

Town of Ayer



FALL (SPECIAL) TOWN MEETING WARRANT

Ayer High School Auditorium
Monday, October 26, 2009 @ 7:00 p.m.

Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Laura S. Leavitt Auditorium in the Ayer Middle/Senior High School on Monday, the Twenty-Sixth day of October, 2009, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 6th day of October AD 2009.

Cornelius F. Sullivan, Chairman

Richard D. Gilles, Vice Chairman

James M. Fay, Clerk

Carolyn L. McCreary, Member

Gary J. Luca, Member

AYER BOARD OF SELECTMEN

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 16, 2009. We shall make every reasonable effort to assist you.

Large print version of the text of this warrant is available upon request.

ARTICLE 1: PAY PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money to pay unpaid bills from previous fiscal years as described below, as authorized under General Laws Chapter 44, sec.64, or take any action thereon or in relation thereto.

<u>FY</u>	<u>Department</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
2010	Selectmen	Gilbert & Renton	Legal: Insurance Litigation	\$40,280.16
2010	Selectmen	Kopelman & Paige	Legal: Waters/Maher Litig.	\$ 5,789.40
2010	DPW – Highway	Sherwin-Williams	Road and Line Paint	\$ 447.55
2010	Parking Clerk	Municipal Mgmt.	Parking Ticket Collection	\$ 137.07

Sponsor: Board of Selectmen
Finance Committee:

9/10 Vote Required

ARTICLE 2: LITIGATION LEGAL FEES

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of eighty-five thousand dollars (\$85,000) for legal fees associated with defending the so-called “Waters” and “Maher” litigation matters and related insurance litigation, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required
OR 2/3 vote if from Stabilization Fund

Note: The Waters and Maher lawsuits are settled. The costs above are related to the mediated settlement, execution of releases for all parties, and filing of dismissals with the U.S. District Court including approximately \$75,000 to Gilbert & Renton (insurance counsel) for completed work, approximately \$10,000 to Kopelman & Paige for litigation defense and work associated with the releases and dismissal. More information will be presented at the town meeting.

ARTICLE 3: VOCATIONAL EDUCATION TRANSPORTATION

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of twenty-nine thousand dollars (\$29,000) to supplement the FY2010 Department 600 – Education, line 02 Transportation appropriation as approved by a vote under Article 5 of the Annual Town Meeting held on May 11, 2009, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required
OR 2/3 vote if from Stabilization Fund

ARTICLE 4: RESERVE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of one-hundred twenty-six thousand seven-hundred-fifty dollars (\$126,750) to the Reserve Fund, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required
OR 2/3 vote if from Stabilization Fund

ARTICLE 5: CPAC: CONSERVATION LAND ACQUISITION

To see if the Town will vote to transfer from the Open Space Reserve fund of the Community Preservation Fund the sum of one-hundred thirty-three thousand four hundred dollars (\$133,400) for the acquisition of a certain unique parcel of land located off of Oak Ridge Drive, and identified as Assessors Map No. 21, Parcel 46, containing 5.5 acres of land, more or less, including the cost of property surveys, appraisals, legal services, Phase 1 environmental review, and other costs incidental and related thereto, and to authorize the Board of Selectmen to acquire said parcel; and further, that such parcel shall be under the care, custody, management and control of the Conservation Commission for conservation purposes; and to authorize the Board of Selectmen to convey to the Commonwealth or a nonprofit, charitable corporation or foundation, a conservation restriction meeting the requirements of G.L. c.184; and further, to authorize appropriate Town officials to execute instruments and take such other actions as may be necessary to carry out the purposes of this vote, or take any action thereon or in relation thereto.

Sponsor: Community Preservation Cmte.; Conservation Comm. Simple Majority Vote Required
Finance Committee:

ARTICLE 6: ZONING MAP AMENDMENT; APPROVAL

To see if the Town will vote to amend the Ayer Zoning Map, as shown on the amended plan prepared by the Montachusett Regional Planning Commission dated September 24, 2009 as on file in the Office of the Town Clerk, to codify the adopted zoning amendments as set forth below:

- a. Action taken by vote of the October 22, 2007 Town Meeting under Article 7 rezoning a section of land from Residential to Light Industrial off of Willows Rd.
- b. Action taken by vote of the April 26, 1993 Town Meeting under Articles 25, 26, and 27 regarding the designation of the Fort Devens property.
- c. Action taken by vote of the December 7, 1994 Town Meeting under Article 1 regarding adoption of Devens Enterprise Zone.
- d. Action taken by vote of the May 25, 1993 Town Meeting under Article 36 rezoning a 2.907 acre parcel of land located near the Town boundary of Groton and Ayer from Residential to Heavy Industrial
- e. Action taken by vote of the June 8, 2006 Town Meeting under Articles 40 and 41 regarding adoption of the Health Care Services District at 200 Groton Rd (a/k/a Washington Street).
- f. Action taken by vote of the May 9, 1988 Town Meeting under Article 35 a parcel of land located at 60 Willows Road from Residential to Light Industrial.
- g. Action taken by vote of the May 25, 1993 Town Meeting under Article 37 rezoning land identified as Assessors Map 30 parcels 21, 22, and 23 from Residential to Light Industrial (1-L).

- h. Action taken by vote of the November 15, 1999 Town Meeting under Article 7 adopting an Aquifer Protection District area.
- i. Action taken by vote of the November 17, 1997 Town Meeting under Article 21 adopting a Wireless Communication Services District .
- j. Action taken by vote of the May 19, 1998 Town Meeting under Article 41 adopting an Adult Entertainment Enterprises Zone.
- k. Action taken by vote of the March 5, 1973 Town Meeting under Article 4 rezoning land identified as Assessors Map 26, parcels 348 and 350, and Map 19, parcel 13 as industrial.

And further, to rezone land identified as Assessors Map 26, parcels 348 and 350, and Map 19, Parcel 13 as light industrial.

Or take any action thereon or in relation thereto,

Sponsor: Planning Board

2/3 Vote Required

ARTICLE 7: CITIZEN PETITION: Amend Finance Committee Bylaw

To see if the Town of Ayer will vote to amend the Town of Ayer Bylaw, Article IV, Section 2 and 2(c) as follows:

From –

SECTION 2. There shall be a Finance Committee consisting of five voters of the Town, appointed by the Selectmen hereinafter provided, none of whom shall be a Town Officer elected by ballot or an appointed official receiving a salary, which committee may consider any and all municipal questions for the purpose of making reports or recommendations to the Town.

To –

SECTION 2. There shall be a Finance Committee consisting of five (5) voters of the Town, appointed as hereinafter provided. No member of the Finance Committee shall be a Town Officer elected by ballot or an appointed official receiving a salary. The Committee may consider any and all municipal questions for the purpose of making reports or recommendations to the Town.

From –

(c) Upon the expiration of the term of office of each member of the existing board as previously created the Selectmen shall then appoint a successor to serve as a member of said Committee for the term of three years and the members of existing board shall serve for the remainder of their terms as previously created.

To –

(c) The standard term for a member shall be from 1st, July until the 30th, June, three years ahead. Upon the expiration of the term of office of each member, the appropriate authority shall then appoint a successor to serve as a member of said committee for the term of three (3) years.

Members may be appointed, as necessary, at any time during the period, in order to fill empty positions. The appointment would be to complete the previously member's term.

Appointments to be made as follows: One (1) member by the Selectmen. One (1) member by the School Committee. Three (3) members by the Moderator.

, and take any action thereon or in relation thereto.

Sponsor: Citizen Petition.

Simple Majority Vote Required

A True Copy Attest:

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least fourteen days before said meeting, all as herein directed.

, Constable

Date: _____