

Town of Ayer



ANNUAL TOWN MEETING WARRANT

Ayer High School Auditorium
May 9, 2011 @ 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 Ninth day of May, 2011, 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 19th day of April AD 2011.

James M. Fay, Chairman

Frank F. Maxant, 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 May 4, 2011. We shall make every reasonable effort to assist you.

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

2011 ANNUAL TOWN MEETING
Index to Articles and Recommended Actions

Art. No.	Article: Short Title	Board of Selectmen	Finance Committee
1	Town Election	-	-
2	Reports	-	-
3	"Freeze" Compensation Plan Step Increases for FY11		
4	Salaries for Elected Officials		
	FY11 OPERATING BUDGET		
5	FY11 Omnibus Budget	YES	YES
6	Ayer-Shirley Reg'l School Dist. – Transportation Assm't		
	ENTERPRISE FUND ARTICLES		
7	Solid Waste Enterprise Fund	YES	YES
8	Ambulance Enterprise Fund	YES	YES
9	Sewer Enterprise Fund	YES	YES
10	Water Enterprise Fund	YES	YES
	REVOLVING FUNDS (TAKE 9-13 TOGETHER)		
11	Communications Fund: Communications Committee	YES	
12	Fire Alarm Fund: Fire Chief	YES	
13	Hazardous Materials Fund: Fire Chief	YES	
14	Fourth of July Fund: Fourth of July Cmte. w/ BOS	YES	
15	DPW Inspection Fees Fund: Supt. of Public Works	YES	
16	Town Hall Maintenance Fund: Board of Selectmen	YES	
	CAPITAL PLAN BORROW RELATED ARTICLES		
17	Capital Improvement Plan Borrow Articles		
18	Transfer of Unexpended Bond Proceeds		
19	Grove Pond Treatment Plant Funding/Borrowing		
	RAISE AND APPROPRIATE ARTICLE		
20	Capital Exclusion Raise and Appropriate		
	TRANSFERS		
21	Stabilization Fund (2/3 vote required)		
	COMMUNITY PRESERVATION ACT ARTICLES		
22	FY11 Community Preservation Act Budget		
23	Reserve \$12,000 for CPC Appropriation to Open Space		
	GENERAL BUSINESS ARTICLES		
24	Adopt Energy Stretch Code Bylaw		
29	Authorize Solar Power Purchase Agreement		
30	Street Acceptance – John Riley Road		
31	Street Acceptance – Roadways in Pondview Estates		
32	Accept Stormwater Utility Fund		
	CITIZEN PETITIONED ARTICLES		
35	Fletcher Pond Weed Control		

ARTICLE 1: TOWN ELECTIONS

The Town Elections are the first article of business and were held Monday, April 25, 2011.

Gary J. Luca moved. Seconded. Moderator declared noted.

ARTICLE 2: REPORTS

To see if the Town will vote to hear and act on the reports of the several Town of Ayer Officers and Committees that may be ready to report, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Simple Majority Vote Required

James M. Fay moved. Seconded. Green Community Committee reported. No other reports. Moderator declared Article 2 passed.

ARTICLE 3: FREEZE COMPENSATION PLAN FOR FY12

To see if the Town will vote to amend the Personnel Compensation and Classification Plan as adopted by Art. 10 of the May 13, 1996 Annual Meeting, and modified by Art. 3 at the May 13, 2002 Annual Meeting, by adding “no step increases shall be granted for fiscal year 2012 for any employee governed by this plan,” or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Simple Majority Vote Required

Finance Committee: Recommends

Frank F. Maxant moved. Seconded without last 9 words. Moderator declared Article 3 passed without last nine words.

ARTICLE 4: SALARIES OF ELECTED OFFICIALS

To see if the Town will vote to fix the salary and compensation of elected officers of the Town of Ayer, as provided by Section 108, Chapter 41 of the General Laws, as amended, or take any action thereon or in relation thereto.

	<u>FY-11 SALARY</u>	<u>FY-12 SALARY</u>	<u>% OF CHANGE</u>
Moderator	\$ 562	\$ 562	0.0%
Selectmen: Chair	\$ 3,856	3,856	0.0%
Selectmen: Members (4)	\$ 3,438	3,438	0.0%
Assessors: Chair	\$ 3,909	3,909	0.0%
Assessors: Members (2)	\$ 3,497	3,497	0.0%
Treasurer:	\$59,788	59,788	0.0%
Town Clerk	\$26,905	26,905	0.0%
Tax Collector:	\$32,884	32,884	0.0%
Tree Warden:	\$ 5,616	5,616	0.0%

Note: This article is required – Town Meeting sets the salaries of elected officials pursuant to MGL c. 41, § 108.

Sponsor: Board of Selectmen

Simple Majority Vote Required

Finance Committee: Recommends

Carolyn L. McCreary moved. Seconded. Moderator declared Article 4 passed.

ARTICLE 5: OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate or transfer from other available funds, with the sum of (\$439,161) to be appropriated from free cash, the following sum or sums of money for the Omnibus items, assuming passage of Article 3 above, such Omnibus not to include any appropriation for step increases for fiscal 2012 for employees subject to the compensation plan approved as Art. 10 at the May 13, 1996 Annual Meeting and modified by Art. 3 at the May 13, 2002 Annual Meeting, or take any action thereon or in relation thereto:

Dept. 100: General Government
Dept. 200: Finance
Dept. 300: Public Safety
Dept. 400: Public Works
Dept. 500: Human Services
Dept. 600: Public Schools
Dept. 700: Management Support

SEE COMPLETE FY12 OMNIBUS BUDGET AT END OF WARRANT

Sponsor: Board of Selectmen
Finance Committee: Recommends.

Simple Majority Vote Required

Pauline Conley moved. Seconded. Lisa Gabree, Ayer Accountant, presented article and discussed budget. Article 5 passed in a voice vote. \$11,882,586 FY 2012 Proposed Budget passed as written.

ARTICLE 6: REGIONAL SCHOOL AGREEMENT AMENDMENT

To see if the Town will amend Section VI, subsections B,2,b, and c of the Ayer-Shirley Regional School district Agreement to read as follows in order to reflect the intent of the Regional Planning Board regarding the assessment of operating costs during the initial years of the District, with the remainder of subsection B remaining unchanged: or take any action thereon or in relation thereto.

2. Transitional Assessment of Operating Costs. In Order to somewhat cushion the initial financial impact that the creation of the District may have on a member town, the following approach will be utilized in the first years of the District's existence in computing each member's share of the District's net school spending that exceeds the total of the required local contributions for all members (i.e., (b) in the preceding paragraph).
 - a. The fiscal year prior to the effective date of the creation of the District will, for purposes of this subsection, be termed the "base year."
 - b. The amount of net school spending by each member Town that exceeded the member town's local contribution in the base year will, for purposes of this section, be termed the "base year current resources."
 - c. The District's projected net school spending that exceeds the total of the required local contributions for all members for the budget year in question will, for purposes of this section, be termed the "total excess."
 - d. In determining the assessments for the fiscal year of the District's existence, the percentage of the total excess that each member will be assessed will be the same percentage that the member's base year current resources was to the sum of the members' base year current resources.

Sponsor: Board of Selectmen

Gary J. Luca moved. Seconded. Moderator declared Article 6 passed.

ARTICLE 7: REGIONAL SCHOOL AGREEMENT AMENDMENT

To see if the Town will amend Section VI, subsection C,1,c of the Ayer-Shirley Regional School District Agreement to read as follows in order to reflect the intent of the Regional Planning Board regarding assessment of debt service payments attributable to the secondary school buildings of the District: or take any action thereon or in relation thereto.

c. Assessment of Principal and Interest Debt Service. Debt service payments (both principal and interest) which are attributable to elementary school facilities that are under the custody and control of the District, regardless of whether they are owned by the District or leased to the District, will be assessed to the member towns using the following approach. The number of students who reside in each of the member towns who are assigned to the facility in question during the year in which the budget is developed will be identified. Each member town will then be assessed a percentage of the debt service payments attributable to that facility. The percentage will be the same as the percentage that the number of students from that town who are enrolled in the facility in question bears to the total enrollment in that facility. Debt service payments (both principal and interest) which are attributable to secondary school facilities (i.e., middle school and high school), regardless of whether they are owned by the District or leased to the District, will be assessed to the member towns based upon the percentage that the member's foundation enrollment for the preceding five years relates to the foundation enrollment for the entire District during those preceding five years when the foundation enrollment figures for those five years are averaged.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

James M. Fay moved. Seconded. Moderator declared Article 7 passed.

ARTICLE 8: FY 2012 REGIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of (\$8,190,760) required to fund the FY 2012 assessment for the Ayer-Shirley Regional School District, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

Frank F. Maxant moved. Seconded. Moderator declared Article 8 passed unanimously.

ENTERPRISE FUND ARTICLES

Handouts will be provided at Town Meeting with further detail on Articles No. 9 – 12.

ARTICLE 9. SOLID WASTE

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the solid waste department:

Direct costs of \$370,562 of which \$194,540 is to come from solid waste revenue, \$12,165 is to come from solid waste surplus (free cash) and \$163,857 is to come from the tax levy, and **indirect costs** of \$104,600 is to come from the tax levy, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Carolyn L. McCreary moved. Seconded. Moderator declared Article 9 passed unanimously.

ARTICLE 10. AMBULANCE

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the ambulance department:

Direct costs of \$153,800 is to come from ambulance revenue, and **indirect costs** of \$284,000 is to come from ambulance revenue, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Pauline Conley moved. Seconded. Moderator declared Article 10 passed.

ARTICLE 11. SEWER

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the sewer department:

Direct costs of \$2,240,641 of which \$ 2,212,264 is to come from sewer revenue and \$28,377 is to come from the tax levy, and **indirect costs** of \$269,700 of which \$ 210,700 is to come from sewer revenue and \$59,000 is to come from sewer surplus (free cash), or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Gary J. Luca moved. Seconded. Moderator declared Article 11 passed.

ARTICLE 12. WATER

To see if the Town will vote to raise and appropriate or transfer from available funds or from retained earnings the following funds to operate the water department:

Direct costs of \$1,544,089 of which \$1,413,975 is to come from water revenue and \$130,114 is to come from tax levy, and **indirect costs** of \$189,500 of which \$159,500 is to come from water revenue and \$ 30,000 is to come from water surplus (free cash), or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

James M. Fay moved. Seconded. Moderator declared Article 12 passed.

REVOLVING FUND ARTICLES

Recommend Moving Articles 13 through 18 together by consent.

ARTICLE 13. COMMUNICATIONS FUND

To see if the Town will vote to reauthorize a Revolving Fund, pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of supporting the town website, printing and mailing various newsletters, and other town-wide informational mailings from the **Communication Committee**. Receipts to be credited to the account shall be revenues from ads placed in said mailings and on the Town website. The Communication Committee is authorized to expend monies from this fund. In no event shall total expenditures from the Communications Revolving Fund exceed twenty thousand dollars (\$20,000) in Fiscal Year 2012, and provided further that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Communication Committee
Finance Committee: Recommends

Simple Majority Vote Required

**Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together.
Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.**

ARTICLE 14. FIRE ALARM FUND

To see if the Town will vote to reauthorize a Revolving Fund, pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of **Fire Alarm Repairs and Replacement**. Receipts to be credited to the account shall be Fire Alarm Box Assessment Fees and Fines for Needless and False Alarms. The Fire Chief is authorized to expend monies from this fund. In no event shall total expenditures from the Fire Alarm Revolving Account exceed twenty-five thousand dollars (\$25,000) in Fiscal Year 2012, and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

**Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together.
Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.**

ARTICLE 15. HAZARDOUS MATERIALS FUND

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of **Hazardous Materials Expense Replacement**. All receipts from a Haz-Mat incident shall be from billed services, and will be used for replacement of supplies and expenses. The Fire Chief will be authorized to expend monies for this fund. In no event shall total expenditures from the Haz-Mat Revolving Account exceed ten thousand dollars (\$10,000) in Fiscal Year 2012, and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

**Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together.
Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.**

ARTICLE 16. FOURTH OF JULY FUND

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of a **4th of July Revolving Fund**. Receipts to be credited to the Account shall be from vendor fees, and shall be used for purchasing and promoting the event. The 4th of July Committee, with the approval of the Board of Selectmen, is authorized to expend money from this fund. In no event shall total expenditures from the 4th of July Revolving Fund exceed twenty five thousand dollars (\$25,000.00) in Fiscal Year 2012 and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

**Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together.
Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.**

ARTICLE 17. DPW INSPECTION FEES FUND

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of a **Department of Public Works Inspection Revolving Fund**. Receipts to be credited to the fund shall be from development fees or contributions, and shall be used for the purpose of funding inspections of road construction, drainage facilities, and water and sewer line installations. The Superintendent of Public Works shall be authorized to expend money from this fund. In no event shall total expenditures from the Department of Public Works Inspection Revolving Fund exceed one-hundred thousand dollars (\$100,000) in Fiscal Year 2012 and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

**Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together.
Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.**

ARTICLE 18. TOWN HALL MAINTENANCE FUND

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of a **Town Hall Maintenance Fund**. Receipts to be credited to the fund shall be from fees assessed for use of Town Hall facilities and may be used for costs related to operation, maintenance, repair and/or reconstruction at Town Hall and its grounds. The Board of Selectmen shall be authorized to expend money from this fund. In no event shall total expenditures from the Town Hall Maintenance Fund exceed ten thousand dollars (\$10,000) in Fiscal Year 2012 and provided further, that

no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Frank F. Maxant moved that Articles 13, 14, 15, 16, 17, and 18 be passed together. Seconded. Moderator declared Articles 13, 14, 15, 16, 17, and 18 passed.

BORROW ARTICLES

ARTICLE 19. CAPITAL BUDGET REQUESTS

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sums set out in the Warrant and hereby listed for the purposes of the following equipment, services and public works projects as contained in the **Capital Budget**, each sum hereafter to be voted on separately, or take any action thereon or in relation there to.

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW-Water Enterprise	Chemical feed pump skids	\$ 30,000
	Radio read meters & software billing upgrade	\$ 30,000
	Backwash pump replacement (SpecPond)	\$ 100,000
	6" bronze (clay) valve replacement (SpecPond)	\$ 40,000
	Spectacle Pond dehumidifiers	\$ 30,000
DPW-Sewer Enterprise	3/4 ton pickup truck with plow	\$ 44,000
	West Main St. pump station engineering	\$ 40,000
	SCADA upgrades	\$ 35,000
	Radio read meters & software billing upgrade	\$ 30,000
DPW Solid Waste Enterprise	Brush chipper	\$ 30,000
	Front-end loader	\$ 185,000

Note: that while these bonds will be general obligation bonds of the Town, it is anticipated that the principal and interest on such borrowings are to be paid for out of the Enterprise Funds and not the General Fund.

Sponsor: Capital Planning Committee; Board of Selectmen
Finance Committee: Recommends

Two-Thirds Vote Required

Pauline Conley moved with omission of Spectacle Pond dehumidifiers. Seconded. Moderator declared Article 19 passed.

ARTICLE 20. UNEXPENDED BALANCE TRANSFER

To see if the Town will vote to transfer the unexpended balance of two hundred thousand dollars (\$200,000) from the Reserve for Special Borrowing Account of the Sewer Enterprise Fund to provide supplemental funding for the Groton School pump station upgrade (total project cost of \$450,000.00) originally approved at the May 10, 2010 Annual town Meeting (Article 17 borrow authorization), or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Carolyn L. McCreary moved. Seconded. Moderator declared Article 20 passed.

RAISE AND APPROPRIATE ARTICLES

ARTICLE 21. TOWN CLERK-BINDING OF BOOKS

To see if the Town will vote to raise and appropriate the sum of two thousand one hundred two dollars and sixty nine cents (\$2,102.69) or other sum or sums of money to bind in book form the Ayer Annual Town Reports from 2006 to 2009, the Birth Certificates from 2006 to 2009, the Death Certificates from 2006 to 2009, the Marriage Certificates from 2006 to 2009, the Intentions of Marriage from 1986 to 2009, and the Street Lists from 1969 to 2010, or take any action thereon or in relation thereto.

Sponsor: Town Clerk

Simple Majority Vote Required

Board of Selectmen: Not Recommended

Finance committee: Not Recommended

Gary J. Luca moved. Seconded. Moderator declared voice vote passed. Vote was questioned. Hand vote was taken. Moderator declared Article 21 passed 55 Yes to 43 No.

ARTICLE 22. CAPITAL EXCLUSION

To see if the Town will raise and appropriate the sum of \$554,644 for the capital expenditures as set forth below, with each sum hereafter to be voted on separately; provided, however, that the appropriation authorized under this article shall be contingent upon passage of a Proposition 2 ½ capital outlay exclusion referendum question in accordance with the provisions of G.L. c.59, §21C(i½):

<u>Purpose</u>	<u>Amount</u>
Radio Upgrades for DPW, AFD, & APD	\$193,039.00
Street Signs	\$ 58,000.00
6-W dump truck & lift for DPW	\$175,000.00
Generator and Automated HVAC (for Town Hall)	\$128,605.00
Total	\$554,644.00

or take any action thereon or in relation thereto.

Sponsor: Capital Planning Committee; Board of Selectmen

Simple Majority Vote Required

Finance Committee: Recommends

James M. Fay moved. Seconded. Moderator declared Article 22 passed for \$193,039.00 radio upgrades, since it was the only question, which passed at Ayer Annual Town Election.

ARTICLE 23. ACQUIRE RAKIP PROPERTY-CENTRAL AVENUE

To see if the Town will vote to authorize the Board of Selectmen, to acquire for general municipal purposes the parcel of land located off Central Avenue, Ayer, Massachusetts, containing, in the aggregate, 25,631 square feet, more or less, shown as Middlesex County Registry of Deeds as Book 45370, Page 0392 and Board of Assessors Map 26, Block 0, Lot 352 and, as funding for such acquisition and cost related thereto, to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, the sum of twenty six thousand dollars (\$26,000.00) or other sum or sums of money; and further to authorize the Board of Selectman to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Two-Thirds Vote Required

Finance Committee:

Frank F. Maxant moved Articles 23 and 24 be withdrawn. Seconded. Moderator declared Articles 23 and 24 withdrawn.

ARTICLE 24. ACQUIRE ZODIAC PROPERTY –CENTRAL AVENUE

To see if the Town will vote to authorize the Board of Selectmen to acquire for general municipal purposes the parcel of land located off Central Avenue, Ayer, Massachusetts, containing, in the aggregate, 10,231 square feet, more or less, shown as Middlesex County Registry of Deeds as Book 17743, Page 0210 and Board of Assessors Map 26, Block 0, Lot 280 and, as funding for such acquisition and costs related thereto, to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, the sum of One Hundred Twenty Five thousand Dollars, (\$125,000.00) or other sum or sums of money; and further, to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Two-Thirds Vote Required

Frank F. Maxant moved Articles 23 and 24 be withdrawn. Seconded. Moderator declared Articles 23 and 24 withdrawn.

TRANSFER ARTICLES

ARTICLE 25. STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of (\$98,430.00), or such other sum or sums of money, to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, and ten percent (10%) of that amount going into capital stabilization or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Two-Thirds Vote Required

Pauline Conley moved. Seconded. Motion to change sum from \$98,430.00 to \$96,327.31. Seconded. Moderator declared motion to change sum passed. Moderator declared Article 25 passed for the changed sum of \$96,327.31 with a two-thirds vote.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 26. COMMUNITY PRESERVATION ACT

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Act budget, and appropriate from Community Preservation Fund FY 2012 estimated annual revenues:

- A sum of money equal to five percent, and not-to-exceed five thousand dollars (\$5,000.00), to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012.

And further, to reserve for future appropriation from Community Preservation Fund FY 2012 estimated annual revenues the following sums of money, as recommended by the Community Preservation

Committee, for each of the following purposes:

- A sum of money equal to \$89,355, more or less, for acquisition, creation and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$ 17,871, more or less, for acquisition, preservation, restoration and rehabilitation of historic resources, and
- A sum of money equal to \$17,871, more or less, for acquisition, creation and preservation and support of community housing.

And further, to reserve for future appropriation for FY2012 Community Preservation purposes, \$36,614, more or less, to the Community Preservation Fund Budgetary Reserve, or take any action thereon or in relation thereto

Sponsor: Community Preservation Committee
Finance Committee: Recommends

Simple Majority Vote Required

**Gary J. Luca moved. Seconded. Frank F. Maxant moved to strike “more or less.”
Seconded. Moderator declared motion to amend passed. Moderator declared Article 26 passed by striking out “more or less.”**

ARTICLE 27. CPAC – TRANSFER OF FUNDS

To see if the Town will vote to transfer from Community Preservation Fund FY2012 estimated annual revenues the sum of \$12,000, more or less, for open space property appraisals and/or other associated pre-acquisition costs to a project account “Open Space Appraisals” under the control of the Community Preservation Committee.

Sponsor: Community Preservation Committee
Finance Committee: Recommends

Simple Majority Vote Required

Gary J. Luca moved by striking “more or less.” Seconded. Moderator declared Article 27 passed unanimously by striking out “more or less.”

ARTICLE 28. CPAC – PASSIVE RECREATION AREA

To see if the Town will vote to appropriate or transfer from the Community Preservation Fund FY2012 estimated annual revenues, reserve funds, or undesignated fund balance the sum of \$100,000.00, more or less, as a grant to the Ayer Elderly Housing Partnership for the creation of a passive recreation area on the property located at 62 Pleasant Street, Ayer, and describes as Assessors Map 19, Lot 107, as shown on a sketch plan on file with the Town Clerk, which park shall be adjacent to the site of the former Pleasant Street School, at 62 Pleasant Street, Ayer, which has been rehabilitated for elderly housing, pursuant to a grant agreement between the Board of Selectmen, upon such terms and conditions as the Board, in consultation with the Community Preservation Committee, shall deem appropriate, and the Ayer Elderly Housing Partnership limiting the purposes for which such funds may be expended; provided, however, that such agreement shall include a requirement that said Housing Partnership provide the Town a conservation restriction in said land, and further, that the Board of Selectmen or Conservation Commission be authorized to accept the same; or take any other action relative thereto.

Sponsor: Community Preservation Committee
Finance Committee: Recommends

Simple Majority Vote Required

Gary J. Luca moved by striking “more or less.” Seconded. Frank F. Maxant moved to change “describes as” to “described as.” Moderator declared motion to amend by striking “more

or less” and changing “describes as” to “described as” passed. Moderator declared Article 27 passed in voice vote.

ARTICLE 29. OLD NUTTING BUILDING AKA FLETCHER BLDG.

To see if the Town will vote to appropriate or transfer from the Community Preservation Fund FY2012 estimated annual revenues, reserve funds or fund balance the sum of \$250,000, more or less, as a grant to Bonnet Realty Company for the preservation, restoration and rehabilitation of the historic Old Nutting Building (\$100,000), also known as the Fletcher building, so called, located at 51 Main Street, Ayer; and for the creation of six affordable housing units at such building (\$150,000); all pursuant to a grant agreement between the Board of Selectmen, upon such terms and conditions as the Board, in consultation with the Community Preservation Committee, shall determine, and Bonnet Realty Company, the owner of said building, limiting the purposes for which such funds may be expended; provided that such agreement shall contain a requirement that the grantee provide the Town with an historic restriction and an affordable housing restriction or restrictions in said property, and to authorize the Board of Selectmen to accept such restrictions; or take any other action relative thereto.

Sponsor: Community Preservation Committee
Finance Committee: Recommends

Simple Majority Vote Required

Gary J. Luca moved by striking “more or less.” Seconded. Carolyn L. McCreary moved to amend money appropriations to half. Seconded. Moderator declared amendment did not pass. Moderator declared Article 29 passed.

GENERAL BUSINESS ARTICLES

ARTICLE 30. GASB STATEMENT #45 FUND

To see if the Town will vote to accept the provisions of G.L. c. 32B, § 20, to create an “Other Post Employment Benefits Liability Trust Fund” to meet the Town’s obligations under the Government Accounting Standards Board (GASB) Statement #45 to fund the Town’s future obligations for the cost of other post employment benefits identified by the GASB #45 Statement; and, as funding therefore, to raise and appropriate or transfer from available funds the sum of \$10,000.00 more or less; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

James M. Fay moved by deleting “transfer from available funds” and “more or less.” Seconded. Moderator declared Article 30 passes.

ARTICLE 31. STORM WATER UTILITY ENTERPRISE FUND AND RELATED BYLAW

To see if the Town will vote to accept the provisions of G.L. c.44, §53F ½ establishing storm water services as an enterprise fund, to be known as the Storm Water Utility Enterprise Fund, effective July 1, 2012; and further to amend the Town Bylaws by enacting a new bylaw, entitled, “Storm Sewer Management Program Bylaw”, which will authorize the Board of Selectmen to enact rules and regulations, including the establishment of fees and charges, for the use of the Town’s storm water drains and facilities, and will establish penalties for

violation thereof; a copy of the proposed bylaw to be on file at the office of the Town Clerk; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Carolyn L. McCreary moved. Seconded. Dan Nason did power point presentation. Motion to move question. Moderator declared motion to move question failed. Motion to strike “including” to add word “excluding.” Mover withdrew motion. Motion to amend article to end at end of July 1, 2012. Moderator declared motion to amend article passed. Moderator declared Article 31 passed as end of July 1, 2012.

ARTICLE 32. CARE AND CUSTODY OF TAKEN LANDS-BENNETTS CROSSING/PINGRY WAY

To see if the Town will vote to transfer from the Tax Collector for purposes of sale at auction to the care, custody and control of the Conservation Commission for conservation purposes the land shown as Board of Assessors Map 36 Parcel 27 located at 0 Bennetts Crossing, and the land shown as Board of Assessors Map 37 Parcel 11 located at 0 Bennetts Crossing and the land shown as Board of Assessors Map 37 Parcel 26 at 28 Pingry Way to the Ayer Conservation Commission to protect these wetlands, or take any action thereon or in relation thereto.

Sponsor: Ayer Conservation Commission

Two Thirds Vote Required

Pauline Conley moved. Seconded. Motion made to strike “for purposes of sale at auction” after Tax Collector and restating as “land currently held for purposes of sale at auction” after Tax Collector. Moderator declared motion to strike and restate passed. Moderator declared Article 32 passed as amended with a 2/3 vote.

ARTICLE 33. BYLAW AMENDMENT –STRETCH CODE

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e. Appendix 120.AA) as it may be amended from time to time, by amending the Code of the Town of Ayer by adding thereto Chapter 98 entitled “Stretch Energy Code” as follows; or take any action thereon or in relation thereto:

Chapter 98: STRETCH ENERGY CODE

§98-1. Adoption. The Town of Ayer has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.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.

§98-2. 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.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Carolyn L. McCreary moved. Seconded. Stretch Code Power Point Presentation. Motion made not to accept Stretch Code until it becomes part of building code. Moderator declared

illegal. Motion made to move question. Seconded. Moderator declared motion to move question passed. Moderator declared Article 33 passed on voice vote.

ARTICLE 34: AQUIFER PROTECTION DISTRICT BY-LAW AMENDMENT

To see if the Town will vote to amend the Zoning By-Laws, to include within the boundaries of the Aquifer Protection District the Zone II area around Grove Pond Well No. 3 as shown on the sketch plan on file in the Office of the Town Clerk, and to amend the Town's zoning map, entitled, "Town of Ayer, Massachusetts Zoning District Map, September 1986" as on file in the Office of the Town Clerk, accordingly; or take any other action thereon or in relation thereto.

Sponsor: Board of Selectmen, B.O.H., Planning Board, ZBA Two Thirds Majority Vote required

James M. Fay moved. Seconded. Moderator declared Article 34 passed with two-thirds vote.

ARTICLE 35: RATIFY UNION CONTRACT – POLICE SUPERIORS

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2011 through June 30, 2012 between the Town and the Ayer Police Superior Officers, NEPBA Local 32, in the event such an agreement has been reached, as provided under Article 5 herein, or take any other action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

Frank F. Maxant moved to withdraw Articles 35, 36, and 37. Seconded. Moderator declared motion to withdraw Articles 35, 36, and 37 passed.

ARTICLE 36: RATIFY UNION CONTRACT - DPW EMPLOYEES

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2011 through June 30, 2014 between the Town and the DPW Employees, AFCME Local 93, in the event such an agreement has been reached, as provided under Article 5 herein, or take any other action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

Frank F. Maxant moved to withdraw Articles 35, 36, and 37. Seconded. Moderator declared motion to withdraw Articles 35, 36, and 37 passed.

ARTICLE 37: RATIFY UNION CONTRACT – TOWN HALL / AFSCME

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2011 through June 30, 2014 between the Town and the clerical unit of Local 1703, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO, in the event such an agreement has been reached as provided under Article 5 herein, or take any other action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

Frank F. Maxant moved to withdraw Articles 35, 36, and 37. Seconded. Moderator declared motion to withdraw Articles 35, 36, and 37 passed.

CITIZEN PETITION ARTICLES

ARTICLE 38: FLANNAGAN POND VEGETATION CONTROL

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$35,000.00 or other sum or sums of money for a pond weed control program under the control of the conservation Commission, for weed control in Flannagan Pond (aka Fletcher's Pond), spot weed control Flannagan Pond (AKA Fletcher's Pond), monitoring or previous years weed control in Flannigan Pond (AKA Fletcher's Pond), and mobilization of hydro-raking equipment, or take any action thereon or in relation thereto.

Sponsor: Citizen Petition
Finance Committee: Recommends

Simple Majority Vote Required

Charles E. Miller moved. Seconded. Motion to postpone Article 38 and reconsider Article 25. Seconded. Voice vote on motion to postpone. Question the vote. Hand vote on motion to postpone: 52 Yes and 28 No. Charles E. Miller motion to move to amend Article 25 as previously voted by reducing by \$35,000.00 to \$61,327.30. Article 25 vote to reduce stabilization fund to \$61,327.30. Hand vote on reduction of stabilization fund to \$61,327.30: 42 Yes and 41 No. Vote failed for failure of a two-thirds affirmative vote. James M. Fay moved to fund stabilization fund to \$96,327.30. Seconded. Hand vote on motion to fund stabilization fund to \$96,327.30: 60 Yes to 24 No. Vote passed for success of a two-thirds affirmative vote. Charles E. Miller moved for Article 38 to pass for \$35,000.00 for Flanagan Pond weed control program. Seconded. Voice Vote on motion for Article 38 to pass for \$35,000.00 for Flanagan Pond weed control program: Moderator declared No vote has it. Question the vote. Hand vote on motion for Article 38 to pass for \$35,000.00 for Flanagan Pond weed control program: 42 Yes and 41 No. Moderator declared Article 38 passed.

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 seven days before said meeting, all as herein directed.

- Constable

Date: _____