

**COMMONWEALTH OF MASSACHUSETTS
PRESIDENTIAL PRIMARY
MARCH 6, 2012**

Middlesex, ss:

To: Constable of the Town of Ashby:

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Ashby who are qualified to vote in Primaries to vote at the Ashby Elementary School Auditorium on TUESDAY, THE SIXTH DAY OF MARCH, 2012, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE	FOR THE COMMONWEALTH
STATE COMMITTEE MAN	Worcester, Hampden, Hampshire & Middlesex Senatorial District
STATE COMMITTEE WOMAN	Worcester, Hampden, Hampshire & Middlesex Senatorial District
TOWN COMMITTEE	Ashby

Hereof, fail not, and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 1st day of February, 2012.

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 in three (3) public places at least seven days prior to the foregoing warrant.

DATE: February 2, 2012

William A. Davis, *Constable of Ashby*

RESULTS OF PRESIDENTIAL PRIMARY March 6, 2012

The warrant was returned to the Town Clerk by Constable William Davis at 6:55 AM.

Election Officers on duty and duly sworn were as follows: Bertha Tiilikkala, Rachel Patnaude, Marja LePoer, Betty Tiilikkala, Jill Niemi, Linda Stacy, Kevin Sierra, Jeanette Colameta, Angie Godin and Amy Meunier.

The polls opened at 7:00 AM.

The following is a list of candidates as they appeared on the official ballot, and also the votes each received, and the total blanks:

DEMOCRATIC PARTY PRIMARY BALLOT

PRESIDENTIAL PREFERENCE	VOTES
Barack Obama	47
No Preference	6
All others	1
Blanks	4
Total Ballots Cast	58

STATE COMMITTEE MAN

William R. Shemeth, III	48
All others	8
Blanks	2
Total Ballots Cast	58

STATE COMMITTEE WOMAN

Laura L. Jette	50
All others	0
Blanks	8
Total Ballots Cast	58

TOWN COMMITTEE

Alice Bauman	1
Mike McCallum	2
Diedre Haynie	1
Christina Ewald	1

Jean Lindquist	1
Terrence Myles	1
Blanks	573
Total Votes Cast	580

REPUBLICAN PARTY PRIMARY BALLOT

PRESIDENTIAL PREFERENCE	VOTES
Ron Paul	46
Mitt Romney	230
Rick Perry	1
Rick Santorum	22
Jon Huntsman	2
Michele Bachmann	1
Newt Gingrich	10
No Preference	2
All others	0
Blanks	0
Total Ballots Cast	314

STATE COMMITTEE MAN

Michael J. Valanzola	49
William J. Gillmeister	76
David P. Kopacz, Sr.	59
All others	0
Blanks	130
Total Ballots Cast	314

STATE COMMITTEE WOMAN

Janet E. Garon	171
All others	0
Blanks	143
Total Ballots Cast	314

TOWN COMMITTEE

Mark Bigwood	1
Paul Koval	1
Lillian Whitney	1
Deb Moylan	1
Scott Sweeney	1
Blanks	10985
Total Votes Cast	10990

GREEN- RAINBOW PARTY PRIMARY BALLOT

PRESIDENTIAL PREFERENCE	VOTES
Kent Mesplay	0
Jill Stein	3
Harley Mikkelson	0
No Preference	1
All others	1
Blanks	0
Total Ballots Cast	5

STATE COMMITTEE MAN

All others	0
Blanks	5
Total Ballots Cast	5

STATE COMMITTEE WOMAN

All others	0
Blanks	5
Total Ballots Cast	5

TOWN COMMITTEE

All others	0
Blanks	5
Total Ballots Cast	5

The polls closed at 8:00 p.m.

The following tellers on duty and duly sworn were as follows: Pamela Peeler, Elaine Kiely, Deborah Pillsbury, Janet Flinkstrom, Stephanie Lammi, Cathy Kristoffer-son, Janice Miller, Scott Sweeney, Ingrid Sweeney and Patricia Wayrynen

At the close of the polls, the ballot box read 377, the checkers' tally sheets read 58 Democratic voters, 314 Republican voters and 5 Green-rainbow voters had cast a ballot, for a total of 377 ballots cast.

18- ABSENTEE BALLOTS

359- OFFICIAL BALLOTS

Lorraine Pease, *Town Clerk*

**COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN ELECTION
APRIL 23, 2012**

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-third day of April, next at 12 Noon, to give their votes on one ballot for the following officers:

SELECTMAN, Three Years
ASSESSOR, Three Years
COLLECTOR, Three Years
BOARD OF HEALTH, Three Years
BOARD OF HEALTH, Two Years
PLANNING BOARD, Five Years
CEMETERY COMMISSIONER, Three Years
CEMETERY COMMISSIONER, One Year
PARK COMMISSIONER, Three Years
PARK COMMISSIONER, Two Years
3 LIBRARY TRUSTEES, Three Years

The polls will be open at 12:00 PM and shall close at 7:30 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 28th day of April, 2012.

Peter McMurray
Chair

Daniel Meunier
Procurement

Joseph Casey
Clerk

ASHBY BOARD OF SELECTMEN

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

DATE: March 29, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF ANNUAL TOWN ELECTION
APRIL 23, 2012**

The warrant was returned to the Town Clerk at 10:30 AM on Monday, April 23, 2012 by Constable William Davis.

Election officers on duty and duly sworn in were as follows: Bertha Tiilikkala, Marja LePoer, Betty Tiilikkala, Rachel Patnaude, Jill Niemi and Kevin Sierra.

The polls opened at 12:00 PM.

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	
Joseph W. Casey	107
John Hourihan	108
Michael McCallum	171
Blanks	14
Total ballots cast	400
ASSESSOR, Three years	
Oliver H. Mutch	355
Blanks	45
Total ballots cast	400
COLLECTOR, Three years	
Beth Ann Scheid	338
All others	1
Blanks	61
Total ballots cast	400

2012 Annual Reports

BOARD OF HEALTH, Three years	
Scott Leclerc	300
All others	5
Blanks	95
Total ballots cast	400
BOARD OF HEALTH, Two years- write-in	
William Stanwood	41
All others	9
Blanks	350
Total ballots cast	400
PLANNING BOARD, Five years	
Alan Pease	335
Blanks	65
Total ballots cast	400
CEMETERY COMMISSIONER, Three years	
Daniel Harju	335
Blanks	65
Total ballots cast	400
CEMETERY COMMISSIONER, One year- write-in	
All others	5
Blanks	395
Total ballots cast	400
PARK COMMISSIONER, Three years- write- in	
Peter McMurray- declined position	5
All others	6
Blanks	389
Total ballots cast	400
PARK COMMISSIONER Two years- write-in	
All others	3
Blanks	397
Total ballots cast	400
LIBRARY TRUSTEES, Three years	
John P. Mickola	314
Michelle Thomas	275

Tiffany Call	280
Blanks	331
Total votes cast	1200
Total ballots cast	400

Question 1.

Yes	170
No	205
Blanks	25
Total ballots cast	400

The polls closed at 7:30 PM.

Tellers on duty and duly sworn in were as follows: Nancy Peeler, Pamela Peeler, Jon Kimball, Deborah Pillsbury, Cathy Kristofferson, Janet Flinkstrom, Patricia Wayrynen and Stephanie Lammi.

At the close of the polls the ballot box read 400 voters had cast a ballot: the checker' tally sheet read 400 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 5, 2012 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 \$22,750 to purchase and install a generator, said funds to constitute

the Town's match for an Emergency Management Performance Grant, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: Emergency Management is eligible to receive a grant for the purchase and installation of an emergency generator for the school, town hall, and public safety. To be eligible for this grant it requires the Town to appropriate matching funds to those from the grantor.

Article 2. To see if the Town will vote to appropriate from Free Cash the sum of \$8,767 to purchase an electronic sign board, said funds to constitute the Town's match for an Emergency Management Performance Grant or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: Emergency Management is eligible to receive a grant for an electronic message sign board. To be eligible for this grant it requires the Town to appropriate matching funds to those from the grantor.

Article 3. To see if the Town will vote to appropriate from Free Cash the sum of \$4,300 for the purpose of purchasing a control cable and associated hardware for the Tower Ladder Truck, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The control cable provides electrical current to operate the aerial bucket on the fire tower truck, and provides scene lighting from inside the bucket. Operating the aerial from inside the bucket is a safety issue and makes maneuverability more precise.

Article 4. To see if the Town will vote to appropriate from Free Cash the sum of \$10,600 to purchase a new tanker fire truck and associated hardware said funds to constitute the Town's match for an Assistance to Fire-fighters Grant, or to take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The Fire Department received a grant for \$212,000 to purchase a new Tanker Fire truck. To be eligible for this grant the Town is required to appropriate 5% matching funds or \$10,600.

Article 5. To see if the Town will vote to appropriate from Free Cash the sum of \$2,000 for the purpose of making repairs to the Fire Station, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: These repairs include re-roofing both the waste oil building and installing a garage door and re-roofing the outside garage. Only materials will be purchased, labor will be donated by the firefighters.

Article 6. To see if the Town will vote to appropriate from Free Cash the sum of \$7,000 for the purpose of purchasing a new ambulance cot and associated hardware, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The ambulance cot needs replacing. The cot, which was purchased in 1992, was not new when the last ambulance was purchased. Newer cots can handle more weight and are safer for ambulance attendants to maneuver.

Article 7. To see if the Town will vote to appropriate from Free Cash the sum of \$8,000 for the purpose of making alterations to the Town Common well to bring the well into compliance with Department of Environmental Protection requirements, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: Upon moving the seniors to the legion for their meal site it was determined that the water supply had never been categorized as a public well. We are working under a consent order from DEP to qualify the well as a public well. Repairs will include modifications to the well facility as well as the outlying buildings.

Article 8. To see if the Town will vote to appropriate from Free Cash the sum of money to pay a prior fiscal year bill, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The first group of bills are to comply with the Fair Standards Labor Act; the town reviewed its reimbursement procedure and found monies to be owed to six employees. (\$2,447). The second is for overtime worked in FY11, but due to timing of submission will not be processed until FY12. (\$614.94) Due to it being in a prior fiscal year a vote at town meeting is required. Total amount is \$3,061.94.

Article 9. To see if the Town will vote to appropriate from Free Cash the sum of \$51,000 to be used for pavement preservation, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The \$51,000 requested will allow the highway department to preserve 3 to 5 miles of road surface. This will be done by using sealing and preservation materials.

Article 10. 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 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 11th day of April, 2012.

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 12, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF SPECIAL TOWN MEETING
May 5, 2012**

The warrant was returned to the Town Clerk by Constable William Davis at 9:15 AM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 9:35 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 \$22,750 to purchase and install a generator, said funds to constitute the Town's match for an Emergency Management Performance Grant.

VOTE: UNANIMOUS

Article 2. The motion was made and seconded to appropriate from Free Cash the sum of \$8,767 to purchase an electronic sign board, said funds to constitute the Town's match for an Emergency Management Performance Grant.

VOTE: PASSED

Article 3. The motion was made and seconded to appropriate from Free Cash the sum of \$4,300 for the purpose of purchasing a control cable and associated hardware for the Tower Ladder Truck.

VOTE: UNANIMOUS

Article 4. The motion was made and seconded to appropriate from Free Cash the sum of \$10,600 to purchase a new tanker fire truck and associated hardware said funds to constitute the Town's match for an Assistance to Firefighters Grant.

VOTE: UNANIMOUS

Article 5. The motion was made and seconded to appropriate from Free Cash the sum of \$2,000 for the purpose of making repairs to the Fire Station.

VOTE: UNANIMOUS

Article 6. The motion was made and seconded to appropriate from Free Cash the sum of \$7,000 for the purpose of purchasing a new ambulance cot and associated hardware.

VOTE: UNANIMOUS

Article 7. The motion was made and seconded to appropriate from Free Cash the sum of \$8,000 for the purpose of making alterations to the Town Common well to bring the well into compliance with Department of Environmental Protection requirements.

VOTE: UNANIMOUS

Article 8. The motion was made and seconded to appropriate from Free Cash the sum of \$3,061.94 to pay a prior fiscal year bill to comply with the Fair Standards Labor Act.

VOTE: UNANIMOUS

Article 9. The motion was made and seconded to appropriate from Free Cash the sum of \$51,000 to be used for pavement preservation.

VOTE: PASSED

Article 10. The motion was made and seconded to appropriate from Free Cash \$161,301.06 to be transferred to the Stabilization Fund.

VOTE: UNANIMOUS

The motion was made and seconded to dissolve the Special Town Meeting at 10:00 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 5, 2012 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
\$200.00	Elissa E. Stuart	C	30	Lyman
\$200.00	Judith Debrecini	E	19	Lyman
\$200.00	Steven & Marlene Plante	E	20	Lyman
\$800.00	Christabalina Rivera	C	33	Lyman
\$400.00	Elmer S. Fitzgerald, Jr	E	1	Lyman II
\$400.00	Corine M. Rainville		67B	Section 1
\$400.00	Neil & Deborah Kaplan	D	7A	Lyman
\$400.00	Paul & Sheila Gerry	E	28	Lyman
\$200.00	Richard & Dianne Anderson	E	2	Lyman II
\$800.00	Richard Lundberg		101	Section 1

, 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 authorize the renewal of the 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 7. To see if the Town will vote to authorize the Council on Aging Newsletter Revolving Fund in accordance with Massachusetts General Law, Chapter 44 Section 53E½, to receive monies collected from advertising within the Monthly Newsletter, said funds to be expended by the Council on Aging to pay for the costs of printing and mailing monthly newsletter with expenditures not to exceed \$5,000, or to take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This motion asks the voters to authorize the Council on Aging to maintain a revolving account for the specific purpose of paying the costs of printing and mailing the Council on Aging newsletter.

Article 8. To see if the Town will vote to appropriate all funds which become available in the Fiscal Year 2013 from the Commonwealth of Massachusetts Department of Highways, Chapter 90 Bond Issue proceeds, to be used by the Highway Department for the repair and maintenance of town roads in conformance with Massachusetts General Laws, or to 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 9. To see if the Town will vote to accept Massachusetts General Law Chapter 41 Section 108P requiring that a collector or a treasurer who has been awarded proper certification by the Massachusetts Collectors and Treasurers Association shall receive additional compensation in an amount equal to 10% of such regular annual compensation, but not more than \$1,000.00 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. Such additional compensation shall be discontinued when certification is discontinued or withdrawn, or to take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This warrant article accepts the provisions of MGL Chapter 41, Section 108P.

Article 10. To see if the Town will vote to raise and appropriate a sum of money to operate the Solid Waste Department Recycling Center and Transfer Station for the fiscal year, FY2013 beginning July 1, 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 FY13.

Article 11. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the fiscal year commencing July 1, 2012 and to set the salaries of elected officials, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Setting of Elected Salaries under Article 11:

- a. Town Clerk: \$29,250.60
- b. Town Collector: \$32,124.17
- c. Town Treasurer: \$25,399.08 (Includes \$1,000 certification stipend)

Brief Explanation: This article will establish a departmental budget that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the operating budget of the North Middlesex Regional School District, in addition to the sum voted under Article 11 for said operating budget, provided that no funds shall be expended and no bonds shall be issued unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Pepperell and/or the Town of Townsend also votes to approve and fund its proportional share of such additional appropriations, or act in relation thereto.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This article represents the additional monies requested by North Middlesex Regional School District over and above the proportional new growth and tax levy monies and will require one other town to vote the budget at the same level.

Article 13. To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as may be amended from time to time, and to enact Article XVIII of the Town of Ashby By-laws as set forth below:

Article XVIII - Stretch Energy Code

Section 1 - Adoption

The Town of Ashby has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 2 - Purpose

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This article will regulate the design and construction of buildings for the effective use of energy.

Article 14. To see if the town will vote to amend the zoning bylaw by inserting the following after section 8 and re-numbering succeeding sections consecutively, or take any action thereon:

SECTION 9: OVERLAY DISTRICTS

9.1—Ashby Village Center Zoning Overlay District

9.1.1—Intent and Purpose

The vitality and diversity of the Ashby village center benefits the general health and welfare of its residents and the community gener-

ally by fulfilling existing commercial, residential, transportation, civic, cultural and employment needs. Therefore, the Town implements this bylaw and designates a zoning district as the Ashby Village Center Overlay District to encourage economic and residential growth that fits the character of the Town. The purposes of the Ashby Village Center Overlay District are to:

9.1.1.1—Build upon the historic development patterns in the existing village center in the spirit of village centers throughout the New England region in order to create attractive, walkable neighborhoods;

9.1.1.2—Encourage adaptive reuse of abandoned, vacant, or underutilized buildings or structures where appropriate;

9.1.1.3—Allow for a mix of new and existing land uses that are appropriate to both the needs of the community and the scale and visual character of surrounding neighborhoods;

9.1.1.4—Maintain the traditional design character throughout the district.

9.1.2—Establishment

The Village Center Overlay District is hereby established and consists of those areas so designated and shown on the map designated as "Zoning Map, Village Center Overlay District, Town of Ashby, Massachusetts, Ashby Planning Board" on file with the Town Clerk and dated April 1, 2012.

9.1.3—Definitions

9.1.3.1—**FORMULA BUSINESS:** The term "formula business" refers to a particular type of service-oriented chain establishment. It is a type of retail sales establishment, restaurant, tavern, bar, or takeout food establishment which is under common ownership or control or is a franchise, and is one of 14 or more other businesses or establishments worldwide maintaining three or more of the following features:

9.1.3.1.1—Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings;

9.1.3.1.2— Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods of one party from those of others, on products or as part of store design;

9.1.3.1.3—Standardized color scheme used throughout the interior or exterior of the establishment; and

9.1.3.1.4—Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hat.

9.1.3.2—PUBLIC SPACE: In the context of an application for a Village Center Overlay District Special Permit, this term denotes open areas set aside for use by the public as part of a coordinated site development process.

9.1.3.3—WINDOW SPACE: The amount of transparent window space that occupies a building façade including standard street level windows and doorway windows.

9.1.4—Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw according to Section 12.5, Site Plan Special Permits. The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit in the underlying district, any use requiring a Special Permit pursuant to Section 9.1.5, and any applicant seeking an Ashby Village Center Overlay District (AVCOD) Special Permit subject to Section 9.1.10. Where standards or other requirements listed as part of this overlay district may conflict with those in the underlying district, the overlay provisions shall apply.

9.1.4.1—Applicability

The Ashby Village Center Overlay District bylaw shall apply to:

- a. Construction of a new commercial or mixed use structure on a vacant lot.
- b. Construction of a commercial accessory structure of more than 500 square feet on a lot.
- c. Conversion of a residential property to a commercial use or mixed use.

- d. Conversion of a single-family home into a structure with 3 or more apartments or dwelling units within it or on the same lot.
- e. Any other projects requiring application for an Ashby Village Center Overlay District special permit.

9.1.5—Use Provision

9.1.5.1—Permitted Uses: The following uses are allowed by-right subject to any Site Plan Review requirements listed in Section 12.5 and all applicable density and design provisions listed in this bylaw.

9.1.5.1.1—Single-family homes and their permitted accessory uses;

9.1.5.1.2 —Civic uses;

9.1.5.1.3 —General retail sales of 2,500 sq.ft. or less;

9.1.5.1.4 —Bank, business or professional offices.

9.1.5.2—Special Permit Uses: The following uses are allowed in the Ashby Village Center Overlay District only through the granting of a Special Permit by the Planning Board pursuant to the procedures outlined in Section 12.3, Special Permits.

9.1.5.2.1—General retail sales in excess of 2,500 sq.ft. of floor space;

9.1.5.2.2—Apartments above non-residential uses (rental units);

9.1.5.2.3—Dwelling units above non-residential uses (ownership units);

9.1.5.2.4—Coffee shop or cafés;

9.1.5.2.5—Art galleries;

9.1.5.2.6—Personal services (including consumer repair services);

9.1.5.2.7—Restaurants and eateries

9.1.5.2.8—Bed and breakfast inn;

9.1.5.2.9—Outdoor seating associated with restaurants or cafés subject to applicable licensing requirements;

9.1.5.2.10—Cinema or performance theatre with a maximum of one screen or stage;

9.1.5.2.11—Agriculture, horticulture, floriculture, viticulture, permaculture on less than five (5) acres;

9.1.5.2.12—Outdoor markets subject to applicable licensing requirements;

9.1.5.2.13—Health or athletic club (limited to 5000 sq.ft. or less);

9.1.5.2.14—Mixed-uses, wherein a combination of permitted and/or special permit uses are allowed in the same building, structure, or lot;

9.1.5.3—Prohibited Uses:

9.1.5.3.1—Formula businesses as defined in section 9.3.1;

9.1.5.3.2—Sale of motor vehicles;

9.1.5.3.3—On-premises sale of fuel;

9.1.5.3.4—All uses not permitted by right or by special permit in this section or the underlying district.

9.1.6—Dimensional Requirements

Dimensional standards not mentioned herein must meet the requirements of the underlying zoning district.

9.1.6.1—Minimum Setbacks for Residential, Non-residential and Mixed Use Buildings: forty (40) feet

9.1.6.2—Height Limitations for Non-residential and Mixed Use: Building height for mixed use or non-residential use shall not exceed thirty-five (35) feet from the sill or lowest point of egress and no building shall have more than three (3) stories.

9.1.7—Landscape Requirements

Landscaping shall provide for the maximum vegetated space possible after meeting other requirements of this section. Standards are found in the Ashby Village Center Overlay District regulations.

9.1.8—Parking Requirements

The base parking standards for the underlying Zoning Districts shall apply to individual uses in the Ashby Village Center Overlay District. As part of a Site Plan Approval or Special Permit process within this overlay district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking. Available innovative parking strategies include:

9.1.8.1—Shared On-Site Parking

9.1.8.1.1—Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 75% of the

requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.

9.1.8.1.2—Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

9.1.8.2—Off-Site Parking: Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions:

9.1.8.2.1—Off-site parking shall be within five hundred (500) feet of the property for which it is being requested.

9.1.8.2.2—Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Planning Board as a condition of the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Agent that the agreement has been extended.

9.1.9—Design Standards

Design Standards for the development and redevelopment of commercial buildings:

Buildings shall be constructed in a manner consistent with the traditional historic designs existing in the district. The historic designs in the district include wood and/or brick siding, prominent corner boards, vertical windows with divided lites, embellished main entries, pitched roofs with multiple gables and brick chimneys. The design standards shall apply to those portions of the building seen from the street. The Planning Board may, following a public hearing, develop regulations further elaborating on these traditional design features. The regulations must allow for flexible design in incorporating the historic design features.

9.1.10—Ashby Village Center Overlay District Special Permit

Applicants may apply for, and the Planning Board may grant, an Ashby Village Center Overlay District (AVCOD) Special Permit subject to the following provisions:

9.1.10.1—Purpose: In addition to those purposes listed in Section 9.1.1 of this bylaw, the purpose of an AVCOD Special Permit is to provide the opportunity to develop pockets of higher density, coordinated mixed use developments that include a diverse use profile and act as centers of culture, commerce, and social and community activity within the overlay district.

9.1.10.2—Mixed Uses Encouraged: Applicants for an AVCOD Special Permit are encouraged to provide for a mix of uses for both new construction and reconstruction. Uses that can be mixed in one building shall comply with the provisions of Section 9.1.5.1 Permitted Uses, and/or Section 9.1.5.2 Special Permit Uses, of this section. In general, for multi-story buildings, the Planning Board encourages non-residential uses on the ground floor and residences in the floors above.

9.1.10.3 Frontage: As part of an AVCOD Special Permit application, the Planning Board may authorize reduced frontage as low as fifty (50) feet when it is determined that the reduced frontage will not be detrimental to the established or future character of the neighborhoods and town and subject to appropriate conditions or safeguards if deemed necessary.

9.1.10.4—Additional Design Standards: In addition to those design standards listed in Section 9.1.8 of this bylaw, applications for an AVCOD Special Permit shall also meet the following standards:

9.1.10.4.1—Signs

9.1.10.4.1.1—One sign of one or two sides no larger than 30 sq. ft per side. No electric signs of any type will be permitted except those illuminated by stationary floodlight.

9.1.10.4.1.2—Directory signs may be permitted as part of a VCOD Special Permit application where several non-residential operations are accessed through a common vehicular entrance. Such signs shall not exceed twenty (20) square feet and each tenant shall be allowed a maximum of five (5) square feet to display the company or agency name.

9.1.10.4.2—Site Design

9.1.10.4.2.1—Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.

9.1.10.4.2.2—Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.

9.1.10.4.2.3—Public space shall be designed as a public gathering place. Public areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.

9.1.10.4.2.4—Features that may be used to create open space areas acceptable to the Planning Board may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.

9.1.10.4.3—Application Process and Requirements

9.1.10.4.3.1—Applicants for an AVCOD Special Permit shall comply with the Special Permit Procedures outlined in Section 12.3 and shall provide all applicable information for a Full Site Plan Review pursuant to Section 12.5.

9.1.10.4.4—Decision: The Planning Board may approve an application for an AVCOD Special Permit with those conditions specified in this bylaw pursuant to the following criteria:

9.1.10.4.4.1—Proposed development is consistent with the purposes listed in Section 9.1 and Section 9.1.10.1 of this bylaw;

9.1.10.4.4.2—All applicable standards for use, parking and dimensional requirements are met;

9.1.10.4.4.3—All applicable design standards listed in Section 9.1.9 are met;

9.1.10.4.4.4—All applicable additional design standards listed in Section 9.1.10.4.1 are met;

9.1.10.4.5—Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the

movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or public space features as required in Section 9.1.10.4.2

9.1.11—Severability

If any section or provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

9.1.12—Conflict With Other Laws

All development activities within the AVCOD shall comply with all applicable laws, regulations, and standards of the town. In the event of a conflict between this bylaw and any section of the zoning bylaw the provisions of this bylaw shall control, provided that they are consistent with state and federal law.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This article amends the Zoning Bylaw to create a Village Center District.

Article 15. To see if the town will vote to amend the zoning bylaw by amending section 5.3.3.1 to read “Setback from Street Center 50 feet” and delete section 5.3.3.2, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: This article amends the Zoning Bylaw to modify setbacks in the Residential District.

Article 16. To see if the Town will vote, pursuant to G.L. c.164, §134(a), to authorize the Board of Selectmen to initiate the process to aggregate the electric load of interested electricity consumers within the Town of Ashby and enter into agreements for services to facilitate the sale and purchase of electric energy and other related services, or to take any other action relative thereto.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: The article will authorize the Selectmen to negotiate and enter into an agreement to contract for power supply independently.

Article 17. To see if the Town will vote to approve the borrowing authorized by the North Middlesex Regional School district, for the purpose of paying costs of conducting a feasibility study to examine that possible con-

struction 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, Townsend, including the payment of all costs incidental and related thereto (the "Study"), 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 at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study 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 that no funds shall be expended and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Finance Committee action: ✓ Approved ___ Disapproved ___ No Action

Brief Explanation: This article has been recommended by the North Middlesex School District as directed by the Massachusetts School Building Authority for the borrowing for the feasibility study.

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 11th day of April, 2012.

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 12, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF ANNUAL TOWN MEETING
May 5, 2012**

The warrant was returned to the Town Clerk at 9:15 AM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 10:01 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 follows:

Glenwood Cemetery

Amount	Name	Ave.	Lot	Section
\$200.00	Elissa E. Stuart	C	30	Lyman
\$200.00	Judith Debrecini	E	19	Lyman
\$200.00	Steven & Marlene Plante	E	20	Lyman
\$800.00	Christabalina Rivera	C	33	Lyman
\$400.00	Elmer S. Fitzgerald, Jr	E	1	Lyman II
\$400.00	Corine M. Rainville		67B	Section 1
\$400.00	Neil & Deborah Kaplan	D	7A	Lyman
\$400.00	Paul & Sheila Gerry	E	28	Lyman
\$200.00	Richard & Dianne Anderson	E	2	Lyman II
\$800.00	Richard Lundberg		101	Section 1

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 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.

VOTE: UNANIMOUS

Article 6. The motion was made and seconded to authorize the renewal of the 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 7. The motion was made and seconded to authorize the Council on Aging Newsletter Revolving Fund in accordance with Massachusetts General Law, Chapter 44 Section 53E½, to receive monies collected from advertising within the Monthly Newsletter, said funds to be expended by the Council on Aging to pay for the costs of printing and mailing monthly newsletter with expenditures not to exceed \$5,000.

VOTE: UNANIMOUS

Article 8. The motion was made and seconded to appropriate all funds which become available in the Fiscal Year 2013 from the Commonwealth of Massachusetts Department of Highways, Chapter 90 Bond Issue proceeds, to be used by the Highway Department for the repair and maintenance of town roads in conformance with Massachusetts General Law.

VOTE: UNANIMOUS

Article 9. The motion was made and seconded to accept Massachusetts General Law Chapter 41 Section 108P requiring that a collector or a treasurer who has been awarded proper certification by the Massachusetts Collectors and Treasurers Association shall receive additional compensation in an amount equal to 10% of such regular annual compensation, but not more than \$1,000.00 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. Such additional compensation shall be discontinued when certification is discontinued or withdraw.

VOTE: PASSED

Article 10. The motion was made and seconded to raise and appropriate a sum of \$31,814 to operate the Solid Waste Department Recycling Center and Transfer Station for the fiscal year, FY2013 beginning July 1, 2012.

VOTE: UNANIMOUS

Article 11. The motion was made and seconded to raise and appropriate the sum of \$5,611,719.13 for the Departments and purposes noted in the Warrant and to set the salaries of elected officials as printed in the Warrant.

Department	FY13 APPROVED	Department	FY13 APPROVED
Administration	\$ 46,656.71	Town Administrator	\$ 55,933.07
Finance Committee	\$ 25,500.00	Town Accountant	\$ 63,554.82
Board of Assessors	\$ 39,216.47	Treasurer	\$ 35,225.08
Tax Collector	\$ 47,536.17	Legal	\$ 25,000.00
IT Expenses	\$ 27,500.00	Town Clerk	\$ 53,434.68
Town Reports	\$ 1,600.00	Conservation	\$ 1,523.00
		Commimssion	
Planning	\$ 750.00	Zoning	\$ 500.00
Land Use	\$ 11,405.74	Town Office	\$ 43,470.00
Town Clock	\$ 500.00	Municipal Buildings	\$ 13,437.73
Police	\$ 544,609.45	Fire	\$ 151,646.16
Waste Oil	\$ 2,412.01	EMS	\$ 52,515.39
Emergency	\$ 1,620.00	E-911	\$ 100.00
Management			
Hazardous Waste	\$ 345.86	Building Inspector	\$ 11,432.04
Coor. Stipend			
Plumbing Inspector	\$ 6,339.99	Electrical Inspector	\$ 6,424.99
Dog Officer	\$ 15,642.37	Emergency Dispatch	\$ 154,283.04
Monty Tech	\$ 318,059.00	NMRSD	\$2,670,751.78
Highway	\$ 321,425.90	Snow & Ice	\$ 93,000.00
Street Lights	\$ 800.00	Tree Warden	\$ 2,800.00
Cemetery	\$ 10,584.68	Board of Health	\$ 18,282.00
Animal Inspector	\$ 420.24	Council on Aging	\$ 3,538.00
Veterans' Services	\$ 17,231.73	Library	\$ 82,514.17
Band Concerts	\$ 7,500.00	July 3rd	\$ 1,200.00
Allen Field	\$ 1,200.00	Town Common	\$ 3,200.00
Debt Service	\$ 1,000.00	RMV Non Renewal	\$ 2,580.00
Air Pollution	\$ 801.00	Mont RTA	\$ 7,180.00
MBTA Assessment	\$ 12,150.00	Middlesex Retirement	\$ 150,810.00
Unemployment	\$ 20,000.00	Employee Ins. Benefits	\$ 309,880.53
Workers Compensation	\$ 13,666.68	Insurance P & C	\$ 80,000.00
FICA	\$ 21,028.65		
Total Operating	\$5,611,719.13		

Setting of Elected Salaries under Article 11:

- a. Town Clerk: \$29,250.60
- b. Town Collector: \$32,124.17

- c. Town Treasurer: \$25,399.08 (Includes \$1,000 certification stipend)

The motion was made and seconded to amend Article 11 to cut the Town Administrator's salary 100%. (\$55,933.07)

VOTE ON AMENDMENT: DEFEATED

VOTE ON ORIGINAL ARTICLE: UNANIMOUS

Article 12. The motion was made and seconded to raise and appropriate \$460,940.23 for the operating budget of the North Middlesex Regional School District, in addition to the sum voted under Article 11 for said operating budget, provided that no funds shall be expended and no bonds shall be issued unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Pepperell and/or the Town of Townsend also votes to approve and fund its proportional share of such additional appropriations.

VOTE: PASSED

Article 13. The motion was made and seconded to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as may be amended from time to time, and to enact Article XVIII of the Town of Ashby By-laws as set forth below:

Article XVIII - Stretch Energy Code

Section 1 - Adoption

The Town of Ashby has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 2 - Purpose

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

VOTE: YES- 52 NO- 64 DEFEATED

Article 14. The motion was made and seconded to amend the zoning bylaw by inserting Section 9 titled Overlay Districts as printed in the warrant after Section 8 and re-number succeeding sections consecutively.

The Moderator announced the required quantum of vote prior to the vote and declared a two-thirds vote after the vote.

VOTE: PASSED

Article 15. The motion was made and seconded to amend the zoning bylaw by amending section 5.3.3.1 to read “Setback from Street Center 50 feet” and delete section 5.3.3.2.

The Moderator announced the required quantum of vote prior to the vote and declared a two-thirds vote after the vote.

VOTE: PASSED

Article 16. The motion was made and seconded to authorize the Board of Selectmen pursuant to G.L. c.164, §134(a), to initiate the process to aggregate the electric load of interested electricity consumers within the Town of Ashby and enter into agreements for services to facilitate the sale and purchase of electricity and other related services for terms exceeding three years.

VOTE: UNANIMOUS

Article 17. The motion was made and seconded to approve the borrowing authorized by the North Middlesex Regional School district, for the purpose of paying costs of conducting a feasibility study to examine that 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, Townsend, including the payment of all costs incidental and related thereto (the “Study”), 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 at the direction of the School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study 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 that no funds shall

be expended and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA

The motion was made and seconded to amend Article 17 by deleting the words “provided that no funds shall be expended and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2 ½, so called.”

VOTE ON AMENDMENT: PASSED

VOTE ON AMENDED ARTICLE: UNANIMOUS

The motion was made and seconded to dissolve the Annual Town Meeting at 1:14 PM and so voted.

Lorraine Pease, *Ashby Town Clerk*

**COMMONWEALTH OF MASSACHUSETTS
SPECIAL ELECTION
JUNE 21, 2012**

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, who are qualified to vote in elections and town affairs, to meet at the Ashby Elementary School Auditorium in said Ashby, Thursday, the 21st day of June next, at 12:00 noon, to give in their votes on one ballot for the following question:

LEVY LIMIT OVERRIDE
QUESTION 1.

Shall the Town of Ashby be allowed to assess an additional \$460,940.23 in real estate and personal property taxes for the purposes of funding a supplemental appropriation for the North Middlesex Regional School District budget for the fiscal year beginning July first, two thousand and twelve?

YES _____ NO _____

The polls will be open at 12:00 noon and shall close at 7:30 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 16th day of May, 2012.

Peter McMurray
Chairman

Daniel Meunier
Procurement

Michael McCallum
Clerk

ASHBY BOARD OF SELECTMEN

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

DATE: May 27, 2012

William A. Davis, *Constable of Ashby*

**TOWN OF ASHBY
RESULTS OF SPECIAL TOWN ELECTION
JUNE 21, 2012**

The warrant was returned to the Town Clerk by Constable William Davis on Thursday, June 21, 2012 at 10:30 AM.

Election officers on duty and duly sworn in were as follows: Bertha Tiilikkala, Rachel Patnaude, Betty Tiilikkala, Linda Stacy, Jill Niemi, Angie Godin and Sue Siebert.

The polls opened at 12:00 noon.

The following is the question and the votes it received as it appeared on the official ballot.

LEVY LIMIT OVERRIDE
QUESTION 1.

“Shall the Town of Ashby be allowed to assess an additional \$ 460,940.23 in real estate and personal property taxes for the purposes of funding a supplemental appropriation for the North Middlesex Regional School District budget for the fiscal year beginning July first, two thousand and twelve?”

YES	189	
NO	430	
TOTAL BALLOTS CAST		619

The polls closed at 7:30 PM.

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

At the close of the polls the ballot box read 619 voters had cast a ballot; the checkers' tally sheets read 619 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, Tuesday, August 14, 2012 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, transfer from available funds, or borrow \$159,439.67 for the operating budget of the North Middlesex Regional School District, in addition to the sum voted under the May 5, 2012 Annual Town Meeting, Article 11 for said operating budget, provided that no funds shall be expended and no bonds shall be issued unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Pepperell and/or the Town of Townsend also votes to approve and fund its proportional share of such additional appropriations, or act in relation thereto.

Finance Committee action: ✓ Approved ___ Disapproved ___ No Action

Brief Explanation: This article represents the additional monies requested by North Middlesex Regional School District over and above the proportional new growth and tax levy monies as voted at the May 5, 2012 Annual Town Meeting under Article 11. One other town will be required to vote the budget at the same level.

Article 2. To see if the Town will vote to amend the vote taken under the May 5, 2012 Annual Town Meeting, Article 10 for the operation of the Recycling Center and Transfer Station by specifying the funding sources for the appropriation therefore, the sum of \$31,814 to be appropriated as follows: Recycling Center revenues: \$29,310 and Retained earnings: \$2,504 for the ensuing fiscal year, FY2013, beginning July 1, 2012 and ending June 30, 2013, or take any action thereon.

Finance Committee action: ✓ Approved ___ Disapproved ___ No Action

Brief Explanation: Under the May 5, 2012 ATM \$31,814 was appropriated, but the motion failed to identify the source of revenue. This article properly identifies the recycle and retained earnings as the source of revenue for this appropriation.

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 20th day of July, 2012.

Peter McMurray
Chairman

Daniel Meunier
Procurement

Michael McCallum
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: July 30, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF SPECIAL TOWN MEETING
August 14, 2012**

The warrant was returned to the Town Clerk by Constable William Davis at 11:55 AM.

With a quorum present, the Moderator Nancy Chew called the meeting to order at 7:03 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, \$159,439.67 for the operating budget of the North Middlesex Regional School District, in addition to the sum voted under the May 5, 2012 Annual Town Meeting, Article 11 for said operating budget, provided that no funds shall be expended unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Pepperell and/or

the Town of Townsend also votes to approve and fund its proportional share of such additional appropriations.

The motion was made and seconded to amend the article to read “to transfer \$159,439.67 from the Stabilization Fund for the re-certified North Middlesex Regional School District budget for the school year 2013 and to postpone indefinitely the upcoming vote on the 2 ½ override, so called, scheduled for August 28, 2012.”

The moderator announced to the voters that Town Counsel states that an election cannot be postponed without a court order.

The motion was made and seconded to delete “and to postpone indefinitely the upcoming vote on the 2 1/2 override, so called, scheduled for August 28, 2012.”

VOTE ON AMENDED ARTICLE:	FAIL		
VOTE ON ORIGINAL ARTICLE:	YES- 87	NO-32	PASSED

Article 2. The motion was made and seconded to amend the vote taken under the May 5, 2012 Annual Town Meeting, Article 10 for the operation of the Recycling Center and Transfer Station by specifying the funding sources for the appropriation therefore, the sum of \$31,814 to be appropriated as follows: Recycling Center revenues: \$29,310 and Retained earnings: \$2,504 for the ensuing fiscal year, FY2013, beginning July 1, 2012 and ending June 30, 2013.

VOTE: PASSED

The motion was made and seconded to dissolve the Special Town Meeting at 8:55 PM, and so voted.

Lorraine Pease, *Ashby Town Clerk*

**COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN ELECTION
AUGUST 28, 2012**

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, who are qualified to vote in elections and town affairs, to meet at the Ashby Elementary School Auditorium in said Ashby, Tuesday, the 28th day of August next, at 12:00 noon, to give in their votes on one ballot for the following question:

2 ½ LEVY LIMIT OVERRIDE

QUESTION 1.

“Shall the Town of Ashby be allowed to assess an additional \$159,439.67 in real estate and personal property taxes for the purposes of funding a supplemental appropriation for the North Middlesex Regional School District budget for the fiscal year beginning July first, two thousand and twelve?”

YES _____ NO _____

The polls will be open at 12:00 noon and shall close at 7:30 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 20th day of July, 2012.

_____	_____	_____ <i>absent from meeting</i>
Peter McMurray <i>Chair</i>	Daniel Meunier <i>Procurement</i>	Michael McCallum <i>Clerk</i>

ASHBY BOARD OF SELECTMEN

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

DATE: July 20, 2012

William A. Davis, *Constable of Ashby*

**TOWN OF ASHBY
RESULTS OF SPECIAL TOWN ELECTION
AUGUST 28, 2012**

The warrant was returned to the Town Clerk by Constable William Davis on Tuesday, August 28, 2012 at 8 AM.

Election officers on duty and duly sworn in were as follows: Bertha Tiilikkala, Rachel Patnaude, Betty Tiilikkala, Linda Stacy, Jill Niemi and Marja LePoer. The polls opened at 12:00 noon.

The following is the question and the votes it received as it appeared on the official ballot.

LEVY LIMIT OVERRIDE
QUESTION 1.

“Shall the Town of Ashby be allowed to assess an additional \$ 159,439.67 in real estate and personal property taxes for the purposes of funding a supplemental appropriation for the North Middlesex Regional School District budget for the fiscal year beginning July first, two thousand and twelve?”

YES	515	
NO	512	
TOTAL BALLOTS CAST		1027

The polls closed at 7:30 PM.

Tellers on duty and duly sworn in were as follows: Nancy Peeler, Elaine Kielty, Pamela Peele, Deborah Pillsbury, Stephanie Lammi and Cathy Kristofferson.

At the close of the polls the ballot box read 1027 voters had cast a ballot; the checkers' tally sheets read 1027 voters had cast a ballot.

Lorraine Pease, Ashby Town Clerk

**THE COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

Middlesex, ss:

To: Constable of the Town of Ashby

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Primaries to vote at the Ashby Elementary School Auditorium on THURSDAY, THE SIXTH DAY OF SEPTEMBER, 2012 from 7:00 AM to 8:00 PM for the following purpose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

SENATOR IN CONGRESS	FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS	Third Congressional District
COUNCILLOR	Seventh District
SENATOR IN GENERAL COURT	Worcester, Hampden, Hampshire & Middlesex District
REPRESENTATIVE IN GENERAL COURT	First Middlesex District
REGISTER OF DEEDS	Middlesex Southern District
CLERK OF COURTS	Middlesex County
SHERIFF(TO FILL VACANCY)	Middlesex County

Hereof, fail not and make due return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 15th day of August, 2012.

Peter McMurray
Chairman

Daniel Meunier
Procurement

Michael McCallum
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 the State Primary.

DATE: August 17, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF STATE PRIMARY
September 6, 2012**

The warrant was returned to the Town Clerk by Constable William Davis at 6:45 A.M.

Election Officers on duty and duly sworn were as follows: Betty Tiilikkala, Rachel Patnaude, Linda Stacy, Marja LePoer, Angie Godin, Sue Siebert, Donna Fors, Kevin Sierra and Bertha Tiilikkala, clerk.

The polls opened at 7:00 A.M.

The following is a list of candidates as they appeared on the official ballots and also the votes each received, and the total blanks:

DEMOCRATIC PARTY PRIMARY BALLOT

SENATOR IN CONGRESS	VOTES
Elizabeth A. Warren	105
Blanks	7
Total ballots cast	112

REPRESENTATIVE IN CONGRESS	
Nicola S. Tsongas	104
Blanks	8
Total ballots cast	112

COUNCILLOR	
All others	1
Blanks	111
Total ballots cast	112

SENATOR IN GENERAL COURT	
Stephen M. Brewer	92
Blanks	20
Total ballots cast	112

REPRESENTATIVE IN GENERAL COURT	
All others	1
Blanks	111
Total ballots cast	112

CLERK OF COURTS

Michael A. Sullivan	90
Blanks	22
Total ballots cast	112

REGISTER OF DEEDS

Robert B. Antonelli	49
Frank J. Ciano	1
Thomas B. Concannon, Jr.	12
Maria C. Curtatone	19
Tiziano Dito	3
Maryann M. Heuston	11
All others	1
Blanks	16
Total ballots cast	112

SHERIFF

Peter J. Koutoujian	92
Blanks	20
Total ballot cast	112

REPUBLICAN PARTY PRIMARY BALLOT

SENATOR IN CONGRESS	VOTES
Scott P. Brown	147
Blanks	2
Total ballots cast	149

REPRESENTATIVE IN CONGRESS

Jonathan A. Golnik	73
Thomas J.M. Weaver	65
Blanks	11
Total ballots cast	149

COUNCILLOR

Jennie L. Caissie	108
Blanks	41
Total ballots cast	149

SENATOR IN GENERAL COURT

Blanks	149
Total ballots cast	149

REPRESENTATIVE IN GENERAL COURT

Sheila C. Harrington	113
Blanks	36
Total ballots cast	149

CLERK OF COURTS

Blanks	149
Total ballots cast	149

REGISTER OF DEEDS

Blanks	149
Total ballots cast	149

SHERIFF

Blanks	149
Total ballots cast	149

GREEN-RAINBOW PARTY PRIMARY BALLOT

ONE BLANK BALLOT CAST

The polls closed at 8:00 p.m.

Tellers on duty and duly sworn were as follows: Deborah Pillsbury, Elaine KIELTY, Stephanie Lammi and Cathy Kristofferson.

At the close of the polls the ballot box read 262 voters had cast a ballot; the checkers' lists tallied 112 Democrats, 149 Republicans and 1 Green-Rainbow had cast ballots, for a total of 262 voters.

Lorraine Pease, *Ashby Town Clerk*

**THE COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

Middlesex, ss:

To: Constable of the Town of Ashby

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Elections to vote at the Ashby Elementary School Auditorium on TUESDAY, THE SIXTH DAY OF NOVEMBER, 2012 from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices:

ELECTORS OF PRESIDENT & VICE PRESIDENT	FOR THIS COMMONWEALTH
US SENATOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	Third Congressional District
COUNCILLOR	Seventh District
SENATOR IN GENERAL COURT	Worcester, Hampden, Hampshire & Middlesex District
REPRESENTATIVE IN THE GENERAL COURT	First Middlesex District
REGISTER OF DEEDS	Middlesex Southern District
CLERK OF COURTS	Middlesex County
SHERIFF (TO FILL VACANCY)	Middlesex County

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer’s dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting

January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A YES VOTE would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A NO VOTE would make no change in existing laws.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer

the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

A NO VOTE would make no change in existing laws

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

A NO VOTE would make no change in existing laws.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 10th day of October, 2012.

Peter McMurray
Chairman

Daniel Meunier
Procurement

Michael McCallum
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 State Election.

DATE: October 24, 2012

William A. Davis, *Constable of Ashby*

**RESULTS OF STATE ELECTION
November 6, 2012**

The warrant was returned to the Town Clerk by Constable William A. Davis at 6:30 AM

Election officers on duty and duly sworn in were as follows: Bertha Tiilikkala, Rachel Patnaude, Marja LePoer, Jill Niemi, Betty Tiilikkala,, Angie Godin, Linda Stacy, Donna Fors and Kevin Sierra.

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.

ELECTORS OF PRESIDENT & VICE PRESIDENT	VOTES
Johnson & Gray	32
Obama & Biden	827
Romney & Ryan	961
Stein & Honkala	10
All others	5
Blanks	8
Total ballots cast	1843

SENATOR IN CONGRESS	
Scott P. Brown	1132
Elizabeth A. Warren	703
Blanks	8
Total ballots cast	1843

REPRESENTATIVE IN CONGRESS	
Nicola S. Tsongas	995

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Jonathan A. Golnik	815
Blanks	73
Total ballots cast	1843

COUNCILLOR

Jennie L. Caissie	1330
All others	3
Blanks	510
Total ballots cast	1843

SENATOR IN GENERAL COURT

Stephen M. Brewer	1250
All others	4
Blanks	589
Total ballots cast	1483

REPRESENTATIVE IN GENERAL COURT

Sheila C. Harrington	1323
All others	2
Blanks	518
Total ballots cast	1843

CLERK OF COURTS

Michael S. Sullivan	1241
All others	3
Blanks	599
Total ballots cast	1843

REGISTER OF DEEDS

Maria C. Curtatone	1224
All others	1
Blanks	618
Total ballots cast	1843

SHERIFF

Peter J. Koutoujian	883
Ernesto M. Petrone	544
All others	1
Blanks	415
Total ballots cast	1843

QUESTION 1.

Yes	1498
No	238
Blanks	107
Total ballots cast	1843

QUESTION 2.

Yes	934
No	864
Blanks	45
Total ballots cast	1843

QUESTION 3.

Yes	1188
No	568
Blanks	87
Total ballots cast	1843

The polls closed at 8:00 PM.

Tellers on duty and duly sworn in were as follows: Richard Catalini, Nancy Peeler, Pamela Peeler, Deborah Pillsbury, Jean Lindquist, Stephanie Lammi, Roberta Flashman, Janet Flinkstrom, Michael Reggio, Ingrid Sweeney, Scott Sweeney, Patricia Wayrynen, Cathy Kristofferson, Nancy Catalini, Francis Despres, Barbara Despres, Krishnabai, Jan Miller, Jon Kimball, Karen Brown, Catherine Foster, William Pineda, John Pankowsky, Jeanette Colameta, Evie Gleckel, Deborah Myles, Terrence Myles, Claire Hutchinson-Lavin, John Hutchinson- Lavin, Sue Siebert, Stephen Hague, Scott Royal, June McNeil, Chris Ewald and Robert Raymond.

At the close of the polls the ballot box read 1843 voters had cast a ballot; the checkers' lists tallied 1843 voters had received a ballot.

**BALLOT FOR ANNUAL TOWN ELECTION
APRIL 30, 2013**

MODERATOR, Three Years

Nancy E. Chew
775 Piper Rd.

Candidate for Re-Election

VOTE FOR ONE

SELECTMAN, Three Years John Hourihan 99 Deer BayRd. Steven Ingerson 1315 Main St.	VOTE FOR ONE
TOWN CLERK, Three Years Lorraine Pease <i>Candidate for Re-Election</i> 328 Richardson Rd.	VOTE FOR ONE
TREASURER, Three Years Kate Stacy <i>Candidate for Re-Election</i> 75 Frost Rd.	VOTE FOR ONE
ASSESSOR, Three Years	VOTE FOR ONE
NORTH MIDDLESEX SCHOOL COMMITTEE, Three years	VOTE FOR ONE
CONSTABLE, Three Years William A. Davis <i>Candidate for Re-Election</i> 202 Nourse Rd.	VOTE FOR ONE
BOARD OF HEALTH, Three Years Cedwyn Morgan <i>Candidate for Re-Election</i> 593 Erickson Rd.	VOTE FOR ONE
BOARD OF HEALTH, Two Years	VOTE FOR ONE
PLANNING BOARD, Five Years Jean Lindquist <i>Candidate for Re-Election</i> 241 Deer Bay Rd.	VOTE FOR ONE
CEMETERY COMMISSIONER, Three Years	VOTE FOR ONE
PARK COMMISSIONER, Three Years Stephanie B. Lammi <i>Candidate for Re-Election</i> 676 West Rd.	VOTE FOR ONE

PARK COMMISSIONER, Two Years

VOTE FOR ONE

Eric Rantala
222 Turnpike Rd.

PARK COMMISSIONER, One Year

VOTE FOR ONE

LIBRARY TRUSTEES, Three Years

VOTE FOR THREE

David A. Jordan *Candidate for Re-Election*
370 Frost Rd.

Douglas Leab *Candidate for Re-Election*
611 Piper Rd.

Anne P. Manney *Candidate for Re-Election*
260 New Ipswich Rd.