

# Town of Ayer



## ANNUAL TOWN MEETING WARRANT

Ayer High School Auditorium  
May 11, 2009 @ 7:00 p.m.

Commonwealth of Massachusetts  
Middlesex, ss.

### GREETINGS:

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

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

Given under our hands this 28th day of April AD 2008.

\_\_\_\_\_  
Carolyn L. McCreary

\_\_\_\_\_  
Cornelius F. Sullivan

\_\_\_\_\_  
Richard D. Gilles

\_\_\_\_\_  
James M. Fay

\_\_\_\_\_  
Gary J. Luca

**AYER BOARD OF SELECTMEN**

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before May 8, 2009. We shall make every reasonable effort to assist you.

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

**2009 ANNUAL TOWN MEETING**  
**Index to Articles and Recommended Actions**

<b>Art. No.</b>	<b>Article: Short Title</b>	<b>Board of Selectmen</b>	<b>Finance Committee</b>
1	Town Election	-	-
2	Reports	-	-
3	“Freeze” Compensation Plan Step Increases for FY10	YES	tbd
4	Salaries for Elected Officials	YES	tbd
<b>FY10 OPERATING BUDGET</b>			
5	FY10 Omnibus Budget	YES	tbd
<b>ENTERPRISE FUND ARTICLES</b>			
6	Solid Waste Enterprise Fund	YES	YES
7	Ambulance Enterprise Fund	YES	YES
8	Sewer Enterprise Fund	YES	YES
9	Water Enterprise Fund	YES	YES
<b>REVOLVING FUNDS (TAKE 9-13 TOGETHER)</b>			
10	Communications Fund: Communications Committee	YES	YES
11	Fire Alarm Fund: Fire Chief	YES	YES
12	Hazardous Materials Fund: Fire Chief	YES	YES
13	Fourth of July Fund: Fourth of July Cmte. w/ BOS	YES	YES
14	DPW Inspection Fees Fund: Supt. of Public Works	YES	YES
15	(new) Town Hall Maintenance Fund: Board of Selectmen	YES	YES
<b>CAPITAL PLAN BORROW RELATED ARTICLES</b>			
16	Capital Improvement Plan Borrow Articles	YES	YES
17	Rescind Prior Borrowing Authority	YES	YES
<b>RAISE AND APPROPRIATE ARTICLE</b>			
18	First Year Borrow Expense	YES	tbd
<b>TRANSFERS</b>			
19	Capital Stabilization Fund: Fire Dept. Breathing Apparatus	YES	YES
20	Weed Treatment – Sandy and Pine Meadow Ponds	YES	YES
<b>COMMUNITY PRESERVATION ACT ARTICLES</b>			
21	FY10 Community Preservation Act Budget	YES	tbd
22	Reserve \$12,000 for CPC Appropriation to Open Space	YES	tbd
<b>ZONING AMENDMENTS – 2/3 VOTE REQUIRED</b>			<b>Planning Board</b>
23	Approve Re-organization of Zoning Bylaw	YES	YES
24	Update Town’s Official Zoning Map	YES	YES
25	Zoning Map – Incorporate Overlay Districts	YES	YES
26	Zoning Map – Correct Shading Error (Rosewood Ave. area)	YES	YES
27	Zoning Map – Correct Parcel Zoning (Brook St. area)	YES	YES
28	Amend Zoning – Map 29, Parcel 12 (Willow Rd. area)	-	YES
<b>GENERAL BUSINESS ARTICLES</b>			<b>Finance Cmte.</b>
29	Amend Town Bylaws – Marijuana Use	YES	YES
30	Accept Gift of Land (two parcels at Ridge View Heights)	-	N/A
<b>CITIZEN PETITIONED ARTICLES</b>			
31	Establish Commission of Public Works	-	NO
32	Rescind TIF Agreement (Essent / Nashoba Valley Med. Ctr.)	-	N/A

**ARTICLE 1: TOWN ELECTIONS**

The Town Elections are the first article of business and were held Monday, April 27, 2009.

**ARTICLE 2: REPORTS**

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

Sponsor: Board of Selectmen

Simple Majority Vote Required

**ARTICLE 3: FREEZE COMPENSATION PLAN FOR FY10**

To see if the Town will vote to amend the Personnel Compensation and Classification Plan as adopted by Art. 10 of the May 13, 1996 Annual Meeting, and modified by Art. 3 at the May 13, 2002 Annual Meeting, by adding “no step increases shall be granted for fiscal year 2010 for any employee governed by this plan,” or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee:

Simple Majority Vote Required

**ARTICLE 4: SALARIES OF ELECTED OFFICIALS**

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

	<u>FY-09 SALARY</u>	<u>FY-10 SALARY</u>	<u>% OF CHANGE</u>
Moderator	\$ 535	\$ 551	3.0%
Selectmen: Chair	\$ 3,780	\$ 3,780	0.0%
Selectmen: Members (4)	\$ 3,371	\$ 3,371	0.0%
Assessors: Chair	\$ 3,720	\$ 3,832	3.0%
Assessors: Members (2)	\$ 3,328	\$ 3,428	3.0%
Treasurer:	\$ 56,909	\$58,616	3.0%
Town Clerk	\$ 25,609	\$26,377	3.0%
Tax Collector:	\$ 31,300	\$32,239	3.0%
Tree Warden:	\$ 5,346	\$ 5,506	3.0%

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

Sponsor: Board of Selectmen  
Finance Committee:

Simple Majority Vote Required

**ARTICLE 5: OMNIBUS BUDGET**

To see if the Town will vote to raise and appropriate or transfer from other available funds, with the sum of two hundred sixty-nine thousand twenty-three and 00/100 dollars (\$269,023) to be appropriated from free cash, the following sum or sums of money for the Omnibus items, assuming passage of Article 3 above, such Omnibus not to include any appropriation for step increases for fiscal 2010 for employees subject to the compensation plan approved as Art. 10 at the May 13, 1996 Annual Meeting and modified by Art. 3 at the May 13, 2002 Annual Meeting, or take any action thereon or in relation thereto:

Dept. 100: General Government  
Dept. 200: Finance

Dept. 300: Public Safety  
Dept. 400: Public Works  
Dept. 500: Human Services  
Dept. 600: Public Schools  
Dept. 700: Management Support

**SEE COMPLETE FY10 OMNIBUS BUDGET AT END OF WARRANT**

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

ENTERPRISE FUND ARTICLES

**Handouts will be provided at Town Meeting with further detail on Articles No. 6 – 9.**

**ARTICLE 6: 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 \$412,022 of which \$191,667 is to come from solid waste revenue, \$2,530 to come from Solid Waste reserve for borrow, \$82,770 is to come from solid waste surplus (free cash) and \$135,055 is to come from the tax levy, and **indirect costs** of \$111,500 is to come from the tax levy, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

**ARTICLE 7: 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 \$106,814 of which \$92,771 is to come from ambulance revenue and \$20,499 is to come from ambulance surplus (free cash), and **indirect costs** of \$282,543 is to come from ambulance revenue, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

**ARTICLE 8: SEWER**

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

**Direct costs** of \$2,121,125 of which \$2,056,038 is to come from sewer revenue, \$35,000 is to come from Sewer surplus (free cash) and \$30,087 is to come from the tax levy, and **indirect costs** of \$229,000 which is to come from sewer revenue, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

## **ARTICLE 9: WATER**

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

**Direct costs** including water reserve of \$1,427,527 of which \$1,286,797 is to come from water revenue, and \$140,730 is to come from the tax levy, and **indirect costs** of \$162,100 to come from water revenue, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

### REVOLVING FUND ARTICLES

**Recommend Moving Articles 10 through 14 together by consent.**

## **ARTICLE 10: COMMUNICATIONS FUND**

To see if the Town will vote to reauthorize a Revolving Fund, pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of supporting the town website, printing and mailing various newsletters, and other town-wide informational mailings from the **Communication Committee**. Receipts to be credited to the account shall be revenues from ads placed in said mailings and on the Town website. The Communication Committee is authorized to expend monies from this fund. In no event shall total expenditures from the Communications Revolving Fund exceed twenty thousand dollars (\$20,000) in Fiscal Year 2010, and provided further that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Communication Committee  
Finance Committee: Recommends.

Simple Majority Vote Required

## **ARTICLE 11: FIRE ALARM FUND**

To see if the Town will vote to reauthorize a Revolving Fund, pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of **Fire Alarm Repairs and Replacement**. Receipts to be credited to the account shall be Fire Alarm Box Assessment Fees and Fines for Needless and False Alarms. The Fire Chief is authorized to expend monies from this fund. In no event shall total expenditures from the Fire Alarm Revolving Account exceed fifteen thousand dollars (\$15,000) in Fiscal Year 2010, and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

## **ARTICLE 12: HAZARDOUS MATERIALS FUND**

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of **Hazardous Materials Expense Replacement**. All receipts from a Haz-Mat incident shall be from billed services, and will be used for replacement of supplies and

expenses. The Fire Chief will be authorized to expend monies for this fund. In no event shall total expenditures from the Haz-Mat Revolving Account exceed ten thousand dollars (\$10,000) in Fiscal Year 2010, and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

### **ARTICLE 13: FOURTH OF JULY FUND**

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44, Section 53E 1/2, for the purpose of a **4th of July Revolving Fund**. Receipts to be credited to the Account shall be from vendor fees, and shall be used for purchasing and promoting the event. The 4th of July Committee, with the approval of the Board of Selectmen, is authorized to expend money from this fund. In no event shall total expenditures from the 4th of July Revolving Fund exceed twenty five thousand dollars (\$25,000.00) in Fiscal Year 2010 and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

### **ARTICLE 14: DPW INSPECTION FEES FUND**

To see if the Town will vote to reauthorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of a **Department of Public Works Inspection Revolving Fund**. Receipts to be credited to the fund shall be from development fees or contributions, and shall be used for the purpose of funding inspections of road construction, drainage facilities, and water and sewer line installations. The Superintendent of Public Works shall be authorized to expend money from this fund. In no event shall total expenditures from the Department of Public Works Inspection Revolving Fund exceed one-hundred thousand dollars (\$100,000) in Fiscal Year 2010 and provided further, that no Board, Department or Officer shall be authorized to expend in any one fiscal year from all Revolving Funds under its direct control more than one percent of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified under Section Twenty Three of Chapter Fifty Nine, or take any action thereon or in relation thereto

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

### **ARTICLE 15: TOWN HALL MAINTENANCE FUND**

To see if the Town will vote to authorize a Revolving Fund pursuant to G.L. Chapter 44 Section 53E 1/2, for the purpose of a **Town Hall Maintenance Fund**. Receipts to be credited to the fund shall be from fees assessed for use of Town Hall facilities and may be used for costs related to operation, maintenance, repair and/or reconstruction at Town Hall and its grounds. The Board of Selectmen shall be authorized to expend money from this fund. In no event shall total expenditures from the Town Hall Maintenance Fund exceed ten thousand dollars (\$10,000) in Fiscal Year 2010

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

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

BORROW ARTICLE

**ARTICLE 16: CAPITAL BUDGET REQUESTS**

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

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW – Water Enterprise	Spectacle Pond Media Filter Replacement	\$ 150,000
DPW – Sewer Enterprise	Replace Primary Clarifier Drive	\$ 35,000
DPW – Sewer Enterprise	Groton School Rd. P.S. Upgrade-engineering	\$ 30,000
DPW – Sewer Enterprise	WW Treatment Plant Elect. Panel-Add'l Funds	\$ 25,000
Police Dept.	Purchase and Equip Police Cruiser	\$ 29,000

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

**Two-Thirds Vote Required**

**ARTICLE 17: RESCIND PRIOR BORROWING AUTHORITY**

To see if the Town will vote to rescind the following borrowing authority, or take any action thereon or in relation thereto,

	<u>Rescind Amount</u>
May 14, 2007 ATM Article 14 Sewer tank trailer (\$69,900)	\$22,508.00

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

RAISE AND APPROPRIATE ARTICLE

**ARTICLE 18: FIRST-YEAR BORROW INTEREST AND EXPENSE**

To see if the Town will vote to raise and appropriate or transfer from available funds two-thousand nine-hundred and 00/100 (\$2,900) required to provide for the first year's interest charges and associated administrative expenses on all borrowing/bonding authorized by this Town Meeting, or take any action thereon or in relation thereto.

Sponsor: Town Treasurer  
Finance Committee: Recommends.

Simple Majority Vote Required

TRANSFER ARTICLES

**ARTICLE 19: Capital Stabilization: Fire Dept. Breathing Apparatus**

To see if the Town will vote to transfer from the capital stabilization fund the sum of fifteen thousand dollars (\$15,000) to purchase self-contained breathing apparatus for the Fire Dept., or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee:

**Two-Thirds Vote Required**

## **ARTICLE 20: WEED TREATMENT – SANDY & PINE MEADOW PONDS**

To see if the Town will vote to transfer the balance of \$8,640 from existing encumbered funds for the spot treatment of weeds and continuation of weed control in Sandy Pond and Pine Meadow Pond, such existing funds to be transferred from: Article 27 of 2006 Annual Town Meeting (\$275); Article 29 from 2007 Annual Town Meeting (\$3,865) and Article 18 from 2008 Annual Town Meeting (\$4,500), or take any action thereon or in relation thereto,

Sponsor: Conservation Commission  
Finance Committee: Recommends.

Simple Majority Vote Required

### COMMUNITY PRESERVATION ACT ARTICLES

## **ARTICLE 21: COMMUNITY PRESERVATION ACT**

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Act budget, and appropriate from the estimated FY2010 Community Preservation Fund revenues:

- A sum of money equal to five percent, and not-to-exceed five thousand dollars (\$5,000.00), to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010.

And further, to reserve for future appropriation from the estimated FY2010 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 \$50,654, more or less, for acquisition, creation and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$16,885, more or less, for acquisition, preservation, restoration and rehabilitation of historic resources, and
- A sum of money equal to \$16,885, more or less, for acquisition, creation and preservation and support of community housing.

And further, to reserve for future appropriation for FY2010 Community Preservation purposes, \$16,885, more or less, to the Community Preservation Fund Budgeted Reserve, or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee  
Finance Committee: Will report at Town Meeting.

Simple Majority Vote Required

## **ARTICLE 22: CPAC – TRANSFER OF FUNDS**

To see if the town will vote to transfer from Community Preservation Fund FY2010 estimated annual revenues the sum of \$12,000, more or less, and reserve said sum for future appropriation by the Community Preservation Act Committee for general open space purposes; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee  
Finance Committee: Will report at Town Meeting.

Simple Majority Vote Required



## ZONING AMENDMENTS

### **ARTICLE 23: RE-ORGANIZED ZONING BY-LAW**

To see if the Town will vote to amend the existing Ayer Zoning Bylaw by making ministerial, clerical amendments and grammatical corrections thereto, including a new Table of Contents and cross referencing, correction of typographical errors and redundancies, incorporation of recent Zoning Amendments, reordering of the content of the Bylaw although not changing the content itself, and renumbering, all as set forth in a document entitled "Zoning Bylaw Reorganization," on file with the Town Clerk, provided, however, that all zoning bylaws currently in force and not included in the recodified Zoning Bylaw shall be repealed, or take any other action thereon or in relation thereto.

Sponsor: Planning Board  
Selectmen: Recommends.

**Two-Thirds Vote Required**

### **ARTICLE 24: UPDATE OFFICIAL ZONING MAP**

To see if the Town will vote to amend the Ayer Zoning Map to reflect past Town Meeting adopted changes, as shown on the Zoning Map dated 5/11/2009, prepared by the Montachusett Regional Planning Commission and on file in the office of the Town Clerk, which are the following:

A section of land from Residential to Light Industrial off of Willows Rd as adopted at Town Meeting held on 10/22/2007, Article 7.

The change of Fort Devens Military Reservation delineation as seen on 1984 Zoning Map-amended April 6, 1993 to Fort Devens Interim Planning Overlay District. As adopted at Town Meeting 4/6/1993 Article 25, 26, and 27.

Adoption of Devens Enterprise Zone and thus change the Fort Devens Interim Planning Overlay District to the Devens Enterprise Zone. As adopted at Town Meeting 12/7/1994 Article 1.

A 2.907 acre parcel located near the Town boundary of Groton and Ayer changed from Residential to Heavy Industrial. As adopted at Town Meeting 5/25/1993 Article 36.

Adoption of the Health Care Services District at 200 Groton Rd (a/k/a Washington Street). Parcel is 40 acres. Parcel is also designated as Wireless Communications Service District. As adopted at Town Meeting 6/8/2006 Article 40 and 41.

A parcel located at 60 Willows Rd from designation of Residential to Light Industrial. As adopted at Town Meeting 5/9/1988 Article 35.

Land located on Assessors Map 30 parcels 21, 22, and 23 to be rezoned from Residential to Light Industrial (1-L). As adopted at Town Meeting 5/25/1993 Article 37.

Or take any action thereon or in relation thereto.

Sponsor: Planning Board  
Selectmen: Recommends.

**Two-Thirds Vote Required**

### **ARTICLE 25: ZONING MAP – INCORPORATE OVERLAY DISTRICTS**

To see if the Town will vote to amend the Ayer Zoning Map to reflect adopted Overlay Districts in the Town of Ayer Zoning Bylaw as well as include any additional changes from the Massachusetts Department of Environmental Protection (DEP), as shown on the Zoning Map dated 5/11/2009,

prepared by the Montachusett Regional Planning Commission, and on file in the office of the Town Clerk. The proposed amendments to include:

- Water Supply Protection Overlay District-as adopted at Town Meeting 6/24/1991 Article 28.
- Aquifer Protection- as adopted at Town Meeting 11/15/1999 and further upon receiving final information from DEP regarding Zone III areas in town.
- Wireless Communication-as adopted at Town Meeting 11/17/1997 and further revised to include Health Care Services District in its boundary delineation.
- Adult Entertainment Enterprises-as adopted at Town Meeting Fall 1998 Article 41.

Or take any action thereon or in relation thereto.

Sponsor: Planning Board  
Selectmen: Recommends.

**Two-Thirds Vote Required**

### **ARTICLE 26: ZONING MAP – CORRECT ERROR**

To see if the Town will vote to amend the Ayer Zoning Map to correct a shading error (of Residential A-1) in an area located in the vicinity of Rosewood Avenue identified on Zoning Map dated 5/11/2009 prepared by the Montachusett Regional Planning Commission and on file in the office of the Town Clerk, by having such area properly classified as Residential A-2, or take any action thereon or in relation thereto.

Sponsor: Planning Board  
Selectmen: Recommends.

**Two-Thirds Vote Required**

### **ARTICLE 27: ZONING MAP – CLASSIFICATION OF PARCELS**

To see if the Town will vote to update Ayer Zoning Map to reflect the amendment of Article 4 as approved by vote of the March 5, 1973 Town Meeting to classify parcels off of Brook Street, as shown on Assessors Map 26, parcels 348, 350, and Map 19, parcel 13 as industrial, and as such, re-classify the above parcels to current standards as Light Industrial, as shown on the Zoning Map dated 5/11/2009, prepared by the Montachusett Regional Planning Commission and on file in the office of the Town Clerk, or take any action thereon or in relation thereto.

Sponsor: Planning Board  
Selectmen: Recommends.

**Two-Thirds Vote Required**

### **ARTICLE 28: ZONING MAP AMENDMENT – MAP 29, PARCEL 12**

To see if the Town will vote to amend the Zoning District Map established by Article III of the Town of Ayer Zoning By-laws by establishing new lines and striking out the Light Industrial (I-L) designations, as shown on said Zoning District Map, and substituting in place thereof new lines and the designation Residence A-1 (A-1) insofar as said Zoning District Map relates to the following described premises:

That land situated south of the Boston and Maine Railroad, Fitchburg Division; north of Littleton Road; east of Snake Hill Road; and west of Willow Road which is designated on the Town of Ayer Board of Assessors' Property Maps as Map 29, Parcel 12.

There is excepted from this zoning change article so much of Parcel 12 as shown on Assessors' Map 29 as is encompassed within the description above presently zoned Residence A-1 as shown on the present Zoning District Map, or take any action thereon or in relation thereto.

Sponsor: Citizen Petition  
Planning Board: Recommends.

**Two-Thirds Vote Required**

#### GENERAL BUSINESS ARTICLES

### **ARTICLE 29: BY-LAW AMENDMENT – MARIJUANA USE**

To see if the Town will vote amend Article IX (Police Regulations) of its general bylaws to insert new Section 10 therein as follows:

Section 10. No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, sec. 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, sec. 32L.

Or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen  
Finance Committee: Recommends.

Simple Majority Vote Required

### **ARTICLE 30: ACCEPT GIFT OF LAND**

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

All those certain parcels of land located in Ayer, Middlesex County, Massachusetts, being shown as Lot 109 and Lot 114 on plan entitled "Ridge View Heights Definitive Subdivision of Land in Ayer, Mass, Prepared for Crabtree Development Corporation, dated March 1999, prepared by David E. Ross Associates, Inc. and recorded with Middlesex South District Registry of Deeds as Plan No. 164 of 2005;

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

Sponsor: Zoning Board  
Planning Board:

Simple Majority Vote Required

#### CITIZEN PETITION ARTICLES

### **ARTICLE 31: ESTABLISH A COMMISSION OF PUBLIC WORKS**

To see whether the Town will establish a Commission of Public Works by adopting the provisions of MGL c. 41, sec. 63. At the next Spring Annual Town Meeting, the town will elect three officers

to serve as Road Commissioners and Sewer Commissioners, who will also serve as Water Commissioners. The three officers will be called Commissioners of Public Works. Their duties shall include operation of Ayer's solid waste facilities, in cooperation of the Ayer Board of Health and the Ayer Recycling Committee. The Town shall elect one for one year, one for two years and one for three years; and at each annual meeting thereafter the town shall elect one for three years. The Commissioners of Public Works will serve without compensation, except that they will be eligible, upon written application, for reimbursement of reasonable and necessary expenses incurred in the performance of the duties of their office. Such reimbursement will be authorized by majority vote of the Commissioners during a regularly scheduled public meeting of the Commission, and shall be drawn from the Department of Public Works budget.

Sponsor: Citizen Petition

Simple Majority Vote Required

Finance Committee: Not recommended.

**ARTICLE 32: RESCIND TIF AGREEMENT – ESSENT HEALTHCARE**

To see if the Town will vote to rescind the Tax Increment Financing Agreement granted to Essent Healthcare, LLC (NVMC) by Article 38 at Spring Town Meeting, May 14<sup>th</sup>, 2007. This article shall not prohibit Essent Healthcare from applying for a modified TIF based on the already constructed office building(s) and/or the proposed refurbishment of the existing hospital, or take any action thereon or in relation thereto.

Sponsor: Citizen Petition

Simple Majority Vote Required

**A True Copy Attest:**

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

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

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

## **REPORT: SCHOOL DISTRICT REGIONALIZATION COMMITTEE, 2008-2009: MAY 2009**

The Committee (Cheryl Simmons, Ayer School Committee; and Tom Casey and Ted Januskiewicz, community members) joined with the committees of Lunenburg and Shirley in 2007 to form a Regionalization Planning Board. The Board's goals are to file a report with the three towns' Select Boards in fall 2009, and to bring a Regional Agreement for a PreK through Grade 12 school region before the three Town Meetings in November 2009. The Agreement is an inter-municipal contract and regional "charter." Adoption of the Agreement by a majority vote at each of the three Town Meetings would establish a Regional School District.

The Board, supported by the work of the superintendents, administrations, and faculty leaders of the three districts, has accomplished the following tasks:

- Commissioned the New England School Development Council (NESDEC) to develop a preliminary report on the characteristics, opportunities, and challenges of a merger.
  - Physical and socioeconomic characteristics
  - Comparison of educational program and delivery models
  - Overview of operational budgets and differences in regional and district assessments
  - Development of administrative and operational model for a region
- Established an initial guiding vision and mission for a region.
- Developed an extensible model for classifying and comparing all revenues and expenditures for the three districts, in order to determine fair methods of assessment for regional operating and capital budgets.
- Developed, with budget, a two-year Transition Plan for completing the merger by FY2012.
- Partnered with the Department of Elementary and Secondary Education (DESE) and the Legislature to fund the costs of the transition (the DESE has granted \$70,000 to the towns for this planning as well).
- Initiated regional planning for capital facilities with the Massachusetts School Building Authority (MSBA).
- Has almost completed drafting of the legal agreement, as governed by statute (MGL, Chapter 71).
- Created a website to inform the public of its work: [www.alsregion.org](http://www.alsregion.org).

As a result of the work, the Board has determined that a PreK – Grade 12 Regional School District is feasible and advisable.

The three communities established and funded Planning Committees to explore a regional solution to multiple real challenges to providing education services at the level of quality required by the public. These challenges include: High cost of administrative services and procurement contracts, and limited capacity for recruitment and retention of excellent professional talent, compared to larger districts with better economies of scale and bargaining power; declining enrollments and increased educational requirements; operating costs increasing faster than revenues to support them; aged capital facilities requiring renovation/replacement projects that are unlikely to receive funding support from the Commonwealth in the current fiscal climate.

A Regional School District would impact the member towns. Towns would need to develop a culture that supported shared control and responsibility, with decreased local autonomy. Towns would share costs of capital projects and a Region would be a preferred partner for funding by the MSBA. The impacts to the schools include: a single superintendent and consolidated administrative structure; participation in the regional transportation reimbursement program; increased size would support improved pricing and contracts with vendors/service providers. Most importantly, increased funds available for classrooms and programs would stabilize program offerings throughout the region and improve the middle school program in Shirley and Ayer, with potential for other program improvements. The Board does not expect that the cost of education will decrease because a region is formed; rather, the Board expects that a Regional School District would get more education value for students for every dollar spent, by driving more dollars to the classroom.

The Committee will meet with Town Boards and officials this spring. The Board expects to spend the summer and early fall developing public information materials, including the website, and meeting in a variety of settings with the voting public and other stakeholders to discuss the Agreement and the plan for transition to a region.

The Board's work has been funded by \$70,000 in DESE grant funds and \$78,000 in Town-appropriated funds. A current financial statement is available at [www.alsregion.org](http://www.alsregion.org), and will be available at the Annual Town Meetings.