the close of the polls the ballot box read 100 voters had cast a ballot: the checker' tally sheet read 100 voters had cast a ballot.

Lorraine Pease, *Ashby Town Clerk*

## Commonwealth of Massachusetts Special Town Meeting

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Saturday, May 7, 2011 at 9:30 a.m. to act on the following articles:

### SPECIAL TOWN MEETING ARTICLES

**Article 1.** To see if the Town will vote to appropriate from Free Cash the sum of \$7,000 to the Municipal Building Repair account for the purpose of paying for the installation services associated with the sewage disposal system at the Ashby Town Hall for wastewater disposal connection to the Ashby Elementary septic system, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The Lyman Building Town Hall septic is inefficient for current operations and needs to be tied into the Ashby Elementary School's septic system.*

**Article 2.** To see if the Town will vote to appropriate from Free Cash the sum of \$3,000 to an Emergency Management Grant Matching account for the purpose of matching an Emergency Management Performance Grant to purchase communications equipment, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action



*Brief Explanation: Emergency Management is eligible to receive a grant that requires the Town to appropriate matching funds to those from the grantor.*

**Article 3.** To see if the Town will vote to transfer the sum of \$10,000 from the Town Administrator Salary account to the Reserve Fund for the purpose of replenishing the reserve fund, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This warrant article will replenish the Reserve Fund balance.*

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby fourteen (14) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 13th day of April, 2011.

\_\_\_\_\_  
Peter McMurray  
*Chair*

\_\_\_\_\_  
Daniel Meunier  
*Procurement*

\_\_\_\_\_  
Joseph Casey  
*Clerk*

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least fourteen days before the time of said Special Town Meeting.

DATE: April 14, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

## RESULTS OF SPECIAL TOWN MEETING May 7, 2011

The warrant was returned to the Town Clerk by Constable William Davis at 9:18 AM. With a quorum present, the Moderator Nancy Chew called the meeting to order at 9:33 AM.

The warrant showed it had been properly served.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The rules of the meeting were read.

### SPECIAL TOWN MEETING ARTICLES

**Article 1.** The motion was made and seconded to appropriate from Free Cash the sum of \$7,000 to the Municipal Building Repair account for the purpose of paying for the installation services associated with the sewage disposal system at the Ashby Town Hall for wastewater disposal connection to the Ashby Elementary septic system.

VOTE: UNANIMOUS

**Article 2.** The motion was made and seconded to appropriate from Free Cash the sum of \$3,000 to an Emergency Management Grant Matching account for the purpose of matching an Emergency Management Performance Grant to purchase communications equipment.

VOTE: UNANIMOUS

**Article 3.** The motion was made and seconded to transfer the sum of \$10,000 from the Town Administrator Salary account to the Reserve Fund for the purpose of replenishing the reserve fund.

VOTE: PASSED

The motion was made and seconded to dissolve the Special Town Meeting at 9:43 AM, and so voted.

Lorraine Pease, *Ashby Town Clerk*

**Commonwealth of Massachusetts  
Annual Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Saturday, May 7, 2011 at 9:30 a.m. to act on the following articles:

**ANNUAL TOWN MEETING ARTICLES**

**Article 1.** To see if the Town will vote to elect all other town officers not required to be on the official ballot.

Finance Committee action:     Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article allows the voters at Town Meeting to elect officials to open elected positions that are not filled at the time of the Town Meeting. This typically consists of a Field Driver, but could be any other open position.*

**Article 2.** To see if the Town will vote to hear the reports of the various town officials and committees.

Finance Committee action:     Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: In response to this motion, the Town Moderator usually asks if the Town Meeting will vote to dispense with the reading of all the annual reports that are written and included in the Town Annual Report.*

**Article 3.** To see if the Town will vote to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws, or take any action thereon.

Finance Committee action:     Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article allows the Town Treasurer to take out short term loans throughout the fiscal year if necessary to address cash flow timing issues.*

**Article 4.** To see if the Town will vote to accept the following sums in trust; the income therefrom to be expended for the perpetual care of lots as follows:

**Glenwood Cemetery**

Amount	Name	Ave.	Lot	Section
\$400.00	Joseph & Nancy Maki II	E	18	Lyman
\$800.00	Timothy Ojala & David Lappi	E	29	Lyman
\$400.00	Joan & Norman Aho		67A	Section 1
\$600.00	Carole D. Murray	D	6A	Lyman
\$200.00	Brenda J. Donahue	D	29	Lyman

, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The Cemetery Commissioners are responsible to report all monies collected from the sale of lots for perpetual care during the year so that the voters at Town Meeting can formally accept the funds for the Town.*

**Article 5.** To see if the Town will vote to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended by the Cemetery Commissioners to pay for said burials to be performed, for grave foundations and for general cemetery maintenance and improvements; with expenditures not to exceed \$10,000, or to take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This motion asks the voters to renew their authority to the Cemetery Commissioners to maintain a revolving account for the specific purpose of maintaining the cemeteries.*

**Article 6.** To see if the Town will vote to appropriate from available funds the sum of \$230,973 known as Chapter 90 to be used by the Highway Department in accordance with the Massachusetts General Laws, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article asks the voters to formally accept the state funding granted to the Town for road work.*

**Article 7.** To see if the Town will vote to raise and appropriate the sums of money necessary to defray charges and expenses of the Town for the ensuing fiscal year, FY2012, beginning July 1, 2011 and ending June 30, 2012, with each item considered to be a separate appropriation as set forth below, and to fix the salaries of all elected officials, or take any action thereon.

Finance Committee action:     Approved     Disapproved     No Action

*Brief Explanation: This article refers the voters to the detailed Town budget included in this Warrant that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.*

**Article 8.** To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 59, Section 5, Clause 54 exempting from taxation personal property accounts having a valuation of less than \$1,000, or take any action thereon.

Finance Committee action:     Approved     Disapproved     No Action

*Brief Explanation: Passage of this article would exempt from taxation certain very small businesses in which the annual personal property tax does not justify the expense of preparing and mailing bills.*

**Article 9.** To see if the Town will vote to appropriate the sum of \$29,511.30 to operate the Ashby Recycling Center & Transfer Station for fiscal year beginning July 1, 2011, and that \$29,511.30 be appropriated as follows: Recycling Center revenues: \$26,411.30 and Retained earnings: \$3,100 for the ensuing fiscal year, FY2012, beginning July 1, 2011 and ending June 30, 2012, or take any action thereon.

Finance Committee action:     Approved     Disapproved     No Action

*Brief Explanation: This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY12.*

**Article 10.** To see if the Town will vote to appropriate from Free Cash the sum of \$5,000 for the purpose of repairing the Town's basketball courts, tennis courts, and Allen Field properties, and purchasing Ashby Elementary School playground equipment, or take any action thereon.

Finance Committee action:     Approved     Disapproved     No Action

*Brief Explanation: This money will be used to repair the backboards, gates and fencing around the Town properties and for purchasing Ashby Elementary School playground equipment.*

**Article 11.** To see if the Town will vote to appropriate from Free Cash the sum of \$10,000 for the purpose of repairing the area in front of the 1st Parish Unitarian Church of Ashby, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The black top and surrounding areas in front of the 1st Parish Unitarian Church need to be repaired.*

**Article 12.** To see if the Town will vote to appropriate from Free Cash the sum of \$4,770 to a Fire Department Grant Matching account for the purpose of matching an Assistance to Firefighters grant, or to take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The Fire Department receives grants each year that requires the Town to appropriate a percentage of its funds to match those from the grantor.*

**Article 13.** To see if the Town will vote to appropriate from Free Cash the sum of \$70,000 for the purpose of purchasing and equipping a previously owned fire pumper, or take any action thereon.

Finance Committee action:    \_\_\_ Approved    \_\_\_ Disapproved    ✓ No Action

*Brief Explanation: This fire pumper will replace a twenty-six year old pumper that will no longer successfully pass a pump test.*

**Article 14.** To see if the Town will vote to authorize a Library Books Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for book late fees and replacement fees, said funds to be expended by the Library Trustees to pay for book and media repairs, replacements, supplies and expenses; with expenditures not to exceed \$3,000, or to take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This motion asks the voters to renew their authority to the Library Trustees to maintain a revolving account for the specific purpose of maintaining library books and media.*

**Article 15.** To see if the Town will vote to amend the Zoning Map by extending Residential/Commercial District B westerly, along the south side of Main Street and parallel to the street, to the westerly property line of Map 8, Parcel 58.2 as shown on a map entitled Residential/Commercial District B Extension, May 2011, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article extends Residential/Commercial District B from Assessor's Map 8, parcel 59.1 to Map 8, parcel 58.2.*

**Article 16.** To see if the Town will vote to delete sections of the Zoning Bylaws 8.1.1 through 8.1.4 and insert the words "Building area shall not exceed thirty-five percent (35%) of the lot area." as line 5 in section 8.3 Table of Dimensional Requirements and add a new section 8.1.1 "The research and development, testing, manufacturing and sales of photovoltaic and wind energy systems." and, following the words "wind energy facilities (WEF)" in section 4.11.1, add the words "located in the Residential, Residential/Agricultural and Residential/Commercial districts"; or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article amends the Zoning Bylaw to allow the research and development, testing, manufacturing and sales of photovoltaic and wind energy systems in the Industrial District and removes building setbacks conflicts between sections 8.1 and 8.2.*

**Article 17.** To see if the Town will vote to accept as a Town way the subdivision roadway known as Daley Drive, as heretofore laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements; said Daley Drive being more particularly described in the Definitive Subdivision Plan on file with the Town Clerk; or to take any other action relative thereto.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: A Town Meeting vote is required to accept Daley Drive as a Town way.*

**Article 18.** To see if the Town will vote to authorize the Selectmen to enter into a long term lease agreement to allow a Solar Photovoltaic (PV) Power Generating system on the landfill site on Greenville Road and to au-

thorize the Board of Selectmen to grant easements for the purpose of providing access to, and use of, the landfill site, with such terms as are in the best interest of the Town; or to take any other action relative thereto.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The article will authorize the Selectmen to enter into a long term agreement and grant easements for a Solar PV Power Generating system on the landfill site.*

**Article 19.** To see if the Town will vote to appropriate from Free Cash the sum of \$3,000 for the purpose of paying for the replacement of body armor for police officers, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: In addition to Federal funding, funding is needed to replace out-dated and potentially failing body armor for police officers. Protective vests should be replaced every five years and the Town's are over five years old.*

**Article 20.** To see if the Town will vote to appropriate from Free Cash the sum of \$13,027 for the purpose of paying for diesel fuel storage tank repairs, or take any action thereon.

Finance Committee action:    \_\_\_ Approved    ✓ Disapproved    \_\_\_ No Action

*Brief Explanation: The diesel fuel tank for all town vehicles has a secondary containment tank leak that needs to be repaired.*

**Article 21.** To see if the Town will vote to appropriate from Free Cash the sum of \$15,500 for the purpose of paying for a new sander, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The sander unit purchased by the Town in 1979 needs to be replaced.*

**Article 22.** To see if the town will vote to amend the Zoning Bylaw by adding a new section as follows:

**6.5.3 Special Permits;** Uses which may be allowed by the Planning Board after a public hearing and subject to appropriate regulations, if determined to be neither offensive nor detrimental to the residential/commercial area:



6.5.3.1 Restaurant with drive up or curbside food service.

, or take any action relative thereto.

By Petition.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

**Article 23.** To see if the Town will vote to appropriate a sum of money from available funds to the Stabilization Fund, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: This article allows the Town Meeting to gather and total any monies that were available and not appropriated at previous articles and direct that sum to the Stabilization Fund.*

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby seven (7) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 13th day of April, 2011.

\_\_\_\_\_  
Peter McMurray  
*Chair*

\_\_\_\_\_  
Daniel Meunier  
*Procurement*

\_\_\_\_\_  
Joseph Casey  
*Clerk*

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least seven days before the time of said Annual Town Meeting.

DATE: April 14, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

**RESULTS OF ANNUAL TOWN MEETING  
May 7, 2011**

The warrant was returned to the Town Clerk at 9:18 AM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 9:44 AM.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The moderator states that rules of the meeting are to be the same as the Special Town Meeting.

ANNUAL TOWN MEETING ARTICLES

**Article 1.** The motion was made and seconded to elect all other town officers not required to be on the official ballot.

VOTE: UNANIMOUS

**Article 2.** The motion was made and seconded to hear the reports of the various town officials and committees.

VOTE: UNANIMOUS

**Article 3.** The motion was made and seconded to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws.

VOTE: UNANIMOUS

**Article 4.** The motion was made and seconded to accept the following sums in trust; the income therefrom to be expended for the perpetual care of lots as printed in the warrant.

VOTE: UNANIMOUS

**Article 5.** The motion was made and seconded to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended by the Ceme-

tery Commissioners to pay for said burials to be performed, for grave foundations and for general cemetery maintenance and improvements; with expenditures not to exceed \$10,000.

VOTE: UNANIMOUS

**Article 6.** The motion was made and seconded to appropriate from available funds the sum of \$230,973 known as Chapter 90 to be used by the Highway Department in accordance with the Massachusetts General Laws.

VOTE: UNANIMOUS

**Article 7.** The motion was made and seconded to raise and appropriate the sums of money necessary to defray charges and expenses of the Town for the ensuing fiscal year, FY2012, beginning July 1, 2011 and ending June 30, 2012, with each item considered to be a separate appropriation as set forth below, and to fix the salaries of all elected officials.

\$ 486,434.05	for General Government
\$ 913,778.08	for Protection of Persons & Property
\$ 2,928,795.00	for Education
\$ 418,372.41	for Public Works & Facilities
\$ 33,438.29	for Human Services
\$ 78,562.76	for Culture & Recreation
\$ 48,671.89	for General Government Expenses

For a total sum of \$5,408,052.48 for the FY2012 operating budget.

VOTE: UNANIMOUS

**Article 8.** The motion was made and seconded to accept the provisions of Massachusetts General Law Chapter 59, Section 5, Clause 54 exempting from taxation personal property accounts having a valuation of less than \$1,000.

VOTE: UNANIMOUS

**Article 9.** The motion was made and seconded to appropriate the sum of \$29,511.30 to operate the Ashby Recycling Center & Transfer Station for fiscal year beginning July 1, 2011, and that \$29,511.30 be appropriated as follows: Recycling Center revenues: \$26,411.30 and Re-

tained earnings: \$3,100 for the ensuing fiscal year, FY2012, beginning July 1, 2011 and ending June 30, 2012.

VOTE: UNANIMOUS

**Article 10.** The motion was made and seconded to appropriate from Free Cash the sum of \$5,000 for the purpose of repairing the Town's basketball courts, tennis courts, and Allen Field properties, and purchasing Ashby Elementary School playground equipment.

VOTE: UNANIMOUS

**Article 11.** The motion was made and seconded to appropriate from Free Cash the sum of \$10,000 for the purpose of repairing the area in front of the 1st Parish Unitarian Church of Ashby.

VOTE: UNANIMOUS

**Article 12.** The motion was made and seconded to appropriate from Free Cash the sum of \$4,770 to a Fire Department Grant Matching account for the purpose of matching an Assistance to Firefighters grant.

VOTE: UNANIMOUS

**Article 13.** The motion was made and seconded to appropriate from Free Cash the sum of \$70,000 for the purpose of purchasing and equipping a previously owned fire pumper.

VOTE: PASSED

**Article 14.** The motion was made and seconded to authorize a Library Books Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for book late fees and replacement fees, said funds to be expended by the Library Trustees to pay for book and media repairs, replacements, supplies and expenses; with expenditures not to exceed \$3,000.

VOTE: UNANIMOUS

**Article 15.** The motion was made and seconded to amend the Zoning Map by extending Residential/Commercial District B westerly, along the south side of Main Street and parallel to the street, to the westerly property

line of Map 8, Parcel 58.2 as shown on a map entitled Residential/Commercial District B Extension, May 2011.

VOTE: UNANIMOUS

**Article 16.** The motion was made and seconded to delete sections of the Zoning Bylaws 8.1.1 through 8.1.4 and insert the words “Building area shall not exceed thirty-five percent (35%) of the lot area.” as line 5 in section 8.3 Table of Dimensional Requirements and add a new section 8.1.1 “The research and development, testing, manufacturing and sales of photovoltaic and wind energy systems.” and, following the words “wind energy facilities (WEF)” in section 4.11.1, add the words “located in the Residential, Residential/Agricultural and Residential/Commercial districts”.

VOTE: YES- 55                      NO- 19                      PASSED

**Article 17.** The motion was made and seconded to accept as a Town way the subdivision roadway known as Daley Drive, as heretofore laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements; said Daley Drive being more particularly described in the Definitive Subdivision Plan on file with the Town Clerk.

VOTE: PASSED

**Article 18.** The motion was made and seconded to authorize the Selectmen to enter into a long term lease agreement to allow a Solar Photovoltaic (PV) Power Generating system on the landfill site on Greenville Road and to authorize the Board of Selectmen to grant easements for the purpose of providing access to, and use of, the landfill site, with such terms as are in the best interest of the Town.

VOTE: PASSED

**Article 19.** The motion was made and seconded to appropriate from Free Cash the sum of \$3,000 for the purpose of paying for the replacement of body armor for police officers.

VOTE: UNANIMOUS

**Article 20.** The motion was made and seconded to appropriate from Free Cash the sum of \$13,027 for the purpose of paying for diesel fuel storage tank repairs.

The motion was made and seconded to table the motion.

VOTE: YES-4 NO-75 MOTION DEFEATED

VOTE ON ORIGINAL MOTION: PASSED

**Article 21.** The motion was made and seconded to appropriate from Free Cash the sum of \$15,500 for the purpose of paying for a new sander.

VOTE: PASSED

**Article 22.** The motion was made and seconded to amend the Zoning Bylaw by adding a new section as follows:

**6.5.3 Special Permits;** Uses which may be allowed by the Planning Board after a public hearing and subject to appropriate regulations, if determined to be neither offensive nor detrimental to the residential/commercial area:

**6.5.3.2** Restaurant with drive up or curbside food service.

VOTE: YES- 56 NO-26 PASSED

**Article 23.** The motion was made and seconded appropriate \$16,703.00 from Free Cash to the Stabilization Fund.

VOTE: UNANIMOUS

The motion was made and seconded to dissolve the Annual Town Meeting at 11:39 AM and so voted.

Lorraine Pease, *Ashby Town Clerk*

**Commonwealth of Massachusetts  
Special Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Thursday, June 30, 2011 at 7:00 p.m. to act on the following article:

**SPECIAL TOWN MEETING ARTICLE**

**Article 1.** To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Ashby School Building Committee for window and roof repairs at the Ashby Elementary School, located at 911 Main Street, Ashby, Massachusetts, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the North Middlesex Regional School District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and sixty-three-one-hundredths percent (55.63%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or act in relation thereto.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby fourteen (14) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 15th day of June, 2011.

\_\_\_\_\_  
Peter McMurray  
*Chair*

\_\_\_\_\_  
Daniel Meunier  
*Procurement*

\_\_\_\_\_  
Joseph Casey  
*Clerk*

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least fourteen days before the time of said Special Town Meeting.

DATE: June 16, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

**RESULTS OF SPECIAL TOWN MEETING  
June 30, 2011**

The warrant was returned to the Town Clerk by Constable William Davis at 6:15 PM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 7:11 PM.

The warrant showed it had been properly served.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The rules of the meeting were read.



## SPECIAL TOWN MEETING ARTICLE

**Article 1.** The motion was made and seconded that the Town approve the one-million five-hundred-sixty-seven-thousand six-hundred-thirty-two (\$1,567,632) dollars borrowing authorized by the North Middlesex Regional School District, for the purpose of paying costs for window and roof repairs and associated work at the Ashby Elementary School, located at 911 Main Street, Ashby, Massachusetts, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Ashby School Building Committee. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the North Middlesex Regional School District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and sixty-three-one-hundredths percent (55.63%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

VOTE: UNANIMOUS

The motion was made and seconded to dissolve the Special Town Meeting at 7:35 PM, and so voted.

Lorraine Pease, *Ashby Town Clerk*

## Commonwealth of Massachusetts Special Town Meeting

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Elementary School Auditorium in said Ashby, Thursday, October 27, 2011 at 7:00 p.m. to act on the following articles:

### SPECIAL TOWN MEETING ARTICLES

**Article 1.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Town Accountant Salary account for the purpose of paying the Town Accountant salary, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: The Town Accountant resigned in May, 2011 after the FY2012 budget was approved for a 10 hour per week position. The position has been restored to a 20 hour per week position.*

**Article 2.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Unemployment Compensation Expense account for the purpose of paying unemployment benefit expenses, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: Unemployment is difficult to estimate, even though we have not laid off any personnel, the law allows us to be liable for any of our part time or reserves that receive compensation from us if they are laid off from their primary employment. Also, the government has extended unemployment benefits to 90 weeks of which we now pick up the last 20 weeks.*

**Article 3.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Veterans' Benefit Expense account for the purpose of paying Veterans' Benefits, or take any action thereon.

Finance Committee action:    ✓ Approved    \_\_\_ Disapproved    \_\_\_ No Action

*Brief Explanation: We based our budget on the activity with the veterans as of the Annual Town Meeting. Since that time we have had an additional three veterans enter our program, which is reimbursed at 75%. Projections are based on current times, if the activity increases we may need to go to the Reserve Fund for transfer.*

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby fourteen (14) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 28th day of September, 2011.

\_\_\_\_\_  
Peter McMurray  
*Chair*

\_\_\_\_\_  
Daniel Meunier  
*Procurement*

\_\_\_\_\_  
Joseph Casey  
*Clerk*

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least fourteen days before the time of said Special Town Meeting.

DATE: October 13, 2011

\_\_\_\_\_  
William A. Davis, *Constable of Ashby*

**RESULTS OF SPECIAL TOWN MEETING  
October 27, 2011**

The warrant was returned to the Town Clerk by Constable William Davis at 12:10 PM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 7:30 PM.

The warrant showed it had been properly served.

The motion was made and seconded to waive the reading of the warrant, and so voted.

The rules of the meeting were read.

### **SPECIAL TOWN MEETING ARTICLES**

**Article 1.** The motion was made and seconded to raise and appropriate \$15,000 to be added to the Town Accountant Salary account for the purpose of paying the Town Accountant salary.

VOTE: UNANIMOUS

**Article 2.** The motion was made and seconded to raise and appropriate \$18,000 to be added to the Unemployment Compensation Expense account for the purpose of paying unemployment benefit expenses.

VOTE: PASSED

**Article 3.** The motion was made and seconded to raise and appropriate \$5000 to be added to the Veterans' Benefit Expense account for the purpose of paying Veterans' Benefits.

VOTE: UNANIMOUS

The motion was made and seconded to dissolve the Special Town Meeting at 7:47 PM, and so voted.

Lorraine Pease, *Ashby Town Clerk*

### **BALLOT FOR ANNUAL TOWN ELECTION APRIL 23, 2012**

SELECTMAN, Three Years

VOTE FOR ONE

Joseph W. Casey, *Candidate for Re-Election*  
699 Main St.

John Hourihan  
91 Deer Bay Rd.

Michael McCallum  
241 Deer Bay Rd.

ASSESSOR, Three Years VOTE FOR ONE  
Oliver H. Mutch, *Candidate for Re-Election*  
732 Pillsbury Rd.

COLLECTOR, Three years VOTE FOR ONE  
Beth Ann Scheid, *Candidate for Re-Election*  
114 New Ipswich Rd.

BOARD OF HEALTH, Three Years VOTE FOR ONE  
Scott Leclerc  
179 West Rd.

BOARD OF HEALTH, Two Years VOTE FOR ONE

PLANNING BOARD, Five Years VOTE FOR ONE  
Alan Pease, *Candidate for Re-Election*  
328 Richardson Rd.

CEMETERY COMMISSIONER, Three Years VOTE FOR ONE  
Daniel Harju, *Candidate for Re-Election*  
456 Wheeler Rd.

CEMETERY COMMISSIONER, One Year

PARK COMMISSIONER, Three Years VOTE FOR ONE

PARK COMMISSIONER, Two Years VOTE FOR ONE

LIBRARY TRUSTEES, Three Years VOTE FOR THREE  
John P. Mickola, *Candidate for Re-Election*  
590 Jones Hill Rd.

Michelle Thomas, *Candidate for Re-Election*  
66 Nash Rd.

Tiffany Call  
698 Richardson Rd.

**QUESTION 1. DEBT EXCLUSION**

Shall the Town of Ashby be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allowable share of the bond issued by the North Middlesex Regional School District for the purpose of paying costs of conducting a feasibility study to examine the possible construction of a new high school expected to be located at 19 Main Street, Townsend, or the possible remodeling and rehabilitation of the current high school, also located at 19 Main Street, including the payment of all costs incidental and related thereto?

Yes\_\_\_\_\_

No\_\_\_\_\_