

**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 1, 2010 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

<u>Amount</u>	<u>Name</u>	<u>Ave.</u>	<u>Lot</u>	<u>Section</u>
\$200.00	Marjorie Mathewson	D	30	Lyman
\$400.00	Richard & Suzanne Caron	E	15	Lyman
\$400.00	Erika Roy	E	16	Lyman
\$400.00	Mark & Dawn Roy	E	17	Lyman
\$600.00	Walter Roy	E	14	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 appropriate from available funds the sum of \$179,016 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 6. 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, FY2011, beginning July 1, 2010 and ending June 30, 2011, 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 7. To see if the Town will vote to appropriate from Free Cash the sum of \$3,500 to the Municipal Building Repair account for the purpose of paying for engineering, design and fees to obtain a permit 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 8. To see if the Town will vote to appropriate from Free Cash the sum of \$1,000 to the Town Office Expense account for the purpose of paying for the construction and installation of a new Town Meetings Bulletin Board at the Ashby Town Hall, or take any action thereon.

Finance Committee action: **Approved** **Disapproved** **No Action**

Brief Explanation: *This article will keep the Town in compliance with the new Open Meeting law that takes effect July 1, 2010.*

Article 9. To see if the Town will vote to appropriate the sum of \$21,000.00 to be expended by the Solid Waste Department to defray the operational expenses and other necessary charges of the Recycling Center and Transfer Station for the ensuing fiscal year, FY2011, beginning July 1, 2010 and ending June 30, 2011, or take any action thereon.

Description	FY11 Amount
<i>Revenues:</i>	
Loan Balance/Retained Earnings	\$ 0.00
Interest Income	\$ 200.00
Trash Disposal Fees Collected	\$ 13,800.00
Recyclable Fees Collected	\$ 5,500.00
Recyclable Sales	\$ 1,500.00
Hauler Permit Fees	\$ 0.00
<i>Total Revenues:</i>	<i>\$ 21,000.00</i>

<i>Expenses:</i>	
Salaries and Wages	\$ 3,950.00
General Operating Expenses	\$ 1,500.00
Trash Trucking Services	\$ 2,400.00

Trash Disposal Expenses	\$ 7,800.00
Recycling Expenses	\$ 4,000.00
Emergency Reserve	\$ 1,350.00
<i>Total Expenses:</i>	<i>\$ 21,000.00</i>

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 FY11.*

Article 10. To see if the Town will vote to appropriate from Free Cash the sum of \$2,743 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 11. 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 12. 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 13. To see if the Town will vote to amend the Zoning By-Law by inserting the following section:

Section 4.13, Expanded Commercial Agriculture Use Overlay District

4.13.1 Purpose: The purpose of this by-law is to provide for additional uses for land used for commercial agricultural in order to improve the economic viability of such land and encourage continued agricultural use.

4.13.1.1 Applicability: This section shall apply to parcels in all zoning districts with the primary use of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture as used in Massachusetts General Laws Chapter 40A Section 3 and to abutting parcels in common ownership.

4.13.2 Permitted Uses:

- 1) Farmers' market to rent or lease space for the sale of agricultural products.
- 2) Cider mill for the commercial processing of cider.
- 3) Dairy processing facility for the commercial processing of cheese and other dairy products.
- 4) Winery for the commercial production of wine.

4.13.3. Special Permit Uses

4.13.3.1 Special Permit Granting Authority: The Zoning Board of Appeals is the Special Permit granting authority. All uses shall be operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the ZBA finds in writing that:

- 1) the specific site is an appropriate location for such use;
- 2) the use is not expected to adversely affect the neighborhood;
- 3) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- 4) no nuisance is expected to be created by the use; and
- 5) adequate and appropriate facilities will be provided for the proper operation of the use.

Such Special Permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate adverse impacts of the use.

4.13.3.2 The following uses shall be subject to the issuance of a Special Permit:

- 1) Agri-tourism such agricultural tours, museums and demonstrations.
- 2) Events, festivals or fairs.
- 3) Weddings, receptions, celebrations
- 4) Training and trials for hunting dogs and working dogs
- 5) Outdoor furniture, lawn and garden store
- 6) Sale of firewood, pellets, coal and stoves that burn firewood, pellets or coal.
- 7) Ice cream stand
- 8) Bakery
- 9) Small engine repair

, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: *This article allows additional commercial uses by right and by special permit for land in commercial agriculture use.*

Article 14. To see if the Town will vote to amend the Zoning bylaw by deleting section 4.6.1 but not its subsections and replacing it with the following:

4.6.1 Flood District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Ashby designated as Zone A on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Ashby are panel numbers 25017C0010E, 25017C0030E, 25017C0035E, 25017C0040E, 25017C0042E and 25017C0045E effective June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report effective June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

, or take any action thereon.

Finance Committee action: Approved Disapproved No Action

Brief Explanation: *This article amends the Zoning Bylaw to reference the recently updated Flood Insurance Rate Maps.*

Article 15. 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, as such roadway is shown on the street acceptance plan on file with the Town Clerk, 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 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 16. To see if the Town will vote to appropriate from Free Cash the sum of \$8,000 to the Fire Department Expenses account for the purpose of paying for the overhaul of the pump on Engine 1, or take any action thereon.

Finance Committee action: **Approved** **Disapproved** **No Action**

Brief Explanation: *The last pump test conducted indicated that the Engine #1 pump needs to be overhauled in order to continue to pump water to capacity.*

Article 17. To see if the Town will vote to appropriate from Free Cash the sum of \$25,369.32 to the Police Expense account for the purpose of paying for the first year of a three-year lease for leasing two police vehicles and to authorize the Board of Selectmen to enter into a lease with an option to purchase the equipment at term end, or take any action thereon.

Finance Committee action: **Approved** **Disapproved** **No Action**

Brief Explanation: *Two Police Cruisers need to be replaced.*

Article 18. To see if the Town will vote to appropriate from Free Cash the sum of \$36,000 to the Police Expense account for the purpose of paying for the replacement of one police vehicle, or take any action thereon.

Finance Committee action: **Approved** **Disapproved** **No Action**

Brief Explanation: *This will replace one of the two Police Cruisers that need to be replaced. If previous article passes this can be passed over.*

Article 19. 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 _____ day of _____, 2010.

Peter McMurray, Chair

Dan Meunier, Procurement

Joe 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: _____

William Davis
Constable of Ashby