

Town of Ayer



ANNUAL TOWN MEETING WARRANT

Ayer Shirley Regional High School
Laura S. Leavitt Auditorium
Monday, May 13, 2013 @ 7:00 p.m.

Commonwealth of Massachusetts

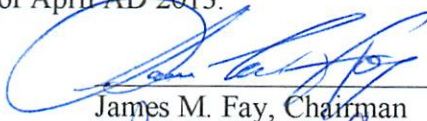
Middlesex, ss.

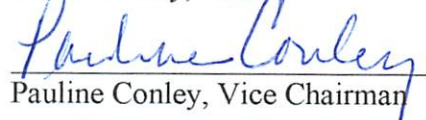
GREETINGS:

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 Thirteenth day of May, 2013, 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.

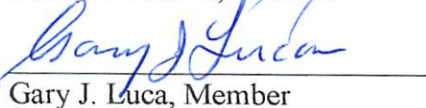
Given under our hands this 16th day of April AD 2013.


James M. Fay, Chairman


Pauline Conley, Vice Chairman


Christopher R. Hillman, Clerk


Frank F. Maxant, 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 3, 2013. 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 Tuesday, April 30, 2013.

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 – Mr. Scott Houde, Chairman
2. Town Accountant – Ms. Lisa Gabree
3. Community Preservation Committee – Ms. Janet Providakes
4. Ayer Shirley Regional School District – Mr. Pat Kelly
5. Nashoba Valley Technical High School District
6. Energy/Green Community Committees' Report – Ms. Carolyn McCreary

Simple Majority Vote Required

ARTICLE 3: 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-13 SALARY</u>	<u>FY-14 SALARY</u>	<u>% OF CHANGE</u>
Moderator	\$ 562	\$ 500	-11.0%**
Selectmen: Chair	\$ 2,506	\$ 2,506	0.0%
Selectmen: Members (4)	\$ 2,235	\$ 2,235	0.0%
Assessors: Chair	\$ 2,480	\$ 2,480	0.0%
Assessors: Members (2)	\$ 2,210	\$ 2,210	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.

Finance Committee: Recommends*

Simple Majority Vote Required

**Note: The Ayer Board of Selectmen and the Ayer Finance Committee met in a Special Joint Public Meeting on April 3, 2013 to discuss the issue(s) of the salaries of elected officials. The Board of Selectmen voted not to apply a COLA to the Compensation Plan. It was recommended by the Finance Committee that the salaries of elected officials for FY 2014 remain the same as FY 2013. However, the Voters of Town Meeting must ultimately decide Article 3: Salaries of Elected Officials.*

***Note: At the request of the prospective Moderator for 2013-2016 (Mr. Tom Horgan) on April 4, 2013 at an open meeting of the Ayer Board of Selectmen, the Selectmen voted to reduce the Moderator's Stipend.*

ARTICLE 4: 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, 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. 700: Management Support

Sponsor: Finance Committee Recommends
Board of Selectmen: Recommends

Simple Majority Vote Required

Note: On April 3, 2014 in a public, special, joint meeting of the Ayer Board of Selectmen and the Ayer Finance Committee, both bodies unanimously voted to recommend the enclosed FY 2014 Omnibus Budget for the Town of Ayer.

ARTICLE 5. FY 2014 REGIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$ 8,820,134 required to fund the Town's FY 2014 assessment for the Ayer-Shirley Regional School District and appropriate or transfer from available funds the sum of \$195,396 for the Town's portion of the debt exclusion for the ASRSD High School, or take any action thereon or in relation thereto.

Sponsor: Ayer Shirley Regional School Committee
Finance Committee: Recommends

Simple Majority Vote Required

Note: The FY 2014 Regional School Assessment for the Town of Ayer is \$8,820,134 and the FY 2014 portion of the Town's debt (debt exclusion) on the ASRSD High School is \$195,396 (this is the debt exclusion amount equivalent to what the Town's portion would be for the Ayer Shirley Regional Middle School) for a total of \$9,015,529 for the Town of Ayer's FY 2014 Regional School Assessment.

ARTICLE 6. FY 2014 NASHOBA VALLEY REGIONAL TECHNICAL HIGH SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate the sum of \$600,928 required to fund the FY2014 assessment for the Nashoba Valley Regional Technical High School, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

FY2014 Omnibus Budget

	FY2012 Actual	FY2013 Budget	FY2014 Proposed	dollar increase (decrease)	percent
Department 100 - General Government					
01 Selectmen	\$162,896	162,017	164,018	2,001	1.23%
02 Town Counsel	\$68,400	66,400	78,000	11,600	17.47%
03 Town Clerk	\$69,554	70,380	71,248	868	1.23%
04 Moderator	\$562	562	500	(62)	-11.03%
05 Parking Tickets	\$950	950	950	-	0.00%
06 Public Buildings & Property Maintenance	\$241,285	253,337	282,982	29,645	11.70%
07 Registrations & Elections	\$10,331	11,331	11,331	-	0.00%
08 Postage	\$16,000	17,000	18,000	1,000	5.88%
09 American Legion	\$600	600	600	-	0.00%
10 Memorial Day	\$2,000	2,000	2,000	-	0.00%
11 4th of July Celebration - Fireworks	\$5,000	5,000	5,000	-	0.00%
12 Communications Committee	\$700	700	700	-	0.00%
13 Personnel Board	\$100	100	100	-	0.00%
Department 100 Total	\$578,378	590,377	635,429	45,052	7.63%
Department 200 - Finance					
01 Town Accountant	\$160,923	164,090	165,736	1,646	1.00%
02 Computer Support	\$34,381	34,381	48,152	13,771	40.05%
03 Assessors	\$151,317	149,045	157,013	7,968	5.35%
04 Tax Collector	\$84,399	85,246	86,106	860	1.01%
05 Treasurer	\$111,615	112,522	113,598	1,076	0.96%
06 Health & Life Insurance	\$1,876,803	1,662,276	1,452,079	(210,197)	-12.65%
07A Property & Liability Insurance	\$109,773	115,262	131,046	15,784	13.69%
07B Workers Compensation	\$50,204	41,922	48,867	6,945	16.57%
07C Fire & Police Accident	\$63,370	67,806	106,622	38,816	57.25%
<i>subtotal</i>	<i>\$223,347</i>	<i>224,990</i>	<i>286,534</i>	<i>61,544</i>	<i>27.35%</i>
08 Unemployment Compensation	\$22,056	22,511	25,511	3,000	13.33%
09 County Retirement Assessment	\$1,065,281	1,107,165	1,262,630	155,465	14.04%
10 Notes & Bonds(Principal)	\$1,029,000	966,000	1,005,815	39,815	4.12%
11 Interest	\$318,894	283,299	259,285	(24,014)	-8.48%
12 Tax Title	\$8,000	8,000	8,000	-	0.00%
13 FICA Medicare	\$60,000	71,176	75,000	3,824	5.37%
14 Finance Committee (Advisory Board)	\$500	500	700	200	40.00%
15 Reserve Fund	\$180,000	130,000	150,000	20,000	15.38%
Department 200 Total	\$5,326,516	5,021,201	5,096,159	74,958	1.49%
Department 300 - Public Safety					
01 Police Department	\$1,738,526	1,789,453	1,872,657	83,204	4.65%
02 Fire Department	\$1,265,629	1,311,990	1,355,282	43,292	3.30%
03 Building Department	\$37,000	37,566	73,684	36,118	96.15%
04 Emergency Management	\$1,360	4,360	9,510	5,150	118.12%
05 Animal Control Officer	\$12,595	12,812	12,812	0	0.00%
06 Animal Inspector	\$347	354	1,000	646	182.47%
07 Tree Warden	\$17,885	17,885	17,885	-	0.00%
Department 300 Total	\$3,073,342	3,174,420	3,342,830	168,410	5.31%
Department 400 - Public Works					
01 Public Works	\$842,273	890,532	938,530	47,998	5.39%
02 Stormwater Agent	\$85,000	0	0	-	
03 Public Works - Street Lighting	\$71,340	73,340	75,400	2,060	2.81%
04 Care of Graves	\$2,500	2,500	2,500	-	0.00%
Department 400 Total	\$1,001,113	966,372	1,016,430	50,058	5.18%
Department 500 - Human Services					
01 Council on Aging	\$110,724	112,714	125,834	13,120	11.64%
02 Board of Health	\$10,217	14,898	15,473	575	3.86%
03 Nashoba Assoc.. Board of Health	\$28,524	23,606	23,606	(0)	0.00%
04 Parks Department	\$109,323	118,073	113,168	(4,905)	-4.15%
05 Ayer/Shirley Youth Football & Cheerleading	\$4,000	4,000	4,000	-	0.00%
06 Little League	\$4,000	4,000	4,000	-	0.00%

07 Veterans Agent	\$10,007	10,177	19,194	9,017	88.60%
08 Veterans Benefits	\$108,000	148,000	168,000	20,000	13.51%
09 Library	\$454,542	464,512	467,716	3,204	0.69%
10 Disabilities Comm.	\$700	700	700	-	0.00%
Department 500 Total	\$840,037	900,680	941,691	41,011	4.55%
Department 600 - Education					
01 General Education	\$8,190,761		0	-	
02 Transportation			0	-	
03 Vocational ed transportation	\$75,000	78,000	0	(78,000)	-100.00%
04 Adult Education			0	-	
05 Vocational	\$823,356	978,500	0	(978,500)	-100.00%
Department 600 Total	\$9,089,117	1,056,500	0	(1,056,500)	-100.00%
Department 700 - Management Support					
01 Zoning Board of Appeals	\$17,209	17,534	17,881	347	1.98%
02 Planning Board	\$18,394	18,719	18,734	15	0.08%
03 Conservation Commission	\$12,786	18,519	19,567	1,048	5.66%
04 Economic & Community Development	\$29,219	30,659	31,562	903	2.95%
<i>Subtotal</i>	<i>\$42,005</i>	<i>49,178</i>	<i>51,129</i>	<i>1,951</i>	3.97%
05 Historical Commission	\$750	750	750	-	0.00%
06 Montachusett Reg. Plan. Comm.	\$2,026	2,112	2,165	53	2.51%
07 Mngmt Support (printing & reporting)	\$9,500	6,500	6,500	-	0.00%
08 Information Technology	\$75,000	78,260	97,655	19,395	24.78%
Department 700 Total	\$164,884	173,053	194,814	21,761	12.58%
Total Summary by Department					
Dept 100 - General Government	578,378	590,377	635,429	45,052	7.63%
Dept 200 - Finance	5,326,516	5,021,201	5,096,159	74,958	1.49%
Dept 300 - Public Safety	3,073,342	3,174,420	3,342,830	168,410	5.31%
Dept 400 - Public Works	1,001,113	966,372	1,016,430	50,058	5.18%
Dept 500 - Human Services	840,037	900,680	941,691	41,011	4.55%
Dept 600 - Education - see below	9,089,117	1,056,500	0	(1,056,500)	-100.00%
Dept 700 - Management Support	164,884	173,053	194,814	21,761	12.58%
Total Operating Budgets	\$20,073,387	11,882,603	11,227,354	(655,249)	-5.51%

ENTERPRISE FUND ARTICLES

Handouts will be provided at Town Meeting with further detail on Articles No. 7 – 11.

ARTICLE 7. 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 \$ 391,586 of which \$ 199,322 is to come from solid waste revenue, \$ 32,000 is to come from solid waste surplus (free cash) and \$ 160,264 to come from the tax levy, and **indirect costs** of \$ 100,269 to come from the tax levy, or take any action thereon or in relation thereto.

Sponsor: DPW

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 8. 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 \$ 107,829 is to come from ambulance revenue, and **indirect costs** of \$ 309,800 of which \$ 246,571 is to come from ambulance revenue and \$ 63,229 from ambulance surplus (free cash), or take any action thereon or in relation thereto.

Sponsor: Fire Chief

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 9. SEWER

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 sewer department:

Direct costs of \$ 2,261,075 of which \$ 2,234,456 is to come from sewer revenue and \$ 26,619 is to come from tax levy, and **indirect costs** of \$ 286,895 of which \$ 266,895 is to come from sewer revenue and \$ 20,000 is to come from sewer surplus (free cash), or take any action thereon or in relation thereto.

Sponsor: DPW

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 10. 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 \$ 1,584,179 of which \$ 1,464,681 is to come from water revenue and \$ 119,498 is to come from tax levy, and **indirect costs** of \$ 203,001 to come from water revenue, or take any action thereon or in relation thereto.

Sponsor: DPW

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 11. 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 \$ 95,000 of which \$ 95,000 is to come from the tax levy, or take any action thereon or in relation thereto.

Sponsor: DPW

Simple Majority Vote Required

Finance Committee: Recommends

REVOLVING FUND ARTICLES

Recommend Moving Articles 12 through 17 together by consent.

ARTICLE 12. 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 2014, 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

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 13. 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 2014, 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

Simple Majority Vote Required

Finance Committee: Recommends

ARTICLE 14. 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 2014, 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. 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 2014 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. 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 2014 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 17. 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 2014 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 18. 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.

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>AMOUNT</u>
<u>General Fund</u>		
<u>Information Technology</u>	Network Infrastructure Upgrades	\$10,000.00
	MUNIS Server Upgrade	\$12,814.00 (1)
<u>Parks</u>	Tractor with Front End Loader	\$18,500.00
<u>Police</u>	Replace Admin (Lieutenant) Vehicle	\$30,000.00
<u>Fire</u>	Replace Fire Chief Vehicle	\$45,000.00
<u>DPW Highway</u>	Truck Mounted Asphalt/Recycling Mixer	\$20,000.00
<u>DPW - Water Enterprise</u>	Spectacle Pond Filter Valve Replacement	\$50,000.00
<u>DPW - Sewer Enterprise</u>	WWTP Facility Engineering Evaluation	\$100,000.00

DPW - Stormwater Enterprise Culvert Replacement - Victor Drive \$150,000.00

Fire - Ambulance Enterprise Software and Laptops \$27,000.00

TOTAL: \$463,314.00

(1) If Omnibus line for Computer Support passes, then MUNIS Server should be removed.

Sponsor: Capital Planning Committee
Finance Committee: Recommends

Two-Thirds Vote Required

Note: The Ayer Board of Selectmen and Ayer Finance Committee voted unanimously to recommend the abovementioned FY 2014 Capital Requests in a Special Joint Meeting on April 3, 2012.

ARTICLE 19. UNEXPENDED BALANCE TRANSFER (Rehab of Fire Engine #4)

To see if the Town will vote to transfer the unexpended balance of \$33,617.80 from the Reserve for Borrow Account of the General Fund and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional sum of \$121,382.20 for the rehab of Fire Engine #4, or take any action thereon or in relation thereto.

Sponsor: Fire Chief and Capital Planning
Finance Committee: Recommends

Two-Thirds Vote Required

ARTICLE 20. UNEXPENDED BALANCE TRANSFER (Meter Radio Read System)

To see if the Town will vote to transfer the unexpended balance of \$12,198.60 from the Reserve for Borrow Account of the Water Fund and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional sum of \$37,801.40 for the purchase and installation of a meter radio read system, or take any action thereon or in relation thereto.

Sponsor: DPW and Capital Planning
Finance Committee: Recommends

Two-Thirds Vote Required

Note: The Town will be purchasing one meter radio read system to read both water and sewer meters. Article 20 above funds the water portion and Article 21 funds the sewer portion.s

ARTICLE 21. UNEXPENDED BALANCE TRANSFER (Meter Radio Read System)

To see if the Town will vote to transfer the unexpended balance of \$18,077.34 from the Reserve for Borrow Account of the Sewer Fund and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional sum of \$31,922.66 for the purchase and installation of a meter radio read system, or take any action thereon or in relation thereto.

Sponsor: DPW and Capital Planning
Finance Committee: Recommends

Two-Thirds Vote Required

ARTICLE 22. UNEXPENDED BALANCE TRANSFER (Resurfacing of Transfer Station Parking Lot)

To see if the Town will vote to transfer the unexpended balance of \$2,530.60 from the Reserve for Borrow Account of the Solid Waste Fund and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional sum of \$97,469.40 for the resurfacing of the parking lot at the Transfer Station, or take any action thereon or in relation thereto.

Sponsor: DPW and Capital Planning
Finance Committee: Recommends

Two-Thirds Vote Required

ARTICLE 23. FIRST YEAR BORROW INTEREST AND EXPENSE

To see if the Town will vote to raise and appropriate the sum of \$20,616.00 required to provide for first year's interest charges and associated bond administrative expenses on all General Fund borrowing/bonding authorized by this Town Meeting, or take any action thereon or in relation thereto.

Sponsor: Capital Planning
Finance Committee: Recommends

Two-Thirds Vote Required

RAISE AND APPROPRIATE ARTICLES

ARTICLE 24. PAY PRIOR YEAR BILLS – TAX COLLECTOR

To see if the Town will vote to raise and appropriate the sum of \$725.78 to pay the following unpaid bills of Fiscal Year 2012, as authorized under General Laws Chapter 44, or take any action thereon or in relation thereto.

Department:
Tax Collector

Vendor:
BillTrust

Description:
Property Tax Bill Preparation

Sponsor: Tax Collector
Board of Selectmen:
Finance Committee: Does Not Recommend (For Town Meeting Review)

4/5ths Vote Required

Note: The abovementioned prior year bill for FY 2012 was submitted by the Tax Collector for an outstanding bill for the services of property tax bill preparation.

ARTICLE 25. PAY PRIOR YEAR BILLS - TREASURER

To see if the Town will vote to raise and appropriate the sum of \$2,702.05 to pay the following unpaid bills of Fiscal Year 2012, as authorized under General Laws Chapter 44, or take any action thereon or in relation thereto.

Department:
Treasurer

Vendor:
D.U.I.

Description:
Unemployment

Sponsor: Treasurer
Finance Committee: Recommends

4/5ths Vote Required

Note: The abovementioned prior year bill for FY 2012 was submitted by the Treasurer to cover outstanding costs to the Mass. Department of Unemployment Insurance for unemployment costs.

ARTICLE 26. PAY PRIOR YEAR BILLS – BUILDING COMMISSIONER

To see if the Town will vote to raise and appropriate the sum of \$333.00 to pay the following unpaid bills of Fiscal Year 2012, as authorized under General Laws Chapter 44, or take any action thereon or in relation thereto.

Department:
Building

Vendor:
Eric Aaltonen

Description:
Weights & Measures

Sponsor: Building Commissioner
Finance Committee: Recommends

4/5ths Vote Required

ARTICLE 27. GASB 45 COMPLIANCE

To see if the Town will vote to raise and appropriate the sum of \$7,200.00 to fund actuarial costs associated with required updating of GASB 45 (disclosure requirements for post-employment benefits), or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

Note: Under Federal Law, the Town of Ayer is required to perform a GASB45 Compliance actuarial audit of the Town's post-employment benefits every two years.

ARTICLE 28. SELF-CONTAINED BREATHING APPARATUS

To see if the Town will vote to raise and appropriate the sum of \$9,421 as the Town's matching share of a grant for the purchase of self-contained breathing apparatus, or take any action thereon or in relation thereto.

Sponsor: Fire Chief
Finance Committee: Recommends

Simple Majority Vote Required

Note: This amount represents the Town's five percent (5%) match for the Self Contained Breathing Apparatus Grant in the amount of \$188,432 secured by the Fire Chief.

ARTICLE 29. DPW ADMINISTRATION/GARAGE FACILITIES PLAN

To see if the Town will vote to raise and appropriate the sum of \$ 17,000.00 required to provide for the development of an independent, professional facilities plan for the Department of Public Works Administrative Building and Garages authorized by this Town Meeting, or take any action thereon or in relation thereto.

Sponsor: DPW and Capital Planning
Finance Committee: Recommends

Simple Majority Vote Required

Note: This DPW facilities plan would consist of a professional, comprehensive facilities plan and analysis of the DPW Administration Building and Garages at 25 Brooks Street as well as the entire acreage of land and roadways at the DPW Administration Building location.

ARTICLE 30. GASB-45/ OPEB (Post Employment Benefits) FUND

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$170,000.00 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 (OPEB) or take any action thereon or in relation thereto.

Sponsor: Executive Bi-Board

Board of Selectmen: Recommends

Finance Committee: Recommends

Simple Majority Vote Required

Note: At the 2012 Ayer Town Meeting, the Town of Ayer adopted a meals tax for the Town of Ayer. To date, \$70,000 in meals taxes have been collected by the Town. At a special joint meeting of the Ayer Board of Selectmen and the Ayer Finance Committee on April 3, 2013 it was unanimously voted to recommend that the \$70,000 in collected meals tax for FY 2013 be appropriated along with an additional \$100,000 in free cash for the FY 2014 funding of the Town's GASB-45/OPEB Fund.

TRANSFER ARTICLES

ARTICLE 31. TRANSFER FROM FREE CASH TO UDAG FUND

To see if the Town will vote to transfer the amount of \$550,000.00 from free cash for the repayment of the UDAG Fund for the Nashoba Valley Regional Vocational Technical School Membership/Buy-in, or take any action thereon or in relation thereto.

Sponsor: Executive Bi-Board

Board of Selectmen: Recommends

Finance Committee: Recommends

Simple Majority Vote Required

Note: The Ayer Board of Selectmen voted to use \$550,000 of the Town's UDAG Funds (recycled income) to fund the Town's Membership and Capital Buy-In to become a Member of the Nashoba Valley Regional Vocational Technical School which was approved by Town Meeting in May 2012. This article will transfer \$550,000 from free cash to repay the UDAG Fund. On April 3, 2013 in at an open special joint meeting of the Ayer Board of Selectmen and Ayer Finance Committee, it was voted unanimously to recommend the adoption of Article 33 by Town Meeting.

ARTICLE 32. STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$234,427.00 or such other sum or sums of money, with \$210,985.00 to be credited to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, and \$23,442.00 to be credited to the Capital Stabilization Fund per the Town's Financial Policies or take any action thereon or in relation thereto.

Sponsor: Finance Committee Recommends

Two-Thirds Vote Required

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 33. COMMUNITY PRESERVATION FUND

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation Committee budget, and appropriate from the estimated FY2014 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 2014.

And further, to reserve for future appropriation from the estimated FY2014 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 \$ 111,435.00 more or less, for acquisition, creation and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$ 40,718.00 more or less, for acquisition, preservation, restoration and rehabilitation of historic resources, and
- A sum of money equal to \$ 40,718.00 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: No Action

Simple Majority Vote Required

ARTICLE 34. TRANSFER OF FUNDS- REVISION OF THE TOWN'S FIVE (5) YEAR OPEN SPACE AND RECREATION PLAN

To see if the Town will vote to transfer from Community Preservation Fund Open Space Account FY2014 estimated annual revenues the sum of \$ 30,000.00, more or less, FOR REVIEW AND REVISION OF THE Town's Five (5) Year Open Space and Recreation Plan or take any action thereon or in relation thereto or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee
Finance Committee: No Action

Simple Majority Vote Required

ARTICLE 35. CPC – REDUCTION IN MEMBERSHIP

To see if the Town will vote to amend Town of Ayer Bylaws Article XLVI - Community Preservation Committee, Chapter 1. Establishment, to reduce the membership of the Community Preservation Committee from nine members to seven by deleting the following language therefrom:

- One member from the Advisory Committee-2 years
- One member from the Board of Selectmen-1 year

Provided further that upon the effective date of this amendment, the terms of the members holding the appointments deleted hereby shall be terminated;

Or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee
Finance Committee: No Action

Simple Majority Vote Required

Note: The Advisory Committee is now the Finance Committee.

BYLAW ARTICLES

ARTICLE 36. TOWN ANTI- LITTERING BYLAW

To see if the Town will vote to adopt the following Anti-Littering Bylaw under the provisions of MGL Chapter 40, Section 21 as follows:

Whoever disposes of garbage, trash, refuse, bottles, cans, containers, rubbish or other debris on a public or private way, or within twenty (20) yards thereof, or in inland waters, or on private property without the written permission of the owner, except in a designated waste receptacle or as may otherwise be directed by the Town or the property owner, shall be punished by a fine of three-hundred dollars (\$300.00).

Enforcement:

This bylaw shall be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. c. 40 § 21D. The enforcing authority shall be the Ayer Police Department, including any Police Officer in said Department; and the Ayer Board of Health. Each day a violation exists shall constitute a separate offense.

Or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Simple Majority Vote Required

ARTICLE 37. UNREGISTERED VEHICLE BYLAW

To see if the Town will vote to adopt the following Unregistered Vehicle Bylaw:

1. Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated:

INOPERABLE VEHICLE -- any Motor Vehicle, as defined in Massachusetts General Laws, Chapter 90, section 1, that is not capable of being used as such in its existing condition by reason of being worn out, damaged or dismantled or failing to contain parts necessary for operation and which is ready for dismantling or destruction or which has been collected or stored for salvage or for stripping in order to make use of parts thereof, or any collection of parts from such a vehicle.

UNREGISTERED VEHICLE -- Any motor vehicle that it is not registered in accordance with Massachusetts General Laws, Chapter 90, Section 2.

2. License required.

No more than one (1) unregistered or inoperable vehicle shall be kept in any area of the Town of Ayer by the owner of the vehicle or by the owner or one in control of the premises wherein such vehicle is kept, unless a license has been granted in accordance with the procedure hereinafter described.

3. Enclosed vehicles exempted.

Motor vehicles, including unregistered or inoperable vehicles, kept in an enclosed building shall not be subject to the provisions of this Article so long as they remain enclosed within a building. If more than one (1) motor vehicle is taken outside of a building, it shall be subject to the provisions of this Article.

4. Exempt businesses.

- A. Any business which has a Class 1, 2 or 3 license for the sale of motor vehicles under the provisions of MGL C. 140, § 58, as amended, shall be exempt from the provisions of this Article.
- B. This Article shall not apply to motor vehicles on property where the principal business use is a farm, garden or nursery, provided that such motor vehicle is necessary to the operation of such business.

5. License for keeping of unregistered or inoperable vehicles.

- A. A license to keep more than one (1) unregistered or inoperable vehicle may be requested by filing an application, in writing, with the Board of Selectmen. The Board of Selectmen shall hold a public hearing upon such request.
- B. Notice of the public hearing shall be provided by publication in a newspaper having a general circulation in Ayer at least seven (7) days before the date of the hearing and notification to all abutters, within three hundred (300) feet of any part of the storage property, via certified letter with a return receipt at least seven (7) days prior to the date of the public hearing. Said return receipts shall be provided to the Board of Selectmen or its designee at the time of the public hearing. Failure to provide return receipts may be grounds for disapproval of the application for storage.. All costs of publication and notice to abutters shall be paid by the applicant for the license. The Applicant shall be responsible for actually publishing the notice and sending it to all abutters as outlined herein.
- C. The Board of Selectmen may grant a license for a period not longer than one (1) year, upon such conditions as the Selectmen deem proper, to allow unregistered and inoperable vehicles to be kept in the open, after a public hearing has been held and the Selectmen determine that the keeping of the same will not create a hazard to the public safety or will not become a public nuisance, and that no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created. Renewals of said license may be granted at the discretion of the Board of Selectmen subject to compliance with the public hearing procedure established herein.
- D. Upon the filing with the Board of Selectmen of a petition signed by at least ten (10) registered voters of the Town of Ayer requesting revocation of any license issued

under this Article, the Selectmen shall hold a public hearing to review the conduct of the licensee under said license. If the Selectmen determine that the operation of the licensee under said license is such as to create a hazard to the public safety or to constitute a public nuisance or that unsightly conditions visible from public streets or ways, or abutting properties exist, the Selectmen, by a majority vote, may revoke said license. The effective date of such revocation shall be thirty (30) days after said vote of revocation.

- E. The Board of Selectmen may waive the public hearing requirement to allow the keeping of one (1) unregistered or inoperable vehicle on the property owner's premises for a period of fourteen (14) days or less if it finds that no hazards to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created by the storage of said vehicles for such temporary period of time.

6. Enforcement and penalty.

This bylaw shall be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to MG.L. c. 40 § 21D. The penalty for violation of this Article shall be punished by a fine of three-hundred dollars (\$300.00). The enforcing authority shall be the Ayer Police Department and/or the Ayer Building Commissioner. Each day a violation exists shall constitute a separate offense.

Or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Simple Majority Vote Required

ARTICLE 38. ENFORCEMENT BYLAW

To see if the Town will vote to adopt the following Bylaw regarding enforcement of the Town's bylaws:

1. Enforcement through Indictment or on Complaint to District Court

Any bylaw, rule or regulation of the Town of Ayer, duly adopted and in force, may be enforced through any lawful means in law or in equity including but not limited to enforcement by criminal indictment or on complaint before the district court pursuant to G.L. c. 40, § 21. Each day that a violation exists shall constitute a separate offense. A fine of up to \$300.00 may be imposed for each violation.

2. Non-Criminal Disposition.

Any bylaw, rule or regulation of the Town of Ayer its officers, boards or departments, duly adopted and in force, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified, shall be \$300.00.

3. Enforcing Authority.

The enforcing authority hereunder, in addition to any officer or authorized person specified in any particular bylaw or rule or regulation of the Town, shall be the Ayer Police Department, including any Police Officer in said Department. In addition, the following officers may enforce the following bylaws:

Anti-Littering Bylaw: Board of Health; Building Inspector;
Nuisance Bylaw: Building Inspector; Ayer Board of Health
Wetlands: Conservation Commission
Unregistered Vehicles Bylaw: Police Department; Building Commissioner

Or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen

Simple Majority Vote Required

A true copy attest:
John C. Canney, II
Ayer Town Clerk
April 22, 2013

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.

Robert D. Fennell

- Constable

Date: 4/23/13