

# Town of Ayer



## SPECIAL TOWN MEETING WARRANT

Ayer High School Auditorium  
May 14, 2012 @ 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 Shirley Regional High School on Monday, the Fourteenth day of May, 2012, 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 24<sup>th</sup> day of April AD 2012.

\_\_\_\_\_  
Gary J. Luca, Chairman

\_\_\_\_\_  
James M. Fay, Vice Chairman

\_\_\_\_\_  
Frank F. Maxant, Clerk

\_\_\_\_\_  
Christopher R. Hillman, Member

\_\_\_\_\_  
Pauline Conley, 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, 2012. We shall make every reasonable effort to assist you.

## **ARTICLE 1.        APPROPRIATION TRANSFER**

To see if the Town will vote to transfer the sum of \$3,438 from the Selectmen appropriation (Department 100-line 01) of the May 9, 2011 Annual Town Meeting to the 4<sup>th</sup> of July Celebration-Fireworks appropriation (Department 100-line 11) of the same Town Meeting, or take any action thereon or in relation thereto.

*Note: This Article complies with the Board of Selectmen vote of May 3, 2011.*

Sponsor: Board of Selectmen  
Finance Committee Recommends

Simple Majority Vote Required

## **ARTICLE 2.        SUPPLEMENTAL APPROPRIATION AMBULANCE ENTERPRISE FUND**

To see if the Town will vote to amend Article 10 of the May 9, 2011 Annual Town Meeting by reducing the amount of indirect costs to come from ambulance revenues and supplementing that amount with an amount to come from ambulance surplus (free cash) as follows:

Indirect costs of \$284,000 or which \$213,000 is to come from ambulance revenues and \$71,000 is to come from ambulance surplus (free cash), or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee Recommends

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 seven days before said meeting, all as herein directed.

\_\_\_\_\_  
- Constable

Date: \_\_\_\_\_

# Town of Ayer



## ANNUAL TOWN MEETING WARRANT

Ayer High School Auditorium  
May 14, 2012 @ 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 Shirley Regional High School on Monday, the Fourteenth day of May, 2012, 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 24<sup>th</sup> day of April AD 2012.

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Gary J. Luca, Chairman

\_\_\_\_\_  
James M. Fay, Vice Chairman

\_\_\_\_\_  
Frank F. Maxant, Clerk

\_\_\_\_\_  
Christopher R. Hillman, Member

\_\_\_\_\_  
Pauline Conley, 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, 2012. We shall make every reasonable effort to assist you.

## **ARTICLE 1: TOWN ELECTIONS**

The Town Elections are the first article of business and were held Monday, April 23, 2012.

## **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.

1. Finance Committee
2. Town Accountant
3. Community Preservation Committee
4. Ayer Shirley Regional School District
5. Nashoba Valley Technical High School District
6. Town Government Study Committee

Sponsor: Board of Selectmen

Simple Majority Vote Required

## **ARTICLE 3: FREEZE COMPENSATION PLAN FOR FY13**

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 2013 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: Will Report at Town Meeting

## **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-12 SALARY</u>	<u>FY-13 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.*

*Note: Finance Committee will present alternative proposal at Town Meeting.*

Simple Majority Vote Required

## **ARTICLE 5: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate or transfer from other available funds, 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 2013 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

Sponsor: Finance Committee  
Board of Selectmen Recommends

Simple Majority Vote Required

**FY13 OMNIBUS BUDGET**

	<b>FY2011 Actual</b>	<b>FY2012 Budget</b>	<b>FY2013 Proposed</b>	<b>dollar increase (decrease)</b>	<b>percent increase (decrease)</b>	
<b>Department 100 - General Government</b>						
01 Selectmen	\$163,382	\$162,896	165,638	2,742	1.68%	Finance Committee recommends Selectmen stipends by reduced to \$1,500 each This would reduce the Selectmen line by \$10,108, or a proposed total of \$155,530
02 Town Counsel	\$66,054	\$68,400	66,400	(2,000)	-2.92%	remove book printing
03 Town Clerk	\$69,554	\$69,554	70,918	1,364	1.96%	
04 Moderator	\$562	\$562	573	11	1.96%	
05 Parking Tickets	\$762	\$950	950	0	0.00%	
06 Public Buildings & Property Maintenance	\$224,733	\$241,285	251,710	10,425	4.32%	increases in utility costs, maintenance service, building repairs, replace Selectmen meeting room chairs
07 Registrations & Elections	\$13,422	\$10,331	11,331	1,000	9.68%	increase in number of elections
08 Postage	\$13,826	\$16,000	17,000	1,000	6.25%	increase in postage rates
09 American Legion	\$600	\$600	600	0	0.00%	
10 Memorial Day	\$1,260	\$2,000	2,000	0	0.00%	
11 4th of July Celebration - Fireworks	\$5,000	\$5,000	5,000	0	0.00%	
12 Communications Committee	\$0	\$700	700	0	0.00%	
13 Personnel Board	\$100	\$100	100	0	0.00%	
<b>Department 100 Total</b>	<b>\$559,255</b>	<b>\$578,378</b>	<b>592,920</b>	<b>14,542</b>	<b>2.51%</b>	
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<b>Department 200 - Finance</b>						
01 Town Accountant	\$160,454	\$160,923	161,512	589	0.37%	reduce college intern
02 Computer Support	\$32,213	\$34,381	34,381	0	0.00%	
03 Assessors	\$153,109	\$151,317	153,048	1,731	1.14%	
04 Tax Collector	\$84,345	\$84,399	85,904	1,505	1.78%	
05 Treasurer	\$115,565	\$111,615	113,718	2,103	1.88%	
06 Health & Life Insurance	\$3,004,709	\$1,876,803	1,662,276	(214,527)	-11.43%	savings from moving to GIC look-alike plans
07 Insurance:						
07A Property & Liability Insurance	\$97,108	\$109,773	115,262	5,489	5.00%	premium increase
07B Workers Compensation	\$65,522	\$50,204	41,922	(8,282)	-16.50%	
07C Fire & Police Accident	\$53,371	\$63,370	67,806	4,436	7.00%	premium increase
<b>subtotal</b>	<b>\$216,001</b>	<b>\$223,347</b>	<b>\$224,990</b>			
08 Unemployment Compensation	\$42,238	\$22,056	22,511	455	2.06%	
09 County Retirement Assessment	\$1,228,614	\$1,065,281	1,107,165	41,884	3.93%	
10 Notes & Bonds(Principal)	\$1,083,000	\$1,029,000	966,000	(63,000)	-6.12%	
11 Interest	\$365,388	\$318,894	283,299	(35,595)	-11.16%	
12 Tax Title	\$7,322	\$8,000	8,000	0	0.00%	
13 FICA Medicare	\$179,295	\$60,000	71,176	11,176	18.63%	
14 Finance Committee (Advisory Board)	\$301	\$500	500	0	0.00%	
15 Reserve Fund	\$180,000	\$180,000	130,000	(50,000)	-27.78%	return to historical amount
<b>Department 200 Total</b>	<b>\$6,852,554</b>	<b>\$5,326,516</b>	<b>\$5,024,480</b>	<b>(\$302,036)</b>	<b>-5.67%</b>	
<b>Department 300 - Public Safety</b>						
01 Police Department	\$1,600,751	\$1,738,526	1,784,398	45,872	2.64%	step increases, increase in maintenance service, increase in cost to equip cruiser
02 Fire Department	\$1,313,322	\$1,265,629	1,309,048	43,419	3.43%	step increases, increase of 10 hours per week for secretary, increase for call workers
03 Building Department	\$35,013	\$37,000	37,566	566	1.53%	

04 Emergency Management	\$1,152	\$1,360	4,360	3,000	220.59%	to usefully fund
05 Animal Control Officer	\$11,752	\$12,595	12,812	217	1.72%	
06 Animal Inspector	\$347	\$347	354	7	2.02%	
07 Tree Warden	\$17,798	\$17,885	17,997	112	0.63%	
<b>Department 300 Total</b>	<b>\$2,980,135</b>	<b>\$3,073,342</b>	<b>\$3,166,535</b>	<b>\$93,193</b>	<b>3.03%</b>	
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<b>Department 400 - Public Works</b>						
01 Public Works	\$1,099,746	\$842,273	890,532	48,259	5.73%	DPW superintendent contractual increase, \$30,000 increase in snow, increase in fuel
02 Stormwater Agent	\$1,486	\$85,000	0	(85,000)	-100.00%	FY2013 is the first year of the Enterprise Fund
03 Street Lighting	\$71,670	\$71,340	73,340	2,000	2.80%	increase in utility costs
04 Care of Graves	\$2,500	\$2,500	2,500	0	0.00%	
<b>Department 400 Total</b>	<b>\$1,175,402</b>	<b>\$1,001,113</b>	<b>\$966,372</b>	<b>(\$34,741)</b>	<b>-3.47%</b>	
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<b>Department 500 - Human Services</b>						
01 Council on Aging	\$111,002	\$110,724	112,714	1,990	1.80%	
02 Board of Health	\$9,620	\$10,217	14,898	4,681	45.82%	increase of 5 hours per week for secretary
03 Nashoba Assoc.. Board of Health	\$28,524	\$28,524	23,606	(4,918)	-17.24%	decrease in assessment
04 Parks Department	\$109,238	\$109,323	117,047	7,724	7.07%	increase for new lawnmower
05 Ayer/Shirley Youth Football & Cheerleading	\$4,000	\$4,000	4,000	0	0.00%	
06 Little League	\$4,000	\$4,000	4,000	0	0.00%	
07 Veterans Agent	\$9,540	\$10,007	10,177	170	1.70%	
08 Veterans Benefits	\$121,447	\$108,000	148,000	40,000	37.04%	increase to reflect FY12 actual expense (higher number of veterans)
09 Library	\$438,531	\$454,542	464,512	9,970	2.19%	increase to remain state certified
10 Disabilities Comm.	\$400	\$700	700	0	0.00%	
<b>Department 500 Total</b>	<b>\$836,302</b>	<b>\$840,037</b>	<b>899,654</b>	<b>59,617</b>	<b>7.10%</b>	
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<b>Department 600 - Education</b>						
01 General Education	\$9,177,527			0		
02 Transportation	\$320,960			0		
03 Vocational ed transportation		\$75,000	78,000	3,000	4.00%	increase in fuel costs
04 Adult Education	\$2,000			0		
05 Vocational	\$835,909	\$823,356	978,500	155,144	18.84%	increase in FY12 student population
<b>Department 600 Total</b>	<b>\$10,336,396</b>	<b>\$898,356</b>	<b>\$1,056,500</b>	<b>\$158,144</b>	<b>17.60%</b>	
<b>Department 700 - Management Support</b>						
01 Zoning Board of Appeals	\$17,041	\$17,209	17,534	325	1.89%	
02 Planning Board	\$18,145	\$18,394	18,719	325	1.77%	
03 Conservation Commission		\$12,786	18,519	5,733	44.84%	additional 5 hours per week for Agent/EPA regs
04 Economic & Community Development		\$29,219	29,795	576	1.97%	
<i>Subtotal</i>	<i>\$41,955</i>	<i>\$42,005</i>	<i>\$48,314</i>	<i>6,309</i>		

05 Historical Commission	\$300	\$750	750	0	0.00%	
06 Montachusett Reg. Plan. Comm.	\$1,977	\$2,026	2,112	86	4.24%	
07 Mngmt Support (printing & reporting)	\$5,676	\$9,500	6,500	(3,000)	-31.58%	reduce printing (town reports & warrants)
08 Information Technology	\$19,760	\$75,000	76,300	1,300	1.73%	
<b>Department 700 Total</b>	<b>\$62,899</b>	<b>\$164,884</b>	<b>\$170,229</b>	<b>\$5,345</b>	<b>3.24%</b>	
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<b>Total Summary by Department</b>						
Dept 100 - General Government	559,255	578,378	592,920	14,542	2.51%	
Dept 200 - Finance	6,852,554	5,326,516	5,024,480	(302,036)	-5.67%	
Dept 300 - Public Safety	2,980,135	3,073,342	3,166,535	93,193	3.03%	
Dept 400 - Public Works	1,175,402	1,001,113	966,372	(34,741)	-3.47%	
Dept 500 - Human Services	836,302	840,037	899,654	59,617	7.10%	
Dept 600 - Education - see below	10,336,396	898,356	1,056,500	158,144	17.60%	
Dept 700 - Management Support	62,899	164,884	170,229	5,345	3.24%	
<b>Total Operating Budgets</b>	<b>\$22,802,943</b>	<b>\$11,882,626</b>	<b>11,876,690</b>	<b>(5,936)</b>	<b>-0.05%</b>	
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## **ARTICLE 6. FY 2013 REGIONAL SCHOOL ASSESSMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,581,118.00 required to fund the FY 2013 assessment for the Ayer-Shirley Regional School District, or take any action thereon or in relation thereto.

Sponsor: Ayer Shirley Regional School Committee  
Board of Selectmen: Recommends  
Finance Committee: Recommends

Simple Majority Vote Required

## **ARTICLE 7. REGIONAL SCHOOLS AGREEMENT –NASHOBA VALLEY TECHNICAL HIGH SCHOOL DISTRICT**

To see if the town will vote to join the Nashoba Valley Technical High School District in accordance with a proposed amendment of the district agreement passed by the Regional District School Committee on October 11, 2011, such amendment amending the agreement (a) by providing for the admission to the district of the Town of Ayer as a vote to accept the agreement as amended; (b) by providing that members of the Committee shall be appointed by an appointing committee in each town consisting of the moderator, selectmen and the local school committee members; (c) by providing that membership on the committee shall be as follows: Chelmsford – 3 members, Groton – 1 member, Littleton – 1 member, Pepperell – 3 members, Shirley – 1 member, Townsend – 2 members, Westford – 2 members, and Ayer – 1 member (if Ayer joins the district) (d) by providing that each member town shall have an alternate member to the Committee who can serve in the absence or disability of a member from the town involved; (e) by providing that the admission of a new town or towns to the District shall result in the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon; (f) by providing that the capital costs of any subsequent capital improvements of the district shall be apportioned among all the member towns on the basis of their enrollments in the district school; (g) by providing that in each case where the apportionment of capital costs is to be based on pupil enrollments in the district school, each member town shall be deemed to have an enrollment of at least five pupils; (h) by conforming the dates on which payments to the district by the member towns are due to a July 1 – June 30 fiscal year; and (i) by making technical changes incidental to the foregoing amendments. (Such amendment will not become effective until the amendment is accepted by two-thirds of the member towns, approved by the Town of Ayer and upon the authorization of the Commissioner of Elementary and Secondary Education). Copies of the agreement as amended and as proposed to be amended, as described in this Article, are available in the office of the town clerk.

*Note: If Article 7 passes, the Town will become a Member of the Nashoba Valley Technical High School District. An Article at the Fall 2012 Town Meeting will be required to fund the Town's membership and buy-in into the District.*

Sponsor: Board of Selectmen  
Finance Committee Recommends

Simple Majority Vote Required

## **ENTERPRISE FUND ARTICLES**

**Handouts will be provided at Town Meeting with further detail on Articles No. 8 – 12.**

### **ARTICLE 8. 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 \$393,408.00 of which \$189,842.00 is to come from solid waste revenue, of which \$27,585.00 is to come from solid waste surplus (free cash) and \$175,981 is to come from the tax levy, and **indirect costs** of \$90,910.00 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

### **ARTICLE 9. 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 \$111,569.00 is to come from ambulance revenue, and **indirect costs** of \$296,800.00 of which \$250,431.00 is to come from ambulance revenue and \$46,369.00 from ambulance surplus, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends

Simple Majority Vote Required

### **ARTICLE 10. 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 \$2,252,224.00 of which \$2,224,702.00 is to come from sewer revenue and \$27,522.00 is to come from the tax levy, and **indirect costs** of \$284,910.00 of which \$234,910.00 is to come from sewer revenue and \$50,000.00 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

### **ARTICLE 11. 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 \$1,591,988.00 of which \$1,467,182.00 is to come from water revenue and \$124,806.00 is to come from tax levy, and **indirect costs** of \$193,210.00 of which \$163,210.00 is to come from water revenue and \$30,000.00 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

## **ARTICLE 12. STORMWATER**

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 stormwater department:

**Direct costs** of \$85,000 of which \$85,000 is to come from the tax levy, or take any action thereon or in relation thereto.

*Note: Transferred from Omnibus Budget Line Dept. 400, Line 2*

Sponsor: DPW  
Board of Selectmen: Recommends  
Finance Committee: Recommends

Simple Majority Vote Required

## **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 2013, 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

## **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 thirty-five thousand dollars (\$35,000) in Fiscal Year 2013, 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: Fire Chief  
Finance Committee: Recommends

Simple Majority Vote Required

## **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 2013, 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

## **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 2013 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

## **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 2013 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: DPW  
Finance Committee: Recommends

Simple Majority Vote Required

## **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 2013 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

## **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 funding 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.

<b><u>Department</u></b>	<b><u>Item</u></b>	<b><u>Amount</u></b>
<b><u>General Fund</u></b>		
DPW Highway	6-Wheel Dump Truck w. Plow and Spreader	\$167,000.00
Facilities Dept.	Town Hall Carpeting & Tile	\$16,571.00
Fire Dept.	Service Truck	\$43,000.00
Police Dept.	Replace Station Security Entrance System	\$30,000.00
<b><u>DPW –Water Enterprise</u></b>		
DPW-Water Enterprise	6" Bronze (clay) Valve Replacement Spec Pd. 2	\$42,000.00
DPW-Water Enterprise	1-Ton Cab and Chassis Utility	\$69,000.00
DPW-Water Enterprise	Cross Country Water Main Transmission Engineering (From Marshall Street to Whitcomb Avenue)	\$75,000.00
<b><u>DPW-Sewer Enterprise</u></b>		
DPW-Sewer Enterprise	#3 RAS Pump & Controls Replacement	\$60,000.00
DPW-Sewer Enterprise	Hydro-Jetter	\$81,000.00
DPW-Sewer Enterprise	W. Main Pump Station Construction	\$450,000.00
<b><u>DPW Solid Waste</u></b>		
DPW Solid Waste	1-Ton Dump Truck w/ Plow	\$50,000.00
DPW Solid Waste	Garage/Storage Facility	\$150,000.00

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

Two-Thirds Vote Required

## **ARTICLE 20. UNEXPENDED BALANCE TRANSFER**

To see if the Town will vote to transfer the unexpended balance of twenty-one thousand three hundred and ninety seven dollars (\$21,397) from the Reserve for Special Borrowing Account of the General Fund and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional sum of \$43,603.00 for the purchase of town-wide Street Signs, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Recommends  
Finance Committee: Recommends

Two-Thirds Vote Required

## **RAISE AND APPROPRIATE ARTICLE**

## **ARTICLE 21. FIRST-YEAR BORROW INTEREST AND EXPENSE**

To see if the Town will vote to raise and appropriate the sum of \$24,014 required to provide for the first year's interest charges and associated administrative expenses on all General Fund borrowing/bonding authorized by this Town Meeting, or take any action thereon or in relation thereto.

Simple Majority Vote Required

## **TRANSFER ARTICLES**

## **ARTICLE 22. TRANSFERS FROM CAPITAL STABILIZATION**

To see if the Town will vote to transfer the following amounts from the Capital Stabilization Fund for the equipment listed below as per the Capital Plan, each sum hereafter to be voted on separately, or take any action thereon or in relation there to.

<b><u>Department</u></b>	<b><u>Item</u></b>	<b><u>Amount</u></b>
<b>Fire</b>	<b>Thermal camera</b>	<b>\$14,000</b>
<b>DPW-Equipment Repair</b>	<b>Truck Lift</b>	<b>\$22,000</b>

Sponsor: Board of Selectmen  
Finance Committee: Recommends

Two-Thirds Vote Required

## **ARTICLE 23. STABILIZATION FUND**

To see if the Town will vote to raise and appropriate the sum of \$84,347.00 or such other sum or sums of money, with \$75,912.30 to be credited to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, and \$8,434.70 to be credited to the Capital Stabilization Fund per the Town's Financial Policies or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Recommends  
Finance Committee: Will Report at Town Meeting

Two-Thirds Vote Required

## **ARTICLE 24. GASB-45/ OPEB (Post Employment Benefits) FUND**

To see if the Town will vote to raise and appropriate the sum of \$40,000.00 for GASB-45 OPEB (Employee Post-Employment Benefits) or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Does Not Recommend

Simple Majority Vote Required

## **COMMUNITY PRESERVATION ACT ARTICLES**

### **ARTICLE 25. COMMUNITY PRESERVATION ACT**

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation Act budget, and appropriate from the estimated FY2013 Community Preservation Fund 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 2013.

And further, to reserve for future appropriation from the estimated FY2013 Community Preservation Fund 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 \$100,000.00 , more or less, for acquisition, creation and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$49,352.00, more or less, for acquisition, preservation, restoration and rehabilitation of historic resources, and
- A sum of money equal to \$18,484.00, more or less, for acquisition, creation and preservation and support of community housing.

Or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee  
Finance Committee: Recommends

Simple Majority Vote Required

### **ARTICLE 26. CPAC – TRANSFER OF FUNDS**

To see if the Town will vote to transfer from Community Preservation Fund FY2013 estimated annual revenues the sum of \$12,000.00, more or less, and reserve said sum for future appropriation by the Community Preservation Act Committee for general open space purposes; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee  
Board of Selectmen: Recommends  
Finance Committee: Will report at Town Meeting.

Simple Majority Vote Required

## **GENERAL BUSINESS ARTICLES**

### **ARTICLE 27. MEALS TAX**

To see if the Town will vote to accept the provisions of G.L. c. 64L, § 2 authorizing the Town to impose a local sales tax at the statutory rate of 0.75 percent on the sale of restaurant meals originating within the Town; or take any action thereon or in relation thereto.

Sponsor: Finance Committee  
Board of Selectmen: Recommends

Simple Majority Vote Required

### **ARTICLE 28. HOTELS TAX**

To see if the Town will vote to accept the provisions of G.L. c. 64G, § 3A authorizing the Town to impose a local excise tax of 6% upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the Town by any operator; and further, to set such local excise; or take any action thereon or in relation thereto.

Sponsor: Finance Committee  
Board of Selectmen: Recommends

Simple Majority Vote Required

### **ARTICLE 29. PETITION FOR STREET ACCEPTANCE-CRABTREE DEVELOPMENT, LLC –FOX RUN DRIVE, QUAIL RUN, AND PORTIONS OF HAYMEADOW LANE AND OLD FARM WAY**

To see if the Town will vote to accept the layouts of the following streets as public ways, the metes and bounds of which are on file in the Office of the Town Clerk, and to authorize the Board of selectmen to acquire by gift, purchase or eminent domain, fee interest or easement in such public ways and any and all easements related thereto, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen deems appropriate or take any action thereon or in relation thereto.

1. Fox Run Drive
2. Quail Run
3. Haymeadow Lane between Fox Run Drive and Old Farm Way
4. Old Farm Way between Haymeadow Lane and Holly Ridge Road

Sponsor: Board of Selectmen Recommends  
Finance Committee: Recommends

Simple Majority Vote Required

## **ARTICLE 30. ACCEPT GIFT OF LAND (On Woodland Way)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift for general municipal purposes and to accept a deed of a fee interest in the following described parcels of land located on Woodland Way in the Ridge View Heights Subdivision now or formerly owned by B. Duke Pointer, Louis L. Frank, Richard D. Roper and J. Paul Routhier, Trustees of Ridge View Realty Trust, being all more particularly bounded and described as follows:

That certain parcel of land located in Ayer, Middlesex County, Massachusetts, containing 18.23 acres and being shown as Parcel C on plan entitled, "Ridge View Heights Definitive Subdivision of Land in Ayer, Mass, Prepared for Crabtree Development Corporation," dated March 1999, prepared by David E. Ross Associates, Inc. and recorded with Middlesex South District Registry of Deeds as Plan No. 164 of 2005;

That certain parcel of land located in Ayer, Middlesex County, Massachusetts, containing 33.90 acres and being shown as Parcel D-2 on plan entitled, "Plan of Land in Ayer, Mass, Prepared for Crabtree Development Corp.," dated December 2007, prepared by David E. Ross Associates, Inc. and recorded with Middlesex South District Registry of Deeds as Plan No. 119 of 2011;

and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends

Simple Majority Vote Required

## **ARTICLE 31. BY-LAW AMENDMENT TO MAKE FINANCE COMMITTEE A "COMMITTEE OF TOWN MEETING" IN THAT THE FINANCE COMMITTEE SHALL BE APPOINTED BY THE MODERATOR**

To see if the Town will vote to amend Section 2 of ARTICLE IV - TOWN FINANCES of the Town Bylaws, to provide for the Finance Committee to be appointed by the Moderator, by amending the by-law to read as follows:

There shall be a Finance Committee consisting of five voters of the Town, appointed by the Moderator, 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.

(a) Said Finance Committee shall examine all articles in all warrants calling for expenditure of money and recommend amounts to be appropriated for the expenditure of the Town.

(b) Said Committee shall, when practicable, publish their recommendations in at least one newspaper published in the Town, if any, otherwise in a newspaper

circulating in the Town, three days at least before the meeting, and in every case shall report in writing their findings and recommendations at each and every Town Meeting. The failure for any reason, however, of the Finance Committee to make such report shall not affect the legality of any action taken at any meeting or prevent articles contained in the warrant calling the meeting.

(c) Upon the expiration of the term of office of each member of the existing board as previously created the Moderator 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. Vacancies shall be filled by the Moderator for the remainder of the unexpired term.

Or take any other action thereon or in relation thereto.

Sponsor: Town Government Study Committee

Simple Majority Vote Required

## **ARTICLE 32. REDUCTION OF NUMBER OF SELECTMEN FROM 5 TO 3 MEMBERS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to decrease the number of members of the Board of Selectmen from five to three, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

### ***AN ACT ESTABLISHING A THREE-MEMBER BOARD OF SELECTMEN OF THE TOWN OF AYER***

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 1. Notwithstanding the provisions of sections 1 and 2 of chapter forty-one of the General Laws, or of any other general or special law to the contrary, there shall be 3 members of the board of selectmen of the town of Ayer.

Section 2. In order to provide for a reduction in the number of members from 5 to 3, there shall appear on the ballot at the first annual election occurring at least 64 days following acceptance of this act the office of selectman, with the instruction "vote for three" and such other information as will aid the voters. The candidate receiving the highest number of votes at such election shall serve a term of 3 years, the candidate receiving the next highest number of votes shall serve a term of 2 years and the candidate receiving the next highest number of votes shall serve a term of 1 year. Next to the name of any incumbent selectman appearing on the ballot as a candidate for election to said office shall appear the words, "candidate for re-election". No other term of office for selectman shall appear on said ballot at such election. Upon election of 3 selectmen as set forth herein, the terms of the incumbent members of the 5-member board of selectmen shall terminate and the

board of selectmen shall be immediately reconstituted as a 3-member board. Thereafter, all members of the board of selectmen shall be elected to terms of 3 years.

Section 3. This act shall be submitted for acceptance to the voters of the town of Ayer at an annual or special election in the form of the following question:

Shall the an act passed by the General Court in the year 2013 entitled “An Act Decreasing the Size of the Board of Selectmen of the Town of Ayer”, be accepted?

If a majority of the votes cast in answer to said question is in the affirmative, sections one and two of this act shall therefore take full effect in the town of Ayer, but not otherwise.

Section 4. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Sponsor: Town Government Study Committee

Simple Majority Vote Required

## **ARTICLE 33. CREATION OF FINANCE DEPARTMENT**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to create a finance department of the Town, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

*An Act Creating a Department of Municipal Finance in the Town of Ayer under the Direction of a Finance Manager*

Section 1. Notwithstanding the provisions of any general or special law to the contrary, there shall be in town of Ayer a department of municipal finance responsible for the coordination of all financial services and activities of the town, the maintenance of all accounting records and other financial statements, payment of all obligations, receipt of all funds due, monitoring of and reporting on all fiscal and financial activities of the town, supervision of all purchases of goods, materials and supplies, and maintenance of inventory controls. The department shall include the offices and functions of the town accountant, town treasurer, and tax and town collector. The department shall have such additional powers, duties and responsibilities with respect to municipal finance-related functions and activities as the town may from time to time provide by bylaw.

Section 2. Finance Manager Appointment. The department of municipal finance shall be under the direct control and supervision of a finance manager who shall be appointed, and may be removed, by the Board of Selectmen, and whose salary shall be fixed annually within the amount

appropriated by the town. The manager of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The salary, fringe benefits and other conditions of employment of the finance manager, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, conditions of discipline, termination, dismissal and reappointment, performance standards and leave may be established by contract.

The Board of Selectmen shall appoint the town treasurer, town collector, and town accountant if separate from the finance manager.

Other finance staff shall be appointed by the Board of Selectmen in consultation with the town administrator and the finance manager.

Section 3. Finance Manager, Duties and Responsibilities. The finance manager shall serve as the town accountant and shall be responsible for coordinating the fiscal management procedures of the offices of the town treasurer, tax collector and shall be the administrator of budgeting, encompassing financial reporting, accountability and control, as well as an advisor to the board of selectmen, town administrator, finance committee, and all other town departments, concerning financial and programmatic implications of current and future financial policies, including standards for the preparation of the annual budget and capital plan. The finance manager shall, in consultation with the town administrator, be responsible for the supervision and coordination of all financial personnel, tasks and activities of the department. The finance manager shall have such additional duties and responsibilities as may be determined from time to time by the board of selectmen, town administrator, or vote of town meeting.

Section 4. Transition. Following acceptance of this act by the voters and the appointment of a treasurer and town collector, respectively, as provided for herein, the positions of elected treasurer and tax collector shall be abolished, and the terms of any persons holding such positions terminated. Thereafter, appointments to such positions shall be made in accordance with section 3 of this act. Further, the incumbent town accountant in office at the time this act is accepted shall serve until such time as an appointment is made to the position of finance manager; provided however, that should the town administrator and board of selectmen so determine, the incumbent shall continue to serve as the town accountant or in such other capacity as they determine until her retirement, resignation, or sooner removal, including removal as a result of reorganization or reduction in work force.

Section 5. Contracts, Transfer of Records and Property. No contracts or liabilities in force on the effective date of this act shall be affected by abolition of the elected offices and consolidation of financial functions of the town provided for herein, and the newly created appointed offices and municipal finance department shall in all respects be the lawful successor of offices and departments so abolished or consolidated. All records, property and equipment whatsoever of any office, department, or part thereof, the powers and duties of which are assigned in whole or in part to the municipal finance department are assigned to such department.

Section 6. This act shall be submitted for acceptance to the voters of the Town of Ayer at an annual or special election in the form of the following question:

Shall an act passed by the General Court in the year 2013 entitled “An Act Creating a Department of Municipal Finance in the Town of Ayer under the Direction of a Finance Manager”, be accepted?

The Town shall include below the ballot question a fair and concise summary thereof prepared by Town Counsel and approved by the Board of Selectmen. If a majority of votes cast in answer to this question is in the affirmative, section 1-5 of this act shall take full effect in the Town of Ayer, but not otherwise.

Section 7. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Sponsor: Town Government Study Committee  
Finance Committee: Recommends

Simple Majority Vote Required

## **ARTICLE 34. CHANGE THE ELECTED TREASURER TO AN APPOINTED TREASURER**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to create the appointed position of Town Treasurer, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

*An Act Creating the Appointed Position of Treasurer in the Town of Ayer.*

SECTION 1. Notwithstanding the provisions of chapter 41, sections 1 or 1B of the General Laws, or of any other general or special law to the contrary, there shall be an appointed treasurer in the town of Ayer. The Ayer board of selectmen shall appoint said treasurer for a term of no more than three years, and may remove said treasurer at its discretion, following the opportunity for a hearing. Any vacancies arising in said office shall be filled by said board of selectmen for the remainder of the unexpired term. The board of selectmen may establish an employment contract with the treasurer for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Following acceptance of this act and appointment of a treasurer under section 1, the term of the elected treasurer shall be terminated and the position of elected treasurer abolished.

SECTION 3. This act shall be submitted for acceptance to the voters of the Town of Ayer at an annual or special election in the form of the following question:

Shall the an act passed by the General Court in the year 2013 entitled “An Act Creating the Appointed Position of Treasurer in the Town of Ayer”, be accepted?

If a majority of the votes cast in answer to said question is in the affirmative, sections 1 and 2 of this act shall take full effect in the town of Ayer, but not otherwise.

SECTION 4. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Sponsor: Town Government Study Committee  
Finance Committee: Recommends

Simple Majority Vote Required

## **ARTICLE 35. CHANGE THE ELECTED OFFICE OF TAX COLLECTOR TO AN APPOINTED TOWN COLLECTOR**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to change the elected Tax Collector position to the appointed position of Town Collector, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

*An Act Creating the Appointed Position of Town Collector in the Town of Ayer.*

SECTION 1. Notwithstanding the provisions of chapter 41, sections 1, 1B or 38A of the general laws, or of any other general or special law to the contrary, there shall be an appointed town collector in the town of Ayer. The Ayer board of selectmen shall appoint and may remove said town collector for a term of no more than three years, and may remove said town collector at its discretion, following the opportunity for a hearing. Any vacancies arising in said office shall be filled by said board of selectmen for the remainder of the unexpired term. The board of selectmen may establish an employment contract with the town collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Said town collector shall collect all accounts due the town and shall have all the remedies provided by sections 35, 36, and 93 of chapter 60 of the general laws for the collection of taxes on personal estate; provided, however, that this section shall not apply to the collection of interest on investments of sinking or trust funds.

SECTION 3. Following acceptance of this act and appointment of a town collector under section 1, the term of the elected tax collector shall be terminated and the position of elected tax collector abolished.

SECTION 4. This act shall be submitted for acceptance to the voters of the Town of Ayer at an annual or special election in the form of the following question:

Shall the an act passed by the General Court in the year 2013 entitled “An Act Creating the Appointed Position of Town Collector in the Town of Ayer”, be accepted?

If a majority of the votes cast in answer to said question is in the affirmative, sections 1 through 3 of this act shall take full effect in the town of Ayer, but not otherwise.

SECTION 5. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Sponsor: Town Government Study Committee  
Finance Committee: Recommends

Simple Majority Vote Required

### **ARTICLE 36. AUTHORITY TO THE BOARD OF SELECTMEN TO ENTER INTO AND NEGOTIATE ENERGY POWER PURCHASE AND/OR NET METERING CREDIT PURCHASE AGREEMENTS.**

To see if the Town will vote, pursuant to G.L. c.164, §134(a), to authorize the Board of Selectmen to initiate the process to aggregate the electric load of interested electricity consumers within the Town of Ayer and enter into agreements for services to facilitate the sale and purchase of electric energy and other related services, for terms of more than three years, on such terms conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements; or take any action thereon or in relation thereto.

Sponsor: Green Communities Committee  
Finance Committee: Will Report at Town Meeting

Simple Majority Vote Required

### **ARTICLE 37. MASSACHUSETTS GENERAL LAWS CHAPTER 59, SECTION 5K – SENIOR WORK-OFF ABATEMENT PROGRAM**

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5K, to establish senior work-off abatement programs administered by the Board of Selectmen where seniors provide services to the community at an hourly rate no higher than the state minimum wage and their earnings are credited to reduce their property tax bills and adjust the exemption in this section by: (1) allowing an approved representative, for persons physically unable, to provide such services to the town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000.00 or pass any vote or votes in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends

Simple Majority Vote Required

## **CITIZEN PETITION ARTICLES**

### **Explanatory Notes for Articles 38 and 39:**

*The following two Citizen Petition Articles will, upon enactment by our State Legislature, restore Ayer's jurisdiction for our land currently in the Devens Regional Enterprise Zone (DREZ). The first one (Article 38) will do that for Ayer alone. The second one (Article 39) would, along with similar Home Rule Petitions eventually from Harvard & Shirley, do away with the Devens Regional Enterprise Zone (DREZ) altogether.*

*Chapter 498 of the Acts of 1993 ("498"), entitled "AN ACT CREATING THE DEVENS ENTERPRISE COMMISSION" (DEC) also established the DREZ. The DREZ is an overlay planning district made up of most of the Main Base and North Base sections of the former Fort Devens that spans common boundary lines of Ayer, Harvard, & Shirley.*

*By sections eight and nine of "498" our towns delegated our (State) constitutional municipal jurisdiction over our land within the DREZ to MassDevelopment and the Devens Enterprise Commission (DEC). MassDevelopment collects most taxes and performs municipal management functions, while the DEC is the comprehensive permitting authority for development & business activity on DREZ.*

*The results of the Home Rule Petition(s) will include:*

- a) Restore zoning authority to Town Meeting through the customary Planning Board process*
- b) Restore permitting to our Town's permitting authorities & processes*
- c) Restore taxing authority to Ayer*
- d) Allow Ayer to provide municipal services, including direct collaboration with federal & state agencies managing & supervising Superfund sites.*

## **ARTICLE 38. AN ACT RESTORING CONSTITUTIONAL MUNICIPAL AUTHORITY TO THE TOWN OF AYER (Section 8 of Chapter 498 of the Acts of 1993 Hereby Has No Force and Effect in the Town of Ayer)**

### **PETITION**

We, the undersigned, petition the Ayer Board of Selectmen to include the following question on the

Warrant for Ayer's next Town Meeting, whether special or annual:

To see whether the Town will adopt the following as a Home Rule Petition to the Massachusetts Legislature.

### **AN ACT RESTORING CONSTITUTIONAL MUNICIPAL AUTHORITY TO THE TOWN OF AYER**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.

Section 1. Section eight of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three is hereby of no force and effect in the town of Ayer. (Town)

Section 2. The portion of the former Devens Regional Enterprise Zone within the boundaries of Ayer hereby reverts to the municipal jurisdiction of the town of Ayer. Within sixty days of the effective date of this Act, MassDevelopment will cause a survey to be done of the Town's

boundaries in the Devens Regional Enterprise Zone, as defined in Section eight of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three, whereupon Section eight of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three shall be amended so that no part of Ayer is in the Devens Regional Enterprise Zone.

Section 3. Section nine of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three is hereby of no force and effect in the town of Ayer.

Section 4. All municipal authority for the portion of the Devens Regional Enterprise Zone within the boundaries of Ayer hereby reverts to the town of Ayer.

Section 5. All references to the town of Ayer shall be expunged from Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three, except as in Section four thereof, and as will be appropriate to add to Section eight thereof to define the boundaries of the Devens Regional Enterprise Zone.

Section 6. MassDevelopment, the Devens Enterprise Commission, and the Town shall do all things and perform all acts necessary or appropriate to effect prompt and smooth return of all municipal jurisdiction and authority to the town of Ayer within its boundaries.

Section 7. No later than July 1, 2014, the town of Ayer shall establish zoning regulations for its land formerly in the Devens Regional Enterprise Zone. The Town shall not be required to entertain any development proposals or issue any permits for its land formerly in the Devens Regional Enterprise Zone until it has established zoning regulations therefor, or July 1, 2014, whichever comes first.

Section 8. This act shall take effect upon its passage.

It is further voted by the Ayer Town Meeting that its Planning Board is instructed, from time to time, at its sole discretion, to petition the Legislature to amend the date in Section 7. of the above Act to accommodate the pace of legislative action. Such amendment(s) shall have the full force and effect of a Home Rule Petition voted by Town Meeting.

## **ARTICLE 39: AN ACT RESTORING CONSTITUTIONAL MUNICIPAL AUTHORITY TO THE TOWN OF AYER (Section 8 of Chapter 498 of the Acts of 1993 is Hereby Repealed)**

To see whether the Town will adopt the following as a Home Rule Petition to the Massachusetts General Legislature regarding an Act restoring Constitutional Municipal Authority to the Town of Ayer

### **PETITION**

We, the undersigned, petition the Ayer Board of Selectmen to include the following question on the Warrant for Ayer's next Town Meeting, whether special or annual:

To see whether the Town will adopt the following as a Home Rule Petition to the Massachusetts Legislature.

## **AN ACT RESTORING CONSTITUTIONAL MUNICIPAL AUTHORITY TO THE TOWN OF AYER**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.

Section 1. Section eight of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three is hereby repealed.

Section 2. The portion of the former Devens Regional Enterprise Zone within the boundaries of Ayer hereby reverts to the municipal jurisdiction of the town of Ayer. (Town)

Section 3. Section nine of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three is hereby repealed.

Section 4. All municipal authority for the portion of the former Devens Regional Enterprise Zone within the boundaries of Ayer hereby reverts to the town of Ayer.

Section 5. Section twenty-three of Chapter four hundred ninety-eight of the Acts of nineteen hundred ninety-three is hereby repealed.

Section 6. MassDevelopment, cooperating with former Devens Enterprise Commission staff as necessary, and the Town shall do all things and perform all acts necessary or appropriate to effect prompt and smooth return of all municipal jurisdiction and authority to the town of Ayer.

Section 7. No later than July 1, 2014, the town of Ayer shall establish zoning regulations for its land formerly in the Devens Regional Enterprise Zone. The Town shall not be required to entertain any development proposals or issue any permits for its land formerly in the Devens Regional Enterprise Zone until it has established zoning regulations therefor, or July 1, 2014, whichever comes first.

Section 8. This act shall take effect upon its passage.

It is further voted by the Ayer Town Meeting that its Planning Board is instructed, from time to time, at its sole discretion, to petition the Legislature to amend the date in Section 7. of the above Act to accommodate the pace of legislative action. Such amendment(s) shall have the full force and effect of a Home Rule Petition voted by Ayer Town Meeting.

### **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: \_\_\_\_\_