



Town of Ayer

SPECIAL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium

141 Washington Street

Ayer, MA 01432

April 26, 2021 at 7:00 PM

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 in the Auditorium at the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the twenty-sixth (26th) day of April 2021, at seven o'clock (7:00 PM) in the evening then and there to act on the following articles:

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

Given under our hands this 6th day of April AD 2021.

Shaun C. Copeland, Chair

Scott A. Houde, Vice Chair

Jannice L. Livingston, Clerk

The Ayer Select Board

Any persons needing disability related assistance (such as signing, etc.) at the Town Meeting please contact the Select Board's Office at 978-772-8220 before April 23, 2021. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

ARTICLE 1: AMBULANCE ENTERPRISE FUND

To see if the Town will vote to transfer \$20,000 from the Ambulance Retained Earnings in order to provide additional funding for the FY2021 Ambulance Enterprise operating budget voted at the June 15, 2020 Annual Town Meeting; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory note: The FY 2021 ambulance service revenues are expected to run short of the amount previously estimated for the FY 2021 budget, mainly due to COVID-19. As such, additional funding is needed to cover the potential shortfall. The Town is seeking to use \$20,000 of the \$64,414 certified Ambulance Retained Earnings.

A True Copy Attest: 
Susan E. Copeland
Town Clerk

Date: April 9, 2021

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least fourteen (14) days before said meeting, all as herein directed.


Constable

Date: April 9, 2021



Town of Ayer

ANNUAL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium
141 Washington Street
Ayer, MA 01432
April 26, 2021 at 7:05 PM

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 in the Auditorium at the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the twenty-sixth (26th) day of April 2021, at seven and five minutes o'clock (7:05 PM) in the evening then and there to act on the following articles:

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

Given under our hands this 6th day of April AD 2021.

Shaun C. Copeland, Chair

Scott A. Houde, Vice Chair

Jannice L. Livingston, Clerk

The Ayer Select Board

Any persons needing disability related assistance (such as signing, etc.) at the Town Meeting please contact the Select Board's Office at 978-772-8220 before April 23, 2021. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Table of Contents

Art.	Description	FY '22 Financial Impact	FY '22 General Fund Impact	SB	Fin Com
Annual Town Meeting (FY 2022)					
1	Salaries of Elected Officials*	\$15,875	\$15,875	Recommends	Recommends
2	Contract Funding: Police Patrol Division*	\$43,477	\$43,477	Recommends	Recommends
3	Contract Funding: Communications Division*	\$26,244	\$26,244	Recommends	Recommends
4	FY '22 Omnibus Budget	\$16,252,201	\$16,252,201	Recommends	Recommends
5	FY '22 ASRSD Assessment	\$12,680,749	\$12,680,749	Recommends	Recommends
6	FY '22 NVTHS Assessment	\$954,155	\$954,155	Recommends	Recommends
7	Solid Waste Enterprise Fund	\$528,382	\$36,163	Recommends	Recommends
8	Ambulance Enterprise Fund	\$599,013	(\$206,720)	Recommends	Recommends
9	Sewer Enterprise Fund	\$4,493,654	(\$396,773)	Recommends	Recommends
10	Water Enterprise Fund	\$2,045,178	(\$312,839)	Recommends	Recommends
11	FY '22 Capital Budget Requests to Borrow	\$4,292,565	\$392,565	Recommends	Recommends
12	FY '22 Capital Budget Requests	\$115,007	\$0	Recommends	Recommends
13	Transfer of Receipts Reserved for Borrow for Facilities Police Station HVAC Replacement	\$92,435	\$0	Recommends	Recommends
14	UDAG Replenishment	\$230,000	\$230,000	Recommends	Recommends
15	GASB-15/OPEB Fund	\$300,000	\$300,000	Recommends	Recommends
16	1 st Year's Interest-General Fund Borrowing	\$33,368	\$33,368	Recommends	Recommends
17	Funding for Aquatic Weed Control - Ponds	\$30,000	\$30,000	Recommends	Recommends
18	Funding for Conservation Fund	\$5,000	\$5,000	Recommends	Recommends
19	Matching Funding for Firefighters Grant	\$5,000	\$5,000	Recommends	Recommends
20	Matching Funding for Green Communities Grant - LED Lighting Upgrades	\$26,000	\$26,000	Recommends	Recommends
21	Funding of Compensated Balance Reserve Fund	\$50,000	\$50,000	Recommends	Recommends
22	Forward Funding of the Town's Pension Assessment	\$300,000	\$300,000	Recommends	Recommends
23	Stabilization Fund	\$795,607	\$795,607	Recommends	Recommends
24	Community Preservation Act	\$832,796	\$0	Recommends	Recommends
25	CPC Fund FY '22 Transfer of Funds	\$12,000	\$0	Recommends	Recommends
26	TIF Agreement - Catania-Spagna	Effective FY'23	Effective FY'23	Recommends	Recommends
27	Transfer of the Woodlawn Cemetery	n/a	n/a	Recommends	Non- Financial
28	Affordable Housing Trust Bylaw	n/a	n/a	Recommends	Non- Financial
29	Jonathan Drive Cross-Country Water Main Easement	n/a	n/a	Recommends	Non- Financial
30	NPDES Phase II Stormwater Bylaw Amendment	n/a	n/a	Recommends	Non- Financial
31	Illicit Discharge to Municipal Storm Drain System Bylaw Amendment	n/a	n/a	Recommends	Non- Financial
32	Street Acceptance: Pleasant Street Extension (Portion) and Trevor Trail	n/a	n/a	Recommends	Non- Financial
Petition Article	Petition Article: Amendment of the Regional School District Agreement	n/a	n/a	Does Not Recommend	Non- Financial

*Cost of these articles is included in Article 4 the Omnibus Budget

ARTICLE 1: 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-21 SALARY</u>	<u>FY-22 SALARY</u>	<u>% OF CHANGE</u>
Moderator	\$541	\$552	2%
Select Board: Chair	\$2,713	\$2,767	2%
Select Board: Members (2)	\$2,420	\$2,468	2%
Assessors: Chair	\$2,686	\$2,740	2%
Assessors: Members (2)	\$2,392	\$2,440	2%

Sponsor: Select Board
Finance Committee: Recommends Simple Majority Vote Required

Explanatory Note: This Article is required as Town Meeting sets the salaries of elected officials pursuant to MGL Chapter 41, Section 108. The two percent (2%) increase is the FY 2022 Cost of Living Adjustment approved by the Select Board on February 18, 2021 on recommendation of the Town Manager and Benefits & Payroll Manager in accordance with the Town’s Financial Policies.

ARTICLE 2: CONTRACT FUNDING: AYER POLICE PATROL ASSOCIATION (APPOA) – PATROL DIVISION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items of a collective bargaining agreement between the Town of Ayer and the Ayer Police Patrol Association (APPOA) – Patrol Division for the period of July 1, 2021, through June 30, 2024, or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Recommends Simple Majority Vote Required

Explanatory Note: Per MGL Chapter 150E, Union Contracts are subject to the appropriation of funds by Town Meeting. The FY 2022 estimated total cost of the Contract is \$43,477. Presentation to be made at Town Meeting.

ARTICLE 3: CONTRACT FUNDING: AYER POLICE PATROL ASSOCIATION (APPOA) – COMMUNICATIONS DIVISION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items of a collective bargaining agreement between the Town of Ayer and the Ayer Police Patrol Association (APPOA) – Communications Division for the period of July 1, 2021, through June 30, 2024, or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Recommends Simple Majority Vote Required

Explanatory Note: Per MGL Chapter 150E, Union Contracts are subject to the appropriation of funds by Town Meeting. The FY 2022 estimated total cost of the Contract is \$26,244. Presentation to be made at Town Meeting.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

ARTICLE 4: FY 2022 OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate a sum of money for the FY 2022 Omnibus Budget 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. 600: Management Support

Explanatory Note: Please see insert for the FY 2022 Omnibus Budget. Presentation on the budget to be made at Town Meeting. The FY 2022 Omnibus Budget includes a 2% Cost of Living Adjustment (COLA) for Non-Union Personnel as recommended by the Town Manager and Benefits & Payroll Manager in accordance with the Town’s Financial Policies and approved by the Select Board on February 18, 2021.

Sponsor: Select Board
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 5: FY 2022 AYER SHIRLEY REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to raise and appropriate the sum of \$11,769,808 as required to fund the Town’s FY 2022 assessment for the Ayer Shirley Regional School District and to raise and appropriate the sum of \$910,941 for the Town’s portion of the ASRSD high school building project; or take any action thereon or in relation thereto.

Sponsor: Ayer Shirley Regional School Committee
Select Board: Recommends
Finance Committee: Recommends Simple Majority Vote Required

Explanatory Note: This Article will fund the FY 2022 Ayer Shirley Regional School District Assessment.

ARTICLE 6: FY 2022 NASHOBA VALLEY TECHNICAL VOCATIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate the sum of \$954,155 required to fund the FY 2022 assessment for the Nashoba Valley Regional Technical High School; or take any action thereon or in relation thereto.

Sponsor: Nashoba Valley Technical Vocational School Committee
Select Board: Recommends
Finance Committee: Recommends Simple Majority Vote Required

Explanatory Note: This Article will fund the FY 2022 Nashoba Valley Regional Technical High School Assessment.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

FY 2022 Omnibus Budget

	FY2020 Actual	FY2021 Approved	FY2022 Proposed	Difference		Notes
Department 100 - General Government						
01 Selectmen	\$253,942.00	\$272,434.00	\$279,896.00	\$7,462.00	2.74%	wages increases only
02 Town Counsel	\$58,336.00	\$100,000.00	\$80,000.00	(\$20,000.00)	-20.00%	reduced to reflect past 2 years actual expense
03 Town Clerk	\$127,336.00	\$137,323.00	\$141,100.00	\$3,777.00	2.75%	wages increases only
04 Moderator	\$530.00	\$541.00	\$552.00	\$11.00	2.03%	
05 Parking Tickets	\$1,348.00	\$1,500.00	\$1,500.00	\$0.00	0.00%	
06 Public Buildings & Property Maintenance	\$327,248.00	\$362,536.00	\$373,855.00	\$11,319.00	3.12%	includes \$4,519 in wage increases and \$6,800 increase in expenses, including \$3,000 increase in Police Station electricity due to dispatch center upgrades
07 Registrations & Elections	\$18,963.00	\$25,396.00	\$16,296.00	(\$9,100.00)	-35.83%	fewer elections
08 Postage	\$17,926.00	\$20,000.00	\$21,000.00	\$1,000.00	5.00%	
09 American Legion	\$600.00	\$600.00	\$600.00	\$0.00	0.00%	
10 Memorial Day	\$0.00	\$1,000.00	\$500.00	(\$500.00)	-50.00%	
11 4th of July Celebration	\$10,000.00	\$5,000.00	\$0.00	(\$5,000.00)	-100.00%	
12 Holiday Lights	\$10,000.00	\$15,000.00	\$15,000.00	\$0.00	0.00%	
Department 100 Total	\$826,229.00	\$941,330.00	\$930,299.00	(\$11,031.00)	-1.17%	
Department 200 - Finance						
01 Town Accountant	\$205,095.00	\$212,916.00	\$218,197.00	\$5,281.00	2.48%	includes \$4,981 in wage increases
02 Benefits & Payroll	\$72,131.00	\$78,731.00	\$80,146.00	\$1,415.00	1.80%	increased by wage increases only
03 Computer Support - Financial Systems	\$46,294.00	\$49,903.00	\$50,213.00	\$310.00	0.62%	
04 Assessors	\$180,635.00	\$194,334.00	\$206,786.00	\$12,452.00	6.41%	includes \$4,452 in wages increases and \$8,000 increase consulting services due to class 504 (public utility) appraisals
05 Treasurer/Tax Collector	\$164,546.00	\$187,119.00	\$188,444.00	\$1,325.00	0.71%	includes \$7,237 in wage increases and \$6,000 less in expenses due to FY21 including one time purchase of office renovations/furniture
06 Health & Life Insurance	\$1,708,566.00	\$1,873,418.00	\$1,873,786.00	\$368.00	0.02%	
07 General Insurance	\$218,640.00	\$231,478.00	\$267,000.00	\$35,522.00	15.35%	increased costs; additional vehicles
09 Unemployment Compensation	\$10,912.00	\$5,600.00	\$11,200.00	\$5,600.00	100.00%	increased to account for current activity (i.e. FY21 needed a \$7,500 reserve fund transfer)
10 County Retirement Assessment	\$1,687,582.00	\$1,787,745.00	\$1,934,480.00	\$146,735.00	8.21%	increase in assessment
11 Notes & Bonds(Principal)	\$1,085,640.00	\$969,600.00	\$1,076,000.00	\$106,400.00	10.97%	includes estimate for new FY21 and FY20 borrow authorizations
12 Interest	\$264,803.00	\$219,120.00	\$214,111.00	(\$5,009.00)	-2.29%	includes estimate for new FY21 and FY20 borrow authorizations
13 Tax Title	\$12,904.00	\$15,000.00	\$15,000.00	\$0.00	0.00%	
14 FICA Medicare	\$116,441.00	\$135,000.00	\$140,000.00	\$5,000.00	3.70%	based on prior year budget increases
15 Finance Committee	\$280.00	\$500.00	\$500.00	\$0.00	0.00%	
16 Reserve Fund	\$150,000.00	\$150,000.00	\$300,000.00	\$150,000.00	100.00%	one time increase due to unknown impact of non-reimbursable expenses rela
Department 200 Total	\$5,924,469.00	\$6,110,464.00	\$6,575,863.00	\$465,399.00	7.62%	
Department 300 - Public Safety						
01 Police Department	\$2,607,645.00	\$3,082,499.00	\$3,205,887.00	\$123,388.00	4.00%	includes \$109,548 in wage increases, \$3,900 increase in cost of cruiser for hybrid vehicle, \$4,260 increase in communication expenses and \$5,680 increases in other expenses
02 Fire Department	\$1,765,825.00	\$1,987,926.00	\$2,023,471.00	\$35,545.00	1.79%	includes \$33,541 in wage increases, \$7,500 in retirement payout and decrease in expenses totaling \$5,496 due mainly to reduction in annual turn out gear as \$142K to be purchased with CARES Act Funds in FY2021
03 Building Department	\$99,099.00	\$105,087.00	\$109,326.00	\$4,239.00	4.03%	increased by wage increases only
04 Emergency Management	\$20,126.00	\$22,856.00	\$22,482.00	(\$374.00)	-1.64%	
05 Animal Control Officer (Dog Officer)	\$13,881.00	\$15,626.00	\$16,034.00	\$408.00	2.61%	increased by wage increases only
06 Animal/Barn Inspector	\$2,600.00	\$2,600.00	\$2,600.00	\$0.00	0.00%	
07 Tree Warden	\$43,779.00	\$54,904.00	\$44,612.00	(\$10,292.00)	-18.75%	decrease due mainly to one time tree management review in FY21 costing \$10,000
Department 300 Total	\$4,552,955.00	\$5,271,498.00	\$5,424,412.00	\$152,914.00	2.90%	
Department 400 - Public Works						
01 Public Works	\$1,197,905.00	\$1,311,798.00	\$1,323,229.00	\$11,431.00	0.87%	includes \$15,981 in wage increases and \$4,550 reduction in expenses due mostly to the one time expense of \$6,000 in FY2021 for dump truck repairs
02 Snow & Ice Removal	\$246,988.00	\$320,000.00	\$321,000.00	\$1,000.00	0.31%	
03 Public Works - Street Lighting	\$32,550.00	\$36,500.00	\$44,000.00	\$7,500.00	20.55%	increased to reflect cost of repair work
04 Care of Graves	\$3,750.00	\$3,950.00	\$3,950.00	\$0.00	0.00%	
Department 400 Total	\$1,481,193.00	\$1,672,248.00	\$1,692,179.00	\$19,931.00	1.19%	
Department 500 - Human Services						
01 Council on Aging	\$167,170.00	\$190,481.00	\$156,410.00	(\$34,071.00)	-17.89%	Van coordinator position not funded at this time due to COVID-19
02 Board of Health	\$314.00	\$2,375.00	\$2,375.00	\$0.00	0.00%	
03 Nashoba Assoc.. Board of Health	\$29,449.00	\$30,921.00	\$32,468.00	\$1,547.00	5.00%	FY2022 assessment
04 Parks Department	\$153,813.00	\$166,164.00	\$173,145.00	\$6,981.00	4.20%	increased by wage increases only
05 Ayer/Shirley Youth Football & Cheerleading	\$4,000.00	\$4,000.00	\$4,000.00	\$0.00	0.00%	
06 Little League	\$4,000.00	\$4,000.00	\$4,000.00	\$0.00	0.00%	
07 Veterans Agent	\$19,602.00	\$20,284.00	\$20,783.00	\$499.00	2.46%	increased by wage increases only

FY 2022 Omnibus Budget

	FY2020 Actual	FY2021 Approved	FY2022 Proposed	Difference		Notes
08 Veterans Benefits	\$119,528.00	\$125,000.00	\$125,000.00	\$0.00	0.00%	
09 Library	\$604,592.00	\$615,544.00	\$625,244.00	\$9,700.00	1.58%	
10 Disabilities Comm.	\$265.00	\$500.00	\$500.00	\$0.00	0.00%	includes \$7,856 increase in wages and \$1,844 increase in books; meets state certification
Department 500 Total	\$1,102,733.00	\$1,159,269.00	\$1,143,925.00	(\$15,344.00)	-1.32%	
Department 600 - Management Support						
01 Conservation Commission	\$60,324.00	\$68,563.00	\$71,110.00	\$2,547.00	3.71%	increased by wage increases only
02 Economic & Community Development	\$38,680.00	\$41,015.00	\$42,857.00	\$1,842.00	4.49%	increased by wage increases only
03 Town Planner	\$87,102.00	\$89,319.00	\$93,265.00	\$3,946.00	4.42%	increased by wage increases only
04 Historical Commission	\$277.00	\$750.00	\$750.00	\$0.00	0.00%	
05 Montachusett Reg. Plan. Comm.	\$2,511.00	\$2,573.00	\$2,638.00	\$65.00	2.53%	FY2022 assessment
06 Management Support (printing & reporting)	\$66,041.00	\$85,418.00	\$89,077.00	\$3,659.00	4.28%	includes \$2,159 in wage increases and \$1,500 increase in annual fee for Clear Gov reporting
07 Information Technology	\$154,304.00	\$183,854.00	\$185,826.00	\$1,972.00	1.07%	increased by wage increases only
Department 600 Total	\$409,239.00	\$471,492.00	\$485,523.00	\$14,031.00	2.98%	
Total Summary by Department						
Dept 100 - General Government	\$826,229.00	\$941,330.00	\$930,299.00	(\$11,031.00)	-1.17%	
Dept 200 - Finance	\$5,924,469.00	\$6,110,464.00	\$6,575,863.00	\$465,399.00	7.62%	
Dept 300 - Public Safety	\$4,552,955.00	\$5,271,498.00	\$5,424,412.00	\$152,914.00	2.90%	
Dept 400 - Public Works	\$1,481,193.00	\$1,672,248.00	\$1,692,179.00	\$19,931.00	1.19%	
Dept 500 - Human Services	\$1,102,733.00	\$1,159,269.00	\$1,143,925.00	(\$15,344.00)	-1.32%	
Dept 600 - Management Support	\$409,239.00	\$471,492.00	\$485,523.00	\$14,031.00	2.98%	
Total Operating Budgets	\$14,296,818.00	\$15,626,301.00	\$16,252,201.00	\$625,900.00	4.01%	

ENTERPRISE FUND ARTICLES

**The Annual Budget Book will be provided at Town Meeting with further detail on
Articles No. 7 – 10**

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 \$404,545 of which \$333,382 is to come from solid waste revenue, \$35,000 is to come from solid waste retained earnings and \$36,163 is to come from the tax levy, and indirect costs of \$123,837 is to come from the tax levy; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

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 \$183,280 is to come from ambulance revenue, and indirect costs of \$415,733 of which \$206,720 is to come from ambulance revenue and \$209,013 is to come from the tax levy; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 9: 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 \$4,096,881 of which \$3,096,881 is to come from sewer revenue and \$1,000,000 is to come from sewer retained earnings and indirect costs of \$396,773 is to come from sewer revenue; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 10: WATER

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

Direct costs of \$1,732,339 to come from water revenue and indirect costs of \$312,839 to come from water revenue; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

BORROW ARTICLE

ARTICLE 11: CAPITAL BUDGET REQUESTS

To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, 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, and all costs incidental or related thereto, as contained in the Capital Budget, each sum hereafter to be voted on separately, provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any action thereon or in relation thereto.

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW Admin	Main St. Decorative Street Light Upgrades	\$70,000
DPW Highway	Road Paving (Supplements Ch. 90)	\$200,000
Facilities	Police Station HVAC Replacement	\$52,565**
Fire	SCBA Compressor & Fill Station	\$70,000
Sewer Enterprise	Wastewater Treatment Plant Upgrades	\$2,800,000
	Infiltration/Inflow Repairs	\$750,000
	Central Ave. Main Pumping Station Valves & Piping	\$100,000
Water Enterprise	Water Main Replacements	\$150,000
	West Main St./Devens Connection	<u>\$100,000</u>
Total:		\$4,292,565

Sponsor: Select Board

Finance Committee: Recommends

Two-Thirds Vote Required

*Explanatory Note: All of the above Capital Budget requests and amounts were reviewed by and recommended by the Town's Capital Planning Committee. **The total cost for the Police Station HVAC Replacement Project is \$145,000 with \$52,565 to be borrowed under Article 11 and the balance of \$92,435 to come from Article 13 which is funding from a previous premium on bond issue paid to the Town.*

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

TRANSFER ARTICLES

ARTICLE 12: CAPITAL BUDGET REQUESTS

To see if the Town will vote to transfer from Capital Stabilization the following sums hereby listed for the purpose of funding the following equipment, services and public works projects, and all costs incidental or related thereto, as contained in the Capital Budget, each sum hereafter to be voted on separately, or take any action thereon or in relation thereto:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW – Stormwater	Asset/Master Plan Grant Match	\$40,000
Facilities	Pickup Truck	\$30,000
Fire	Rescue Tools & Lifting Jacks	\$33,007
Library	HVAC Repairs	<u>\$12,000</u>
	Total	\$115,007

Sponsor: Select Board

Finance Committee: Recommends

Two-Thirds Vote Required

Explanatory Note: All of the above Capital Budget requests and amounts were reviewed by and recommended by the Town's Capital Planning Committee.

ARTICLE 13: TRANSFER OF RECEIPTS RESERVED FOR BORROW - POLICE STATION HVAC REPLACEMENT

To see if the Town will vote to transfer \$92,435 from the general fund receipts reserved for borrow to pay the additional cost of the Police Station HVAC Replacement; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: The total cost for the Police Station HVAC Replacement Project is \$145,000 with \$52,565 to be borrowed under Article 11 and the balance of \$92,435 to come from Article 13 which is remaining funding from a previous premium on bond issue paid to the Town.

ARTICLE 14: UDAG REPLENISHMENTS

To see if the Town will vote to transfer \$230,000 from Free Cash to replenish the Urban Development Action Grant (UDAG) account for the following:

Worthen Dale Depot Square Eminent Domain Settlement: \$230,000

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Total: \$230,000

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article will replenish the Town's UDAG Fund in the amounts set forth in the article. These funds were used from the UDAG's unrestricted funds for purposes that did not have a repayment mechanism in place. The \$230,000 is the final of three UDAG replenishment payments for the Worthen Dale Depot Square Eminent Domain Settlement.

ARTICLE 15: GASB-45/OPEB (Post-Employment Benefits) FUND

To see if the Town will vote to raise and appropriate \$122,000 and transfer \$178,000 from Free Cash, totaling the sum of \$300,000 to meet the Town's obligations under the Government Accounting Standards Board (GASB) Statement 45 to fund the Town's future obligation for the cost of other post-employment benefits (OPEB); or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article funds the Town's GASB-45/OPEB, Post-Employment Benefits in the total sum of \$300,000 with \$122,000 derived from the Town's Local Meals Tax and \$178,000 from Free Cash as recommended by the Town's OPEB Board of Trustees.

RAISE & APPROPRIATE ARTICLES

ARTICLE 16: FIRST YEAR'S INTEREST-GENERAL FUND BORROWING

To see if the Town will vote to raise and appropriate the sum of \$33,368 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.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article will fund the first-year interest charges associated with the administrative expenses on all General Fund borrowing/bonding authorized by this Town Meeting.

ARTICLE 17: FUNDING FOR AQUATIC WEED CONTROL FOR TOWN PONDS

To see if the Town will vote to raise and appropriate the sum of \$30,000 for the purpose of funding the aquatic weed control program for the Town's ponds, and any incidental and related costs and expenses; or take any action thereon or in relation thereto. Funds are to be spent by June 30, 2024; unexpended funds on June 30, 2024, to close and revert to general fund balance.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Sponsor: Select Board
Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: Funding from this Article will be used by the Conservation Commission for the purposes of the aquatic weed control in the Town's ponds.

ARTICLE 18: FUNDING FOR CONSERVATION FUND

To see if the Town will vote to raise and appropriate the sum of \$5,000 for the purpose of funding the Town's Conservation Fund established pursuant to the provisions of G.L. c. 40, §8C, or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article would fund \$5,000 into the Town's Conservation Fund established by Town Meeting and administered by the Conservation Commission for the purposes of acquiring conservation land in the Town.

ARTICLE 19: MATCHING FUNDING FOR FIREFIGHTERS GRANT

To see if the Town will vote to raise and appropriate the sum of \$5,000 as matching funds for a Federal Assistance to Firefighters Grant; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article would fund the required \$5,000 in matching funds for a FY 2022 Federal Assistance to Firefighters Grant. These funds will only be required if the grant submission is successful.

ARTICLE 20: MATCHING FUNDING FOR GREEN COMMUNITIES GRANT FOR LED LIGHTING UPGRADES TO THE FIRE STATION, LIBRARY, AND POLICE STATION

To see if the Town will vote to raise and appropriate the sum of \$26,000 as matching funds for a Green Communities Grant for the purposes of installing LED lighting in the Fire Station, Library, and Police Station; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article would fund the required \$26,000 in matching funds for a Green Communities Grant in the amount of \$110,369 (including energy incentives) for the purposes of installing LED lighting in the Fire Station, Library, and Police Station as part of the Town's ongoing energy conservation/efficiency efforts as a Green Community.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

TRANSFER ARTICLES

ARTICLE 21: FUNDING OF THE RESERVE FUND FOR FUTURE PAYMENTS OF ACCRUED LIABILITIES FOR COMPENSATED ABSENCES

To see if the Town will vote to transfer from free cash the sum of \$50,000 for funding the Town's reserve fund in accordance with MGL Chapter 40, Section 13D for future payments of accrued liability for compensated absences due to employees of the Town of Ayer upon termination of their employment; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article would fund the reserve fund previously established by the 2020 Annual Town Meeting in the amount of \$50,000. Compensated absences include planned and unplanned retirements from the Town; as well as separation from the Town in which the employee is due certain accrued benefits such as unused vacation time.

ARTICLE 22: FORWARD FUNDING OF THE TOWN'S PENSION ASSESSMENT

To see if the Town will vote to transfer the sum of \$300,000 from free cash for the purposes of forward funding the Town's pension assessment from the Middlesex County Retirement System; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article would forward fund the Town's pension assessment from the Middlesex County Retirement System in the amount of \$300,000 for the purposes of realizing estimated future savings. Additional payments of \$300,000 for two successive years (of which this is the second) will provide an estimated savings of \$1.3 million dollars through full funding in 2035.

ARTICLE 23: STABILIZATION FUND

To see if the Town will vote transfer \$795,607 from Free Cash or such other sum or sums of money, with \$5,607 to be credited to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, and \$790,000 to be credited to the Capital Stabilization Fund per the Town's Financial Policies; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This Article transfers \$5,607 from Free Cash into the Town's Stabilization Fund and transfers \$790,000 into the Town's Capital Stabilization Fund for a total transfer of \$795,607.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 24: COMMUNITY PRESERVATION ACT

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Act budget, and appropriate from the estimated FY 2022 Community Preservation Fund revenues:

- A sum of money equal to five percent, and not to exceed \$5,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2022.

And further, to reserve for future appropriation from the estimated FY 2022 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 \$84,480, more or less, for acquisition, creation, and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$168,959, more or less, for acquisition, preservation, restoration, and rehabilitation of historic resources, and
- A sum of money equal to \$168,959, more or less, for acquisition, creation and preservation and support of community housing.

And the remainder sum of \$405,398 for the Undesignated Fund Balance/General Fund.

Or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee

Select Board: Recommends

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: Disbursement required by the Commonwealth of Massachusetts under M.G.L. Chapter 44B for the estimated FY 2022 Community Preservation Fund revenues.

ARTICLE 25: COMMUNITY PRESERVATION FUND FY 2022 TRANSFER OF FUNDS

To see if the Town will vote to transfer from Community Preservation Fund FY 2022 estimated annual revenues, the sum of \$12,000 to be added to the amount appropriated for the Community Preservation Committee FY 2022 administrative expenses under Article 24 of this Annual Town Meeting, such sum to be used for due diligence, including title searches and related administrative tasks, for potential open space acquisitions; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee

Select Board: Recommends

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: This is Article is for the due diligence for future appropriations by the Community Preservation Committee for general open space purposes.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

GENERAL BUSINESS AND BYLAW ARTICLES

ARTICLE 26: TIF (Tax Increment Finance Agreement) – CATANIA-SPAGNA CORPORATION AND JAR REALTY CORPORATION

To see if the Town will vote, pursuant to Massachusetts General Law Chapter 40, Section 59, and Chapter 23A, Sections 3A through 3F, and the applicable regulations thereunder, to: approve a Tax Increment Financing Agreement (“TIF” Agreement”) between the Town, Catania-Spagna Corporation and JAR Realty Corp., for property owned and operated at 1 Nemco Way, which TIF Agreement provides for property tax exemptions at the exemption rate schedules set forth therein; and authorize the Select Board to execute the TIF Agreement and approve submission to the Massachusetts Economic Assistance Coordinating Council (EACC) of the TIF Agreement and any Economic Development Incentive Program (EDIP) “Local Incentive Only Application” for EACC approval, and any necessary documents related thereto, all relating to the project as described in the TIF Agreement; and relatives submissions; and to take such action as are necessary or appropriate to obtain EACC approval, implement those documents, and carry out the purposes of this Article; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: The Tax Increment Financing (“TIF”) Agreement as approved by the Select Board on March 16, 2021 is subject to approval of Town Meeting. TIF Agreement can be found at www.ayer.ma.us/townmeeting A Public Information Forum will/was held on April 14, 2021 at 6pm. Presentation to be made at Town Meeting

ARTICLE 27: TRANSFER OF THE WOODLAWN CEMETERY TO THE TOWN OF AYER

To see if the Town will vote to acquire and accept, by donation, from the Woodlawn Cemetery Company, or the current owner of said property, all of the real property known as the Woodlawn Cemetery, located at Harvard Road, Ayer, being two parcels, together containing 10.5 acres, more or less, and shown as Parcel 35-20, described in a deed recorded with the Middlesex South Registry of Deeds in Book 1438, Page 459 and Parcel 35-51, described in a deed recorded with the Middlesex South Registry of Deeds in Book 4708, Page 1; and further, to acquire and accept, by donation, all of the personal property, funds and accounts of said Woodlawn Cemetery Company owned, maintained and used in connection with the ownership and operation of the Woodlawn Cemetery; and to authorize the Select Board to take all actions and execute all documents necessary and appropriate for said acquisition and acceptance; or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote Required

Explanatory Note: This Article would authorize the Select Board to begin a two-part process to acquire the Woodlawn Cemetery by donation from the Woodlawn Cemetery Company to include all personal property, funds, and accounts. Upon passage of Article 27, the Town would be authorized to conduct all appropriate due diligence prior to the acquisition and report back to the Fall Special Town Meeting in October 2021. Presentation to be made at Town Meeting.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

ARTICLE 28: AFFORDABLE HOUSING TRUST BYLAW

To see if the Town will vote to adopt the following Affordable Housing Trust Bylaw: or take any action thereon or in relation thereto.

Section 1 - Purpose

The purpose of the Ayer Affordable Housing Trust (the "Trust") is to provide for the creation and preservation of affordable housing in Ayer, for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of G.L. Chapter 44B. The Trust shall be governed by a Board of Trustees (the "Board") in accordance with G.L. c. 44, §55C, as amended from time to time, and the authority granted by Town Meeting.

Section 2 - Name of the Trust

This Trust shall be called the "Ayer Affordable Housing Trust", herein referred to as the Trust.

Section 3 - Board of Trustees

There shall be a Board of Trustees, which shall consist of seven (7) Trustees, to be appointed by the Select Board, in consultation with the Ayer Affordable Housing Committee, for terms not to exceed two (2) years, but may be reappointed at the discretion of the Select Board for succeeding terms, with no limits on the number of terms that a Trustee can serve. To the extent possible, the Board of Trustees should include members with experience in banking, real estate, real estate law and residential development. Trustees must be residents of the Town. At least one member of the Board of Trustees shall be a member of the Select Board. It is recommended that the Board of Trustees include a member of the Ayer Affordable Housing Committee, a member of the Ayer Community Preservation Committee (CPC) and/or a member of the Ayer Planning Board. In order to stagger the terms of the Trustees, the first three Trustees appointed shall have terms of one year, and the remaining four shall have terms of two years. Thereafter, all Trustees shall be appointed for two (2) year terms.

Section 4 - Tenure of Trustees

Only persons who are residents of the Town shall be eligible to hold the office of Trustee. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee hereunder provided that a written notification of the change in residence has been filed with the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk.

If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Select Board, in consultation with the remaining Trustees, to fill such vacancy, provided that in each case said written appointment and the written acceptance by the Trustee so appointed are filed with the Town Clerk, but no such appointment shall be required so long as there are at least five (5) Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment or a certificate of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Section 5 - Meetings of the Trust

Meetings of the Trust shall be held not less than quarterly at such time and at such place as the Trustees shall determine. Special meetings may be called by the Chair of the Trustees or by a quorum of the Board of Trustees. The fiscal year for the Board of Trustees shall correspond to the fiscal year of the Town of Ayer (July 1st – June 30). Notice of Trust meeting shall be given in compliance with the Open Meeting Law, G.L. c. 30A, §§18-25, as may be amended from time-to-time. A quorum of the Board of Trustees shall be the majority of the number of Trustees then serving under this Trust. Agendas and minutes will be posted on the Town of Ayer’s website.

Section 6 - Powers of the Board of Trustees

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G. L. c. 44, §55C, shall include the following:

- a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from G.L. c. 44B, the Community Preservation Act; provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that Chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Community Preservation Committee of the Town for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue.
- b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, rental agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- e) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- g) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage,

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purchase or sale of property, by or between any corporation and any other corporation or person;

- i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- j) to carry property for accounting purposes other than acquisition date values;
- k) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;
- l) to make distributions or divisions of principal in kind;
- m) to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. c. 44, § 55C, to continue to hold the same for such period of time as the Board may deem appropriate;
- n) to manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;
- o) to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
- p) to extend the time for payment of any obligation to the Trust;
- q) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Trust Fund;
- r) to monitor the expiring use of any affordable housing in the Town; and
- s) to develop, setup and oversee the Trust program guidelines.

Section 7 - Acts of Trustees

Provided that a quorum of the Board is present, a majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees.

Section 8 - Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Ayer.

Section 9 - Amendments

The provisions of this Bylaw can only be amended by a vote of the Ayer Town Meeting.

Section 10 - Funding the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. The Trustees will open up an account to maintain the funds. General revenues appropriated into the Trust become Trust property and no further appropriated shall be required to expend such funds. All moneys

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remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the Trust, remain Trust property.

Section 11 - Public Entity of the Town

The Trust is a public employer and the members of the Board are public employees for purposes of G.L. c. 258, the Tort Claims Act. The Trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of G.L. c. 268A, the Conflict of Interest Law. The Trust is a public body for purposes of G.L. c. 30A, the Open Meeting Law.

Section 12 - Tax-Exempt

Pursuant to G.L. c. 44, §55C, the Trust is exempt from G.L. c. 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

Section 13 - Accounts

The bank accounts of the Trust shall be maintained by the Town Treasurer. Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of G.L. c. 44, §55C. The Town's Office of Community and Economic Development will provide administrative support to the Trust and maintain the books and records of said Trust. An annual audit, by an independent auditor in accordance with accepted accounting practices, will be required. The Trust shall be audited as part of the Town audit. Cost associated with the independent audit shall be borne by the Trust. The results of the audit shall be provided to the Select Board and included in the Town's Annual Report.

Section 14 - Procurement

The Trust is a board of the Town for purposes of G.L. c. 30B and G.L. c. 40, §15A; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.

Section 15 - Duration of the Trust

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. However, it may be terminated by a vote of Town Meeting. Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust, the net assets of the Trust shall be transferred to the Town of Ayer and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the prior approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 16 - Annual Report

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Select Board by July 1 of each year and will be included in the Town's Annual Report. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Section 17 - Compensation of Trustees

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

Section 18 - Declaration of Trust

The Trustees are authorized to execute a Declaration of Trust and Certificates of Trustees for the Ayer Affordable Housing Trust Fund, consistent with G.L. c. 44, §55C and this bylaw and to be recorded with the Middlesex South District Registry of Deeds and/or filed with the Middlesex South Registry District of the Land Court.

Or take any action thereon or in relation to.

Sponsor: Select Board

Simple Majority Vote Required

Explanatory Note: This Article would create the Affordable Housing Trust Bylaw (the Affordable Housing Trust was authorized by the October 2020 Special Town Meeting) which sets forth the governance of the Affordable Housing Trust as developed by the Ayer Affordable Housing Committee.

ARTICLE 29: JONATHAN DRIVE CROSS-COUNTRY WATER MAIN EASEMENT VOTE IN SUPPORT OF ARTICLE 97 LAND DISPOSITION (DCR RAIL TRAIL)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or otherwise, a water line easement on a certain parcel of land off Jonathan Drive, shown as "20' Wide Water Easement" containing 1,940 square feet, located on a Department of Conservation & Recreation rail trail, shown as land of Boston & Maine Railroad on a plan entitled "Easement Plan of Land in Ayer, Mass. Prepared For: Town of Ayer Public Works Department," dated September 13, 2017, prepared by GPR, Inc., recorded with the Middlesex South Registry of Deeds as Plan 886 of 2017, and, further, to authorize the Select Board to submit a petition to the General Court to permit the foregoing acquisition of an interest in Department of Conservation & Recreation property pursuant to Article 97 of the Amendments to the Massachusetts Constitution and to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing purposes and, further, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments; or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote Required

Explanatory Note: The Town is proposing to "loop" the water main between Jonathan Drive and Riley Jayne Farm Subdivision, providing a redundant connection and increased water quality/flow in the northwest portion of Ayer. The "loop" is cross-country, traversing under the DCR rail trail. An easement is required for acquisition of an interest in DCR property, and the Rail Trail is Article 97-protected property. In accordance with the Article 97 Land Disposition Policy, a Town Meeting Vote authorizing a transaction involving Article 97-protected property (i.e., the water utility easement) is required. Note: The Town may have to compensate DCR in the future

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

by either monetary or land swap equal to the appraised value of the disposition – this is not part of the current Article.

ARTICLE 30: NPDES PHASE II STORMWATER BYLAW AMENDMENT

To see if the Town will vote to amend Article XLVII (NPDES Phase II Stormwater By-Law) of the General By-Laws of the Town by deleting the strikethrough bold text and inserting the **underlined bold text** as follows:

IT IS HEREBY DETERMINED THAT:

- Construction Site stormwater runoff and post-construction stormwater discharges may permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn may increase flooding, stream channel erosion, non-point source pollution, and sediment transport and deposition, and decrease groundwater recharge;
- Construction Site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water;
- It is in the public interest to regulate Construction Site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

§ 1.0 PURPOSE

- A. The purpose of this Stormwater Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of Construction Site stormwater runoff and post-construction stormwater discharges. In addition, this Stormwater Bylaw is intended to ensure and promote compliance with US Environmental Protection Agency (EPA) stormwater management regulations pertaining to municipal separate storm sewer systems (MS4) and the National Pollutant Discharge Elimination System (NPDES), as amended. This Stormwater Bylaw seeks to meet these purposes through the following objectives:
1. Establish decision-making processes surrounding Construction Site activities that protect the integrity of the watershed and preserve the health of water resources;
 2. Require that Construction Site activities maintain the post-construction runoff characteristics as equal to or less than the pre-construction runoff characteristics in order to minimize flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
 3. Establish minimum Construction Site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

4. Require the use of nonstructural stormwater management practices or “low-impact development practices”, wherever practicable.
 5. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
 6. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Stormwater Bylaw; and,
 7. Establish a procedure for the adoption of regulations that will provide administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.
- B. Nothing in this Stormwater Bylaw is intended to replace the requirements of the Town of Ayer Wetlands Protection Bylaw or any other Bylaw that may be adopted by the Town of Ayer, or any State or Federal requirement, law, regulation, or policy. Any activity subject to the provisions of this Stormwater Bylaw must comply with any other applicable Town, State or Federal requirements.

§ 2.0 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Ayer at Town Meeting.

§ 3.0 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Stormwater Bylaw. Additional definitions may be adopted by separate regulation.

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may similarly represent “alteration of drainage characteristics,” and “conducting land disturbance activities”. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce adverse stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment.

“Structural” BMPs: Devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

“Nonstructural” BMPs: Natural measures to reduce pollution levels, do not require extensive engineering and construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

CONSTRUCTION SITE: Any site where activity is proposed or occurs which results in soil disturbance by clearing, grading, excavation, stockpiling earth materials or placement/removal of earth materials.

CRITICAL AREAS: The surface water supply protection area (i.e., Zone II) of any of the Town’s drinking water supplies. Areas where stormwater discharge is directly or indirectly to impaired waterbody.

IMPAIRED WATERBODY: A waterbody subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs) or identified as impaired by 303(d) Categories 4 and 5 in the latest version of the Massachusetts Integrated List of Waters pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act. Additionally, a waterbody impaired for phosphorus as identified in the Biological Survey, Assessment and Management Recommendations for Ayer’s Ponds, by Geosyntec Consultants, dated May 2016. These documents are incorporated herein by reference. The Biological Survey, Assessment and Management Recommendations for Ayer’s Ponds is also on file at the office of Conservation Commission and Department of Public Works.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltration to the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, and rooftops, compacted soils, hard-packed gravel driveways, and similar surfaces.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing, grubbing, grading and stockpiling that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material, **or results in the removal or covering up of natural vegetation.**

LOW IMPACT DEVELOPMENT (LID): An approach to environmentally friendly land use planning. It includes a suite of landscaping and design techniques designed to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and allow seeping into the ground rather than being lost as surface runoff so that the local water table can recharge. An important LID principle embodies the concept that rainwater is a resource and not merely a superfluous waste product.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ayer.

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NONPOINT SOURCE POLLUTION: Pollution from many dispersed sources caused by rainfall or snowmelt moving over and through the ground. Movement of runoff collects and carries away natural and human-source pollutants, finally depositing them into water resource areas.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (“NPDES”): A federal environmental program addressing water pollution under the Clean Water Act. NPDES Phase I addresses stormwater discharges from towns and cities with medium to large storm sewer systems and industrial activities. NPDES Phase II addresses towns and cities with small storm sewer systems serving a population of less than 100,000. Phase II also regulates construction activities disturbing greater than one acre. Ayer is subject to NPDES Phase II.

OPERATION AND MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POST-DEVELOPMENT: Conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to conditions after culmination of a new development or redevelopment project and does not depict conditions during the construction phases of a project.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or phased plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

STORMWATER AUTHORITY: The Ayer Planning Board shall act as the Stormwater Authority in implementing the provisions of this Stormwater Bylaw. The Stormwater Authority may designate a Stormwater Agent to assist with plan review, implementation and enforcement of the provisions of this Stormwater Bylaw and accompanying regulations. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Chapter. Boards and/or departments may participate in the review process as defined in this Stormwater Bylaw or the Stormwater Regulations adopted by the Stormwater Authority.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, that is designed to protect the Town from deleterious effects of uncontrolled or untreated stormwater runoff.

STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional public land surveyor (PLS), or a certified professional in erosion and sedimentation

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control (CPESC), that includes structural and non-structural best management practices (BMPs) to manage and treat stormwater runoff generated from regulated development activity.

TOTAL MAXIMUM DAILY LOAD or TMDL: Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a waterbody can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in Article XXVI of the Town Bylaws, "Wetland Protection".

§ 4.0 ADMINISTRATION

- A. The Stormwater Authority shall administer, implement and enforce this Stormwater Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. The Stormwater Authority may adopt and periodically amend Regulations relating to receipt and content of Stormwater Management Permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures, administration and enforcement of this Stormwater Bylaw subsequent to a majority vote of the Planning Board and after conducting a public hearing to receive comments on the proposed regulations and/or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) calendar days before a hearing date. After public notice and hearing, the Stormwater Authority may promulgate rules and regulations to effectuate the purposes of this Stormwater Bylaw. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Stormwater Bylaw.
- C. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval. **Determination of the action shall be in accordance with the Ayer Stormwater Regulations.**
- D. The overall Stormwater Management Plan consists of two parts: a Stormwater Management Erosion and Sedimentation Control Plan ("Stormwater Plan") and an Operation and Maintenance Plan ("O&M Plan"). The Stormwater Plan addresses stormwater impacts during construction and prior to site stabilization, as well as best management practices for

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the permanent management and treatment of groundwater. The O & M Plan addresses the long term monitoring and care of the stormwater management controls on the site.

§ 5.0 APPLICABILITY

This Stormwater Bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Ayer, whether new development or redevelopment. Except as permitted by the Stormwater Authority in a Stormwater Management Permit (SMP) or as otherwise provided in this Stormwater Bylaw, no person shall perform any activity that results in land disturbance ~~of 40,000 square feet or greater~~ **in accordance with the requirements set forth below** without first obtaining an SMP according to the provisions of this Stormwater Bylaw.

A. Regulated Activities. Regulated activities shall include, but not be limited to:

1. Land disturbance of greater than ~~40,000~~ **20,000** square feet, associated with construction or reconstruction of structures;
2. Development or redevelopment involving multiple, separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that together disturbs ~~40,000~~ **20,000** square feet or more.
3. Paving or other change in surface material over an area of ~~40,000~~ **20,000** square feet or more causing a significant reduction of permeability or increase in runoff,
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than ~~40,000~~ **20,000** square feet,
5. Land disturbance where there is a 15% or greater slope and where the land disturbance is greater than or equal to 1,000 square feet within the sloped area.
6. Land disturbance greater than or equal to 1,000 square feet where the soil cut or filled exceeds four feet in vertical depth at its deepest point as measured from the natural ground level.
7. Disturbance of a volume of earth greater than 1,500 cubic yards.
8. Any other activity altering the surface of an area exceeding ~~40,000~~ **20,000** square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm drain system or to a watercourse or wetland.
9. **Land disturbance on a parcel of land having more than 5,000 square feet of existing impervious area and ultimately resulting in a net increase of 30% or more of impervious area.**
10. **Land disturbance of 2,000 square feet or greater within a Critical Area as defined in Section 3.0 of this document.**
11. **Land disturbance of 2,000 square feet or greater where stormwater discharge is directly or indirectly to an Impaired Waterbody or its tributaries as defined in Section 3.0 of this document.**

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12. Any activity subject to Site Plan Review or Subdivision Control Law.

Note: Where filing a Notice of Intent pursuant to the Wetlands Protection Act or Ayer's Wetland Protection Bylaw and one or more of the criteria in this Section are met, a Stormwater Management Permit will be required in addition to the Notice of Intent.

~~B. Minor and Major Projects. For the purposes of this Bylaw and any Regulations pertaining thereto, applications shall be divided into Minor and Major categories. The application procedures and submittal requirements for Minor and Major applications shall be described in the Ayer Stormwater Regulations.~~

~~1. A Minor project is any activity subject to the Stormwater Bylaw which involves:~~

- ~~a. Land disturbance of an areas greater than 40,000 square feet but less than 60,000 square feet for a single family lot which has not been included in an ANR or subdivision within the prior five (5) years; or~~**
- ~~b. Land disturbance of a volume of earth greater than 1,500 cubic yards but less than 2,200 cubic yards where not related to a subdivision or ANR; or~~**
- ~~c. Land disturbance of an area of land 1,000 square feet to 10,000 square feet:
If the slope is 15% greater; or
If the soil cut or filled exceeds four (4) feet in vertical depth at its deepest point as measured from the natural ground level.
This requirement may be waived for septic system installation.~~**

~~2. A Major project is any project subject to the Stormwater Bylaw which involves:~~

- ~~a. Land disturbance of an area of 40,000 or more square feet for a subdivision or ANR;~~**
- ~~b. Land disturbance of an area of greater than 60,000 square feet; or~~**
- ~~c. Land disturbance of a volume of earth resulting in a total quantity greater than 2200 cubic yards; or~~**
- ~~d. Land disturbance of an area of land greater than 10,000 square feet:
If the slope is 15% or greater; or
If the soil cut or filled exceeds four (4) feet in vertical depth at its deepest point as measured form the natural ground level.~~**

B. Exempt Activities. The following activities are exempt from the requirements of this Stormwater Bylaw:

1. Normal maintenance and improvement of Town owned public ways and appurtenances. New road and building construction, however, are subject to a requirement for a stormwater permit.

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2. Normal maintenance and improvement of land in agricultural or forestry use as defined by the Massachusetts Wetlands Protection Act and its Regulations.
3. Normal maintenance and improvement of agriculture uses under Massachusetts General Laws, Chapter 40A, Section 3, and consistent with Massachusetts General Laws, Chapter 128, Section 1A, subject to reasonable regulation of site conditions.
4. Infrastructure repairs when required by the Department of Public Works for the protection of public health and safety.
5. Repair of septic systems when required by the Board of Health for the protection of public health.
6. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling provided such maintenance does not include the addition of more than 300 cubic yards of soil material, ~~the~~ construction of walls, ~~alteration of existing grades by more than one foot in elevation,~~ or ~~the~~ alteration of drainage patterns, including alteration of grades by more than one foot in elevation.
7. The construction of fencing irrespective of materials used that will not alter existing terrain or drainage patterns.
8. Construction of utilities (gas, water, sewer, electric, telephone, etc.) other than drainage that will not alter terrain or drainage patterns.
9. As authorized in the Phase II small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 5-A that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy, as reflected in an Order of Conditions issued by the Conservation Commission, are exempt from compliance with this Bylaw.

10. Regular and approved maintenance of stormwater management structures.

11. Emergency work to protect life, limb, and property.

§ 6.0 ENFORCEMENT

- A. The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this Bylaw, Regulations, permits, violation notices, and enforcement orders, and may pursue all civil, criminal, and non-criminal remedies for such violations.
- B. Notices of Violation and Enforcement Orders.
 1. The Stormwater Authority or an authorized agent of the Stormwater Authority may issue a written notice of violation or enforcement order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include requirements to:
 - a. Cease and desist from construction or land disturbing activity until there is compliance with the Bylaw and the Stormwater Management Permit.

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- b. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the O&M Plan.
 - c. Perform monitoring, analyses, and reporting.
 - d. Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
 - 2. If the enforcing person determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed.
- C. Any person who violates any provision of the Stormwater Bylaw, Regulations or permit issued thereunder, Maintenance Agreement, or enforcement order may be ordered to correct the violation and/or pay a fine up to \$300 and/or a civil penalty not exceeding \$5,000.00 for each day of violation of any rule or regulation, pursuant to the provisions of G.L. c. 83, sec. 10, as specified in the Regulations. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Ayer may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and in which case the Stormwater Agent of the Town of Ayer shall be the enforcing person. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Entry to Perform Duties Under this Bylaw:**
- 1. **To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, his/her agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.**
 - 2. **The Stormwater Authority may require the immediate abatement of any violation of this bylaw and/or regulations that constitutes an immediate threat to the health, safety or welfare of the public. If any such violation is not abated immediately as directed by the Stormwater Authority, to the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town may enter the property and take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the municipality shall be at the expense of the property owner and/or violator, pursuant to this Section. Any relief obtained under this Section shall not prevent the municipality from seeking other and further relief authorized under the bylaw and/or regulations.**

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- F. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 7.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Stormwater Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

§ 8.0 EFFECTIVE DATE

This Stormwater Bylaw shall take effect upon approval of the Attorney General and upon compliance with requirements of Massachusetts General Law Chapter 40, Section 32.

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote Required

Explanatory Note: This Article would amend the NPDES Phase II Stormwater Bylaw to meet the regulatory requirements of the Town's MS4 Permit and make changes to the land disturbance thresholds to better protect water quality in the Town.

**ARTICLE 31: ILLICIT DISCHARGE TO MUNICIPAL STORM DRAIN SYSTEM
BYLAW AMENDMENT**

To see if the Town will vote to amend Article XLVIII (Illicit Discharges to the Municipal Storm Drain Systems By-law) of the General By-Laws of the Town by deleting the strikethrough bold text and inserting the **underlined bold text** as follows:

§ 1. PURPOSE and AUTHORITY

- A. Purpose: The purpose of this bylaw is to manage connections and discharges to the municipal storm drain system and waters of the Commonwealth, that are necessary for the protection of Ayer's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. The objectives of this bylaw are:
 1. To prevent pollutants from entering Ayer's municipal separate storm sewer system (MS4) and waters of the Commonwealth;
 2. To prohibit illicit connections and unauthorized discharges to the MS4;
 3. To require the removal of illicit connections;
 4. To comply with state and federal statutes and regulations relating to stormwater discharges;
 5. To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
 6. To prevent contamination of drinking water supplies.

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- B. Authority: This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The DPW Superintendent shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the DPW Superintendent may be delegated in writing to other qualified employees or agents of the Town of Ayer.

§ 2. DEFINITIONS

For the purposes of this bylaw, the following shall apply:

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants from any source into the municipal storm drain system or into the waters of the United States or Commonwealth.

GROUNDWATER: All water beneath the surface of the ground.

HAZARDOUS MATERIAL OR WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic or organic chemical, petroleum product, heavy metals, radioactive or infectious waste, acid and alkali, pathogens and any substance defined as Toxic or Hazardous under Massachusetts General Laws Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION: Any surface or subsurface drain or conveyance, that allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances that allow a non-stormwater discharge to the municipal storm drain system including but not limited to: sewage, processed wastewater or wash water and also any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved prior to the effective date of this bylaw.

ILLICIT DISCHARGE: Any direct or indirect non-stormwater discharge into the municipal storm drain system, not specifically exempted in Section 6. The term excludes a discharge in compliance with an NPDES Storm Water or Surface Water Discharge Permit.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ayer.

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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER

DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Any discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: Any individual, partnership, association, firm, company, trust, corporation or other organization, and, any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any constituent part or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants include, but are not limited to:

1. Preservatives including paints, varnishes and other chemical agents, cleaning agents, disinfectants and solvents;
2. Oil and other automotive or other vehicular fluids and any fuels irrespective of use;
3. Non-hazardous liquids, solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations and floatables;
5. Pesticides, herbicides, and fertilizers;
6. Hazardous materials and wastes; sewage, fecal coliform and other pathogens;
7. Metals: dissolved, in suspension or in particulate form;
8. Animal wastes;
9. Rock, sand, salts, soils;
10. Construction wastes and residues, including but not limited to sediments, slurries, and concrete rinsates;
11. Noxious or offensive matter of any kind.

STORMWATER: Storm (rain) runoff, snowmelt runoff, and surface water runoff and drainage.

UNCONTAMINATED: Water containing no pollutants.

WATERCOURSE: A natural or man-made channel through which water flows including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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WASTEWATER: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§ 3. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system and waters of the Commonwealth.

§ 4. REGULATIONS

The DPW Superintendent **and/or the Planning Board** may promulgate rules, regulations and a permitting process to effectuate the purposes of this bylaw. Failure by the DPW Superintendent **and/or the Planning Board** to promulgate such rules and regulations shall neither suspend nor invalidate this bylaw.

§ 5. PROHIBITED ACTIVITIES

- A. **Illegal Discharges:** No person shall dump, discharge, cause or allow to be dumped or discharged any pollutant or non-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections:** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System:** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the DPW Superintendent or his/her designee.

§ 6. EXEMPTIONS

This section shall not apply to discharges or flows resulting from fire fighting activities; This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not deemed by the DPW Superintendent to be a significant contributor of a pollutant to the municipal storm drain system:

1. Waterline flushing;
2. Flows from potable water sources;
3. Springs;
4. Natural flows from riparian habitats and wetlands;
5. Rising groundwater;
6. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
7. Discharge from landscape irrigation or lawn watering;
8. Water from individual residential car washing;

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9. Discharge from dechlorinated swimming pool water [defined as containing less than one part per million (ppm) chlorine] provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.
10. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
11. Discharges from street sweeper operations of inconsequential amounts of water.;
12. Dye testing, provided verbal notification is given to the DPW Superintendent and approval is obtained prior to the time of the test;
13. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
14. Discharges for which advanced written approval is received from the DPW Superintendent if necessary to protect public health, safety, welfare or the environment;

15. Diverted stream flow:

16. Residential building wash waters without detergents.

§ 7. SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

- A. The DPW Superintendent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or to the environment. If any person fails to comply with an emergency suspension order, the DPW Superintendent may take all reasonable steps necessary to prevent or minimize harm to the public health, safety and welfare or to the environment.
- B. Any person discharging to a municipal storm drain system in violation of this bylaw may have access to their municipal storm drain system terminated if such termination would abate or reduce an illicit discharge. The DPW Superintendent will notify a violator of the proposed termination of access to the municipal storm drain system. The violator may petition the DPW Superintendent for reconsideration and hearing. An offense is committed if the person reinstates access to the municipal storm drain system from premises terminated pursuant to this section, without prior approval from the DPW Superintendent.

§ 8. NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials at that facility or operation that results or may result in illegal discharge of pollutants, that person shall take all steps necessary to ensure containment, and cleanup of the release. In the event of a release of oil or

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hazardous materials, the person shall immediately notify the municipal fire and police departments, DPW Superintendent, ~~and~~ Board of Health, **MassDEP and the Ayer Conservation Commission**. In the event of a release of non-hazardous material, said person shall notify the DPW Superintendent no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the DPW Superintendent within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 9. ENFORCEMENT

- A. The DPW Superintendent or the Superintendent's designee shall enforce this bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief: The DPW Superintendent may seek injunctive relief in a court of competent jurisdiction to restrain the person that violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder from activities that would create further violations and additionally compelling the person to abate or remediate the violation.
- C. Compliance Orders: The DPW Superintendent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 1. Elimination of illicit connections or discharges to the storm drainage system;
 2. Termination of access to the storm drainage system;
 3. Performance of monitoring, analyses, and reporting;
 4. Cessation of unlawful discharges, practices, or operations;
 5. Remediation of contamination in connection therewith. If the DPW Superintendent determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation.
- D. Criminal and Civil Penalties: Any person that violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed \$300.00 for each day such violation occurs or continues or be subject to a civil penalty not exceeding \$5,000.00 for each day of violation of any rule or regulation, pursuant to the provisions of G.L. c. 83, sec. 10, that may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Town of Ayer may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws Chapter 40, §21D. The DPW Superintendent, or the Superintendent's designee, shall be the enforcement officer. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

- F. Entry to Perform Duties Under this Bylaw: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the DPW Superintendent, his/her agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the DPW Superintendent deems reasonably necessary.
- G. Appeals: The decisions or orders of the DPW Superintendent shall be final. Further relief shall be to a court of competent jurisdiction.
- H. Remedies Not Exclusive: The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 10. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof to any party, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

§ 11. TRANSITIONAL PROVISIONS

Residential property owners shall have ninety (90) days from the effective date of this bylaw to comply with its provisions. An extension may be granted provided good cause is shown for the failure to comply with the bylaw during that period.

§ 12. EFFECTIVE DATE

This Bylaw shall take effect upon approval of the Attorney General and upon compliance with the requirements of Massachusetts General Law Chapter 40, Section 32.

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote Required

Explanatory Note: This Article would amend the Stormwater Bylaw to meet the regulatory requirements of the MS4 with respect to the Town's storm drain system and illicit discharges.

ARTICLE 32: STREET ACCEPTANCE: PLEASANT STREET EXTENSION (PORTION) AND TREVOR TRAIL

To see if the Town will vote to accept the layout of Pleasant Street Extension (Portion) and Trevor Trail as a public way, the metes and bounds of which are on file in the Office of the Town Clerk, and to authorize the Select Board 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 Select Board 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 Select Board deems appropriate; or take any action thereon or in relation thereto.

Sponsor: Select Board

Planning Board: Recommends

Simple Majority Vote Required

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Explanatory Note: This Article would accept Pleasant Street Extension (Portion) and Trevor Trail as public ways in the Town. The metes and bounds of which are on file in the Office of the Town Clerk and available on the Town's website at www.ayer.ma.us/townmeeting

PETITION ARTICLE

AMENDMENT OF THE "AGREEMENT BETWEEN THE TOWNS OF AYER AND SHIRLEY WITH RESPECT TO THE FORMATION OF A REGIONAL SCHOOL DISTRICT"

We the petitioners wish to amend the "Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District" which was approved in March of 2010 and amended in September/October of 2012. This amendment request will follow the procedure outlined in Section XV of the agreement, specifically amendment by petition of 10 percent of the registered voters in Shirley.

to wit:

Striking the entirety of Section X: Incurring of Debt, and replacing it with:

"The School Committee is empowered to incur debt consistent with the terms and conditions of G.L. Chapter 71, Section 16. Except for the incurring of temporary debt in anticipation of revenue, the process that appears in subsection (d) of Chapter 71, Section 16 will be followed"

Sponsor: By Petition

Select Board: Does Not Recommend (3-0 on April 6, 2021) Simple Majority Vote Required

Explanatory Note: This Article was submitted by Petition in accordance with the provisions of Section XV, Paragraph B of the "Agreement Between the Town of Ayer and Shirley With Respect to the Formation of a Regional School District" with such Petition signed by 10% of the Voters in the Town of Shirley as certified by the Shirley Town Clerk on March 30, 2021. The Petition was received by the Ayer Town Clerk on March 30, 2021. To view a copy of the Petition and supporting documents, please visit the Town's website at www.ayer.ma.us/townmeeting or contact the Office of the Ayer Town Clerk.

A True Copy Attest: 
Susan E. Copeland
Town Clerk

Date: April 9, 2021

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 (7) days before said meeting, all as herein directed.


Constable

Date: April 9, 2021

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting