

**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 Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 7, 2016 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.

Brief Explanation: *This article allows the voters at Town Meeting to elect officials to open 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.*

Finance Committee action: ___ Approved ___ Disapproved No Action

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

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 appear in the Town Annual Report.*

Finance Committee action: ___ Approved ___ Disapproved No Action

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 other action relative thereto.

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.*

Finance Committee action: Approved ___ Disapproved ___ No Action

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	Peter & Sandra Tokola	A	8A	Lyman I
\$200.00	Olavi & Eva Tokola	A	8B	Lyman I
\$200.00	John & Deborah Vogt	E	5	Lyman II
\$200.00	Barbara Harrison	E	6	Lyman II
\$200.00	Kyle Sheldon	E	7	Lyman II

or take any other action relative thereto.

Brief Explanation: *The Cemetery Commissioners must 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.*

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

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 total expenditures not to exceed \$15,000; or take any other action relative thereto.

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

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

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 total expenditures not to exceed \$3,000; or take any other action relative thereto.

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

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

Article 7. To see if the Town will vote to appropriate all funds received from the state under the provisions under the “Chapter 90” program to provide for eligible road resurfacing and/or other improvement projects for Town roads; said sum to be 100% reimbursable by the Commonwealth under the provisions of the “Chapter 90” program; or take any other action relative thereto.

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

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

Article 8. To see if the Town will vote to appropriate from available funds the sum of \$32,627 for the purpose of operating the Ashby Recycling Center & Transfer Station for FY2017, or take any other action relative thereto.

Brief Explanation: *This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY17; funding is derived from the funds generated by the RCTS, and does not come from the tax levy.*

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

Article 9. To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to defray the expenses of the Town for the fiscal year commencing July 1, 2016 and to set the salaries of elected officials; or take any other action relative thereto.

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

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

Amounts shown for prior fiscal years may include funds received through warrant articles, reserve fund transfers, etc. as well as transfers out and do not necessarily reflect budget amounts voted initially by Town Meeting.

TOWN OF ASHBY				
		FY15	FY16	FY17
	<i>LINES</i>	<i>SPENT</i>	<i>BUDGET</i>	<i>FINCOM RECOMMEND</i>
<u>Administration</u>				
<u>1</u>	Salaries & Wages	\$ 51,156.71	\$ 52,691.41	\$ 53,481.78
<u>2</u>	Expenses	\$ 5,229.25	\$ 6,550.00	\$ 6,550.00
-		\$ 56,385.96	\$ 59,241.41	\$ 60,031.78
<u>Town Administrator</u>				
<u>3</u>	Salaries & Wages	\$ 38,000.00	\$ 39,140.00	\$ 39,727.10
-		\$ 38,000.00	\$ 39,140.00	\$ 39,727.10
<u>Finance Committee</u>				
<u>4</u>	Expense Budget	\$ 155.00	\$ 500.00	\$ 250.00
<u>5</u>	Reserve Fund	\$ 38,431.26	\$ 41,000.00	\$ 30,000.00
-		\$ 38,586.26	\$ 41,500.00	\$ 30,250.00
<u>Town Accountant</u>				
<u>6</u>	Salaries & Wages	\$ 29,534.32	\$ 33,960.00	\$ 34,454.40
<u>7</u>	Clerical	\$ 3,794.68	\$ 4,100.00	\$ 4,100.00
-	Expenses	\$ 19,373.75	\$ 24,523.60	\$ 24,524.00
-		\$ 52,702.75	\$ 62,583.60	\$ 63,078.40
<u>Board of Assessors</u>				
<u>10</u>	Assessing Services	\$ 28,500.00	\$ 22,000.00	\$ 22,880.00
<u>11</u>	Wages	\$ 15,454.25	\$ 20,897.60	\$ 21,211.07
-	Expenses	\$ 5,278.98	\$ 7,590.00	\$ 9,665.00
-		\$ 51,233.23	\$ 50,487.60	\$ 53,756.07
<u>Treasurer</u>				
<u>15</u>	Salaries & Wages	\$ 25,643.07	\$ 26,382.36	\$ 26,763.10
-	Expenses	\$ 8,560.38	\$ 13,826.00	\$ 18,620.78
-		\$ 34,203.45	\$ 40,208.36	\$ 45,383.88
<u>Tax Collector</u>				
<u>18</u>	Salaries & Wages	\$ 32,435.41	\$ 39,935.41	\$ 40,519.44
<u>18a</u>	Wages	\$ -	\$ 2,500.00	\$ 2,500.00
-	Expenses	\$ 13,061.08	\$ 13,153.44	\$ 13,153.44
-		\$ 45,934.42	\$ 55,588.85	\$ 56,210.38
<u>Legal Services</u>				
<u>21</u>	Expenses	\$ 31,821.58	\$ 30,000.00	\$ 32,000.00
-		\$ 31,821.58	\$ 30,000.00	\$ 32,000.00
<u>Technology and Systems</u>				
<u>22</u>	Expenses	\$ 35,892.52	\$ 43,000.00	\$ 43,000.00
-		\$ 38,761.58	\$ 43,000.00	\$ 43,000.00

Town Clerk				
23	Town Clerk Salary	\$ 31,143.11	\$ 32,077.40	\$ 32,558.56
24	Clerical	\$ 6,943.80	\$ 7,647.64	\$ 7,762.35
25	Election and Registrar Stipend	\$ 6,127.13	\$ 6,127.13	\$ 6,127.13
-	Expenses	\$ 8,789.07	\$ 10,837.00	\$ 10,837.00
-		\$ 57,973.60	\$ 56,689.17	\$ 57,285.04
Town Reports				
30	Expenses	\$ 1,431.65	\$ 1,600.00	\$ 1,600.00
-		\$ 1,431.65	\$ 1,600.00	\$ 1,600.00
Conservation Commission				
31	Expenses	\$ 1,105.73	\$ 1,700.00	\$ 1,700.00
-		\$ 1,276.30	\$ 1,700.00	\$ 1,700.00
Planning				
32	Expenses	\$ 750.00	\$ 750.00	\$ 875.00
-		\$ 2,051.75	\$ 750.00	\$ 875.00
Zoning				
33	Zoning Bd Expense	\$ 375.56	\$ 580.00	\$ 580.00
-		\$ 375.56	\$ 580.00	\$ 580.00
Land Use				
34	Agent Budget	\$ 9,528.75	\$ 10,000.00	\$ 10,000.00
-	Expenses	\$ 1,395.92	\$ 1,675.38	\$ 1,699.77
-		\$ 10,924.67	\$ 11,675.38	\$ 11,699.77
Town Office				
-	Expenses	\$ 37,840.78	\$ 60,020.00	\$ 60,020.00
-		\$ 43,952.62	\$ 60,020.00	\$ 60,020.00
Town Clock				
40	Stipend	\$ 250.00	\$ 500.00	\$ 500.00
-		\$ 250.00	\$ 500.00	\$ 500.00
Municipal Buildings/Grounds				
47	Wages/Stipend	\$ 4,194.24	\$ 4,005.00	\$ 4,005.00
-	Expenses	\$ 10,943.19	\$ 16,100.00	\$ 16,100.00
-		\$ 37,195.33	\$ 20,105.00	\$ 20,105.00
Police				
49	Police Chief Wages	\$ 84,278.00	\$ 84,278.00	\$ 90,701.46
50	Wages - Coverage	\$ 345,962.12	\$ 445,952.49	\$ 475,534.51
-	Expenses	\$ 134,367.08	\$ 188,826.56	\$ 190,710.67
-		\$ 597,336.15	\$ 719,057.05	\$ 756,946.64
Fire				
54	Chief Salary	\$ 54,540.83	\$ 56,177.05	\$ 57,019.71
55	Firefighters Wages	\$ 14,997.18	\$ 14,500.00	\$ 14,717.50
56	FF/ EMT Wages	\$ 38,941.20	\$ 40,132.72	\$ 40,734.71
57	Firefighter Stipends	\$ 5,000.00	\$ 5,000.00	\$ -
58	FF/EMT Overtime	\$ 9,993.54	\$ 8,000.00	\$ 8,000.00
-	Expenses	\$ 39,528.38	\$ 45,897.70	\$ 59,853.20

-		\$ 166,637.51	\$ 169,707.47	\$ 180,325.12
<u>Waste Oil</u>				
62	Stipend	\$ 1,164.25	\$ 1,164.65	\$ -
63	Expenses	\$ 971.45	\$ 950.00	\$ -
		\$ 2,644.70	\$ 2,114.65	\$ -
<u>EMS</u>				
64	Wages - Coverage	\$ 10,733.64	\$ 13,000.00	\$ 13,195.00
65	Stipend - training	\$ 4,215.00	\$ 4,215.00	\$ 8,760.00
-	Expenses	\$ 44,635.05	\$ 43,123.00	\$ 43,930.00
		\$ 59,583.69	\$ 60,338.00	\$ 65,885.00
<u>Emergency Management</u>				
67(2)	Salaries & Wages	\$ 626.20	\$ 644.99	\$ 654.66
68	Expenses	\$ 1,000.00	\$ 1,000.00	\$ 1,300.00
		\$ 1,626.20	\$ 1,644.99	\$ 1,954.66
<u>E-911</u>				
69	Expenses	\$ 100.00	\$ 100.00	\$ 100.00
-		\$ 100.00	\$ 100.00	\$ 100.00
<u>Hazardous Waste Coord.</u>				
69(2)	Stipend	\$ -	\$ 345.86	\$ -
-		\$ -	\$ 345.86	\$ -
<u>Building Inspector</u>				
70	Salaries & Wages	\$ 10,629.54	\$ 10,948.43	\$ 11,112.66
71	Expenses	\$ 219.99	\$ 907.74	\$ 907.74
-		\$ 10,849.53	\$ 11,856.17	\$ 12,020.40
<u>Plumbing Inspector</u>				
72	Salaries & Wages	\$ 6,287.24	\$ 6,475.86	\$ 6,573.00
73	Expenses	\$ 52.50	\$ 165.00	\$ 165.00
		\$ 6,339.74	\$ 6,640.86	\$ 6,738.00
<u>Electrical Inspector</u>				
74	Salaries & Wages	\$ 6,287.24	\$ 6,475.86	\$ 41,576.00
75	Expenses	\$ 275.95	\$ 1,200.00	\$ 1,200.00
-		\$ 6,563.19	\$ 7,675.86	\$ 42,776.00
<u>Dog Officer</u>				
76	Salaries & Wages	\$ 14,283.79	\$ 14,712.30	\$ 14,932.98
77	Expenses	\$ 1,333.00	\$ 1,500.00	\$ 1,500.00
-		\$ 15,616.79	\$ 16,212.30	\$ 16,432.98
<u>Emergency Dispatch</u>				
78	Salaries & Wages	\$ 173,139.02	\$ 208,006.96	\$ 260,833.81
79	Expenses	\$ 2,092.61	\$ 6,694.04	\$ 8,894.04
-		\$ 175,231.63	\$ 214,701.00	\$ 269,727.85
<u>Monty Tech</u>				
80	Assessment	\$ 389,951.00	\$ 359,204.00	\$ 336,371.00
-		\$ 389,951.00	\$ 359,204.00	\$ 336,371.00
<u>NMRSD</u>				
-	Assessment	\$ 2,982,562.00	\$ 3,123,301.00	\$ 3,359,356.00

-		\$ 2,982,562.00	\$ 3,123,301.00	\$3,359,356.00
<u>Highway</u>				
<u>83 (2)</u>	Wages Supt.	\$ 60,990.48	\$ 62,830.00	\$ 63,772.45
<u>84</u>	Wages - Regular	\$ 120,243.28	\$ 160,233.12	\$ 165,073.84
<u>85</u>	Wages -Overtime	\$ 1,888.64	\$ 2,000.00	\$ 2,030.00
-	Expenses	\$ 124,306.61	\$ 158,601.00	\$ 165,551.00
-		\$ 394,404.22	\$ 383,664.12	\$ 396,427.29
<u>Snow & Ice</u>				
<u>91</u>	Winter Operation Wages	\$ -	\$ -	\$ -
<u>92</u>	Winter Overtime	\$ 20,694.00	\$ 13,000.00	\$ 13,000.00
<u>93</u>	Winter Expenses	\$ 176,224.96	\$ 87,000.00	\$ 87,000.00
-		\$ 196,918.96	\$ 100,000.00	\$ 100,000.00
<u>Street Lights</u>				
<u>94</u>	Expense	\$ 800.00	\$ 1,080.00	\$ 1,080.00
-		\$ 800.00	\$ 1,080.00	\$ 1,080.00
<u>Tree Warden</u>				
<u>95</u>	Expenses	\$ 600.00	\$ 2,000.00	\$ 2,000.00
-		\$ 600.00	\$ 2,000.00	\$ 2,000.00
<u>Cemetery</u>				
<u>96</u>	Wages - Coverage	\$ 7,122.35	\$ 8,930.65	\$ 9,064.61
<u>97</u>	Expense	\$ 1,764.28	\$ 2,000.00	\$ 2,000.00
-		\$ 8,886.63	\$ 10,930.65	\$ 11,064.61
<u>Board of Health</u>				
-	Expenses	\$ 14,480.81	\$ 17,991.02	\$ 18,355.76
-		\$ 14,490.65	\$ 17,991.02	\$ 18,355.76
<u>Animal Inspector</u>				
<u>102</u>	Stipend	\$ 420.24	\$ 420.24	\$ 420.24
-		\$ 420.24	\$ 420.24	\$ 420.24
<u>Council on Aging</u>				
<u>103</u>	Wages	\$ 2,184.63	\$ 2,250.00	\$ 2,359.88
<u>103A</u>	Expense	\$ 904.38	\$ 1,850.00	\$ 1,775.00
-		\$ 3,089.01	\$ 4,100.00	\$ 4,134.88
<u>Veterans' Services</u>				
<u>104</u>	Salaries & Wages	\$ 1,749.05	\$ 1,801.52	\$ 1,828.54
-	Expenses	\$ 39,048.66	\$ 42,000.00	\$ 42,000.00
-		\$ 40,797.71	\$ 43,801.52	\$ 43,828.54
<u>Library</u>				
<u>107</u>	Librarian Salary	\$ 21,744.00	\$ 25,152.00	\$ 26,000.00
<u>108</u>	Library Assistant Wages	\$ 19,547.53	\$ 19,303.36	\$ 19,592.91
-	Expenses	\$ 44,345.63	\$ 45,117.00	\$ 46,177.00
-		\$ 88,707.00	\$ 89,572.36	\$ 91,769.91
<u>Band Concerts</u>				
<u>113</u>	Expenses	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<u>113A</u>	Police Detail Wages	Pd fr. Police Budget	Pd fr. Police Budget	\$ 1,074.00
-		\$ 7,500.00	\$ 7,500.00	\$ 8,574.00

July 3rd				
114	Expenses	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
-		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Allen Field				
115	Expenses	\$ 1,357.37	\$ 1,800.00	\$ 1,900.00
-		\$ 2,757.82	\$ 1,800.00	\$ 1,900.00
Town Common				
116	Expenses	\$ 3,707.45	\$ 4,550.00	\$ 4,650.00
-		\$ 3,707.45	\$ 4,550.00	\$ 4,650.00
Debt Service				
118	Temporary Loan Interest	\$ -	\$ 1,000.00	\$ 1,000.00
-		\$ -	\$ 1,000.00	\$ 1,000.00
Middlesex Retirement				
123	Middlesex Retirement System	\$ 150,378.00	\$ 163,640.00	\$ 173,361.00
-		\$ 150,378.00	\$ 163,640.00	\$ 173,361.00
Unemployment				
124	Unemployment Compensation	\$ 8,671.07	\$ 10,000.00	\$ 10,000.00
-		\$ 8,671.07	\$ 10,000.00	\$ 10,000.00
Employee Ins. Benefits				
125	Employee Benefits Expense	\$ 306,293.26	\$ 408,674.79	\$ 461,994.18
-		\$ 306,293.26	\$ 408,674.79	\$ 461,994.18
Workers Compensation				
126	Insurance Not Health	\$ 6,321.28	\$ 11,000.00	\$ 11,000.00
-		\$ 6,321.28	\$ 11,000.00	\$ 11,000.00
Insurance P & C				
127	Liability P&C, E,F&P	\$ 66,956.69	\$ 80,000.00	\$ 80,000.00
-		\$ 66,956.69	\$ 80,000.00	\$ 80,000.00
FICA				
128	Employee Costs	\$ 22,623.18	\$ 25,010.00	\$ 25,010.00
-		\$ 22,623.18	\$ 25,010.00	\$ 25,010.00
	Total	\$ 6,283,626.01	\$ 6,636,203.28	\$ 7,074,206.48

Setting of Elected Salaries under Article 9:

- a. Town Clerk: \$32,558.56
- b. Town Collector: \$40,519.44 (Includes \$1,000 certification stipend)
- c. Town Treasurer: \$26,763.10 (Includes \$1,000 certification stipend)

Article 10. To see if the Town will vote to amend the By-Laws of the Town of Ashby by adding headings to the specified, currently unnumbered sections, as shown below:

“MUNICIPAL DOG CONTROL LAW” – ARTICLE XX
“TOBACCO REGULATIONS” – ARTICLE XXI
“HISTORIC DISTRICT BY-LAW” – ARTICLE XXII

or take any other action relative thereto.

Brief Explanation: *This is a "housekeeping" article, establishing an orderly arrangement of the by-laws which have been previously adopted.*

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

Article 11. To see if the town will make the following grammatical or language corrections to the specified By-laws of the Town of Ashby:

- In ARTICLE I ("GENERAL PROVISIONS"), delete, in Section 4, the word "of," so the phrase will read: "... pay a fine not exceeding..."
- In ARTICLE X ("BUILDING REGULATIONS"), delete the existing language of Section 2 ("All driveways hereinafter constructed and providing access to a public way shall not be constructed until approved by the Superintendent of Highways.") and replace with the sentence: "No driveway providing access to a public way shall be constructed without the prior approval of the Highway Superintendent."
- In ARTICLE X ("BUILDING REGULATIONS"), delete, in Section 3, the word "proscribed," and substitute therefore the word "prescribed."
- In ARTICLE XIV ("EARTH REMOVAL"), in Section 6 ("Performance Standards"), subsection 6, delete the word "from" and substitute therefore the word "onto" so the phrase will read, "... prevent dust and contents from spilling and blowing onto the road."
- In ARTICLE XIV ("EARTH REMOVAL"), in Section 7 ("Restoration Standards"), subsection 3, delete the word "through" and substitute the words "and," and "inclusive," so the phrase will read "between December first and March thirty-first, inclusive."
- In ARTICLE XVI ("RIGHT TO FARM"), in Section 2 ("Definitions"), insert the word "activities," in the definition of "farm", so that the definition will read, "... commercial agriculture, or activities accessory thereto."
- In ARTICLE XVII ("SCENIC ROADS"), in Section 3.1 ("Control"), add the word "of" so the phrase will read, "Within the public rights of way of designated roads..."
- In ARTICLE XVII ("SCENIC ROADS"), in Section 3.5 ("Public Shade Tree Act"), strike the word "inferring" and substitute therefore the word "implying."
- In the HISTORIC DISTRICT BY-LAW, in Section 3 ("Definitions"), strike, in the first line, the word "of," so the phrase will read "...shall include rebuilding..."
- In the HISTORIC DISTRICT BY-LAW, in Section 9 ("Procedure for Review"), amend the last sentence of the second paragraph to read, "...dispensed with as hereinafter provided."
- In the HISTORIC DISTRICT BY-LAW, in Section 9 ("Procedure for Review"), in the third paragraph, first sentence, strike the word "who" and substitute therefore the word "whom." Further, in the same paragraph, strike the last sentence and substitute therefore the new

sentence, “In the event the Commission fails to make a determination within the time allotted, the Commission shall thereupon issue a certificate of hardship.”

- In the HISTORIC DISTRICT BY-LAW, Section 10 (“Criteria for Determination”), in the last sentence, strike the word “of” and substitute therefore the word “or,” so the sentence will read, “The Commission shall not consider interior arrangements or architectural features not subject to public view.”;

or take any other action relative thereto.

Brief Explanation: *Another “housekeeping” article. This one corrects grammatical, spelling, and punctuation errors in existing by-laws. In no case has the meaning or intent been altered.*

Finance Committee action: Approved Disapproved No Action

Article 12. To see if the Town will vote to add to the Town By-Laws the following:

ARTICLE XXIII LITTERING ORDINANCE

Section 1. No person shall throw, deposit, discharge or leave, or cause to be thrown, discharged, deposited, or left, any swill, garbage, rubbish, trash, house offal, dead animals, or offensive refuse of any kind upon any public or private way, yard, vacant lot, public place, or body of water except in a receptacle labeled and designated for such a purpose.

Section 2. The Ashby Police Department and the Board of Health Agent duly authorized by the Board of Health shall have the authority to enforce this bylaw and such the rules and regulations pertaining to littering as may be adopted in accordance herewith, in accordance with Massachusetts General Laws, Chapter 40, Section 21D. Any person found by the Ashby Police Department, the Board of Health, or its designees to have violated the littering regulation shall be penalized as follows:

Fines will be assessed at \$100 for the first offense, \$200 for the second offense, and \$300 for the third and any subsequent offense.

or take any other action relative thereto.

Brief Explanation: *This proposed by-law addresses problems noted in recent incidents involving indiscriminate dumping of rubbish.*

Finance Committee action: Approved Disapproved No Action

Article 13. To see if the Town will vote to add to the Town By-Laws the following:

ARTICLE XXIV NON-CRIMINAL DISPOSITION OF VIOLATIONS OF BY-LAWS, RULES, AND REGULATIONS

Section 1. It is hereby established in the Town of Ashby, pursuant to the provisions of MGL Ch. 40, §21D, a system of non-criminal disposition of violations of the Town By-Laws, and/or the rules and regulations of its departments, boards, commissions, committees, and officials, the violation of which is subject to a specific penalty.

Section 2. Any person taking cognizance of a violation of any By-law, rule, or regulation which that person is empowered to enforce, may give to the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, but not later than twenty-one (21) days after the date of said notice. The form, content, timing, manner of delivery, and processing of such notice shall comply with the provisions of said Ch. 40, §21D.

Section 3. Any person notified to appear before the Clerk of the District Court as hereinbefore provided, may, either personally or through a duly authorized agent, appear and make payment of the stipulated fine to the Ashby Town Clerk, or mail to the Ashby Town Clerk, together with the notice, such sum of money not exceeding three hundred dollars as the Town may fix for the penalty for violation of the By-law, rule, or regulation. While payment in person may be made in cash, any payment mailed to the Town Clerk must be in the form of postal note, money order, or check. Payment to the Town Clerk shall operate as a final disposition of the case, and shall not be deemed to be a criminal proceeding.

Section 4. Any person so notified to appear who desires to contest the violation alleged in the notice may, within twenty-one (21) days of the date of said notice, submit a request for hearing, in writing, to the Clerk of the District Court. Any such hearing shall not be deemed to be a criminal proceeding.

Section 5. Any person so notified who fails to confess the offense charged by paying the fine within the time specified, or who fails to pay the sum fined as a penalty after hearing and finding, shall be subject to an application for, and the issuance of a criminal complaint for the violation of the said By-law, rule, or regulation.

Section 6. Non-criminal disposition may be applied to all Town By-laws, rules, and regulations, enforced by the authorized personnel indicated therein (with the Police Department to be considered an enforcement authority in all cases, even if not specifically noted), and with penalties as noted therein. To the extent that a By-law, rule, or regulation fails to include a specific penalty, the penalty for the purpose of non-criminal disposition for any such By-law, rule, or regulation shall be set at \$50.00. To the extent that any such By-Law, rule, or regulation fails to specify an enforcement authority, such enforcement authority shall be the Board of Selectmen in addition to the Police Departments as provided above.

In all instances, where authorized by statute, By-law or regulation, each day in which the violation occurs may be considered a separate violation; or take any other action relative thereto.

Brief Explanation: *This proposed by-law allows for a streamlined process, which will allow fines for violations to be paid without the necessity of a formal court action.*

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

Article 14. To see if the Town will vote to accept MGL, Ch. 44, s. 53F 3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to receive and reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement; and, further to transfer to said fund all monies currently held by the Town for the purposes noted above; and, further, to appropriate from said monies the sum of \$41,710 for the purpose of operating the Ashby PEG Access Department for FY17; or take any other action relative thereto.

Brief Explanation: *This article brings the Town's PEG Access financial process to be brought into conformity with new state legal requirements.*

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

Article 15. To see if the Town will vote to appropriate from available funds the sum of \$10,000, to be expended at the direction of the 250th Anniversary Committee, for the Town's celebration of the anniversary of its establishment; or take any other action relative thereto.

Brief Explanation: *The 250th Celebration Committee has requested the Town contribute \$10,000 as seed money for the development of the various programs and activities to be included in the Town's Commemoration of the event.*

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

Article 16. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$8,250 to procure replacement bulletproof vests for members of the Police Department; or take any other action relative thereto.

Brief Explanation: *Body armor has a five-year life expectancy. The Police Department last replaced bullet proof vests 5 years ago in 2011; time has come for replacement vests.*

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

Article 17. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$12,100 for the provision of Electronic Control Weapons (Tasers) for the Police Department, including any allied expenses; or take any other action relative thereto.

Brief Explanation: *The Police Department warrant article is for four Tasers, data download kits, 8 holsters, 16 cartridges, 4 battery packs, and warranties.*

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

Article 18. To see if the Town will vote to amend the Ashby Zoning By-law, by deleting sections 5.2.2, 6.2.13, 7.2.13 and 9.8.5.2.2, renumbering remaining sections as required, and adding the following to section 4;

4.6 Accessory Apartments

4.6.1 Purpose

The purpose of this section is to encourage accessory apartments as an alternative housing choice in Ashby, in a manner consistent with Ashby's rural character.

4.6.2 Applicability

Accessory apartments shall be permitted by right in residential zoning districts (Residential, Residential/Commercial, Residential/Agricultural) if they are added to an existing single family dwelling unit. Prior to issuance of a building permit, the applicant must secure all other requisite permits and approvals for the accessory apartment.

4.6.3 Requirements for Accessory Apartments in all Permitted Zoning Districts

4.6.3.1 The accessory apartment shall clearly be a subordinate part of the single-family dwelling.

- 4.6.3.2 The principle unit or the accessory apartment shall be occupied by the owner of the premises and in the case of multiple owners at least one of the owners of the dwelling except for temporary absences.
- 4.6.3.3 The dwelling unit in which the accessory apartment is located shall be owned under a single deed.
- 4.6.3.4 No new driveway or curb cut shall be created to service the accessory apartment.
- 4.6.3.5 The accessory apartment must be designed so that the appearance of the building remains unchanged, and there shall be no change to the front façade of the house. Unless otherwise required by the Massachusetts Building Code, any new exterior stairs to provide primary or secondary access to the accessory apartment shall be covered and located on the side or rear of the building.
- 4.6.3.6 The primary dwelling and the accessory apartment shall each be an independent living unit, each containing a kitchen and bathroom and a minimum of one bedroom or bedroom / living area.
- 4.6.3.7 Not more than one accessory apartment shall be permitted in a single-family home.
- 4.6.3.8 The living space in an accessory apartment shall not exceed thirty-three (33) percent of the total heated living area of the primary dwelling, and shall contain no more than two bedrooms.
- 4.6.3.9 Satisfactory evidence must be presented that adequate provision has been made for disposal or sewage, waste and drainage in accordance with the requirements of the Board of Health.
- 4.6.3.10 Accessory apartments must be constructed per the current building code requirements of the Town of Ashby and the Commonwealth of Massachusetts.

or take any other action relative thereto.

Brief Explanation: *This amendment to the Zoning By-law would permit one accessory apartment per dwelling by right, in all residential districts. Currently accessory apartments are allowed by special permit.*

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

Article 19. To see what sum of money the Town will vote to appropriate from available funds for deposit into the Stabilization Fund; or take any other action relative thereto.

Brief Explanation: *This article allows Town Meeting to deposit any or all monies available and not otherwise appropriated or committed into the Stabilization Fund.*

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

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby 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 _____, 2016.

Janet Flinkstrom, Chair

Michael McCallum, Member

Mark Haines, 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