

**Commonwealth of Massachusetts
Special Town Meeting**

Middlesex, ss:

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

Greeting:

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

SPECIAL TOWN MEETING ARTICLES

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

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

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

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

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

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

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

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

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

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

Given under our hands this _____ day of _____, 2011.

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 fourteen days before the time of said Special Town Meeting.

Date: _____

William Davis
Constable of Ashby

**Commonwealth of Massachusetts
Annual Town Meeting**

Middlesex, ss:

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

Greeting:

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

ANNUAL TOWN MEETING ARTICLES

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

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

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

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

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

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

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

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

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

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

Glenwood Cemetery

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

, or take any action thereon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 17. To see if the Town will vote to accept as a Town way the subdivision roadway known as Daley Drive, as heretofore laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in

said roadway, together with all related drainage, utility and other easements; said Daley Drive being more particularly described in the Definitive Subdivision Plan on file with the Town Clerk; or to take any other action relative thereto.

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

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

Article 18. To see if the Town will vote to authorize the Selectmen to enter into a long term lease agreement to allow a Solar Photovoltaic (PV) Power Generating system on the landfill site on Greenville Road and to authorize the Board of Selectmen to grant easements for the purpose of providing access to, and use of, the landfill site, with such terms as are in the best interest of the Town; or to take any other action relative thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

6.5.3.1 Restaurant with drive up or curbside food service.

, or take any action relative thereto.

By Petition.

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

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

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

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

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

Given under our hands this _____ day of _____, 2011.

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