



# Town of Ayer

## SPECIAL TOWN MEETING WARRANT

Ayer Town Hall ~ Great Hall  
1 Main Street, Ayer, MA 01432  
October 26, 2015 @ 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 Great Hall in the Ayer Town Hall located at 1 Main Street, Ayer Massachusetts on Monday, the Twenty-sixth (26<sup>th</sup>) day of October, 2015, 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 6<sup>th</sup> day of October AD 2015.

  
Janrice L. Livingston, Chairman

  
Gary J. Luca, Vice-Chairman

  
Christopher R. Hillman, Clerk

**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 October 19, 2015. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

**ARTICLE 1: PAY PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate the following amount to pay unpaid bills of Fiscal Year 2015, as authorized under General Laws Chapter 44, or take any action thereon or in relation thereto:

Department	Vendor	Amount
Treasurer	First Southwest	\$4,300.00
Assessors	LD Products	\$21.24
Benefits and Payroll	LD Products	\$119.98
DPW	LD Products	\$53.93
Eco. & Com. Devel.	LD Products	\$25.49
<u>Total:</u>		<u>\$4,520.64</u>

Sponsor: Board of Selectmen (3-0) 10/6/15

Finance Committee: Recommends (3-0) 10/6/15

9/10ths Vote Required

**ARTICLE 2: NON-UNION CLASSIFICATION AND COMPENSATION PLAN**

To see if the Town will vote to amend the Personnel Policy to replace the existing non-union classification and compensation plan with the following classification and compensation plan (see next page) as set forth by the HRS Non-Union Classification and Compensation Study as authorized by the 2013 Special Fall Town Meeting or take any action thereon or in relation thereto.

Sponsor: Personnel Board 3-0 8/18/15 (*Public Hearing Held on September 2, 2015*)

Board of Selectmen: Recommends (3-0) 10/6/15

Finance Committee: Recommends (3-0) 10/6/15

Simple Majority Vote Required

**Town of Ayer  
FY 2016: 2% COLA**

Grade		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
7	Hourly	\$ 18.78	\$ 19.25	\$ 19.73	\$ 20.22	\$ 20.73	\$ 21.25	\$ 21.78	\$ 22.32	\$ 22.88	\$ 23.45	\$ 24.04
	Weekly	\$ 751.20	\$ 770.00	\$ 789.20	\$ 808.80	\$ 829.20	\$ 850.00	\$ 871.20	\$ 892.80	\$ 915.20	\$ 938.00	\$ 961.60
	Annual	\$ 39,212.64	\$ 40,194.00	\$ 41,196.24	\$ 42,219.36	\$ 43,284.24	\$ 44,370.00	\$ 45,476.64	\$ 46,604.16	\$ 47,773.44	\$ 48,963.60	\$ 50,195.52
8	Hourly	\$ 20.66	\$ 21.18	\$ 21.71	\$ 22.25	\$ 22.81	\$ 23.38	\$ 23.96	\$ 24.56	\$ 25.17	\$ 25.80	\$ 26.45
	Weekly	\$ 826.40	\$ 847.20	\$ 868.40	\$ 890.00	\$ 912.40	\$ 935.20	\$ 958.40	\$ 982.40	\$ 1,006.80	\$ 1,032.00	\$ 1,058.00
	Annual	\$ 43,138.08	\$ 44,223.84	\$ 45,330.48	\$ 46,458.00	\$ 47,627.28	\$ 48,817.44	\$ 50,028.48	\$ 51,281.28	\$ 52,554.96	\$ 53,870.40	\$ 55,227.60
9	Hourly	\$ 22.73	\$ 23.30	\$ 23.88	\$ 24.48	\$ 25.09	\$ 25.72	\$ 26.36	\$ 27.02	\$ 27.70	\$ 28.39	\$ 29.10
	Weekly	\$ 909.20	\$ 932.00	\$ 955.20	\$ 979.20	\$ 1,003.60	\$ 1,028.80	\$ 1,054.40	\$ 1,080.80	\$ 1,108.00	\$ 1,135.60	\$ 1,164.00
	Annual	\$ 47,460.24	\$ 48,650.40	\$ 49,861.44	\$ 51,114.24	\$ 52,387.92	\$ 53,703.36	\$ 55,039.68	\$ 56,417.76	\$ 57,837.60	\$ 59,278.32	\$ 60,760.80
10	Hourly	\$ 25.00	\$ 25.63	\$ 26.27	\$ 26.93	\$ 27.60	\$ 28.29	\$ 29.00	\$ 29.73	\$ 30.47	\$ 31.23	\$ 32.01
	Weekly	\$ 1,000.00	\$ 1,025.20	\$ 1,050.80	\$ 1,077.20	\$ 1,104.00	\$ 1,131.60	\$ 1,160.00	\$ 1,189.20	\$ 1,218.80	\$ 1,249.20	\$ 1,280.40
	Annual	\$ 52,200.00	\$ 53,515.44	\$ 54,851.76	\$ 56,229.84	\$ 57,628.80	\$ 59,069.52	\$ 60,552.00	\$ 62,076.24	\$ 63,621.36	\$ 65,208.24	\$ 66,836.88
11	Hourly	\$ 27.50	\$ 28.19	\$ 28.89	\$ 29.61	\$ 30.35	\$ 31.11	\$ 31.89	\$ 32.69	\$ 33.51	\$ 34.35	\$ 35.21
	Weekly	\$ 1,100.00	\$ 1,127.60	\$ 1,155.60	\$ 1,184.40	\$ 1,214.00	\$ 1,244.40	\$ 1,275.60	\$ 1,307.60	\$ 1,340.40	\$ 1,374.00	\$ 1,408.40
	Annual	\$ 57,420.00	\$ 58,860.72	\$ 60,322.32	\$ 61,825.68	\$ 63,370.80	\$ 64,957.68	\$ 66,586.32	\$ 68,256.72	\$ 69,968.88	\$ 71,722.80	\$ 73,518.48
12	Hourly	\$ 30.25	\$ 31.01	\$ 31.79	\$ 32.58	\$ 33.39	\$ 34.22	\$ 35.08	\$ 35.96	\$ 36.86	\$ 37.78	\$ 38.72
	Weekly	\$ 1,210.00	\$ 1,240.40	\$ 1,271.60	\$ 1,303.20	\$ 1,335.60	\$ 1,368.80	\$ 1,403.20	\$ 1,438.40	\$ 1,474.40	\$ 1,511.20	\$ 1,548.80
	Annual	\$ 63,162.00	\$ 64,748.88	\$ 66,377.52	\$ 68,027.04	\$ 69,718.32	\$ 71,451.36	\$ 73,247.04	\$ 75,084.48	\$ 76,963.68	\$ 78,884.64	\$ 80,847.36
13	Hourly	\$ 33.28	\$ 34.11	\$ 34.96	\$ 35.83	\$ 36.73	\$ 37.65	\$ 38.59	\$ 39.55	\$ 40.54	\$ 41.55	\$ 42.59
	Weekly	\$ 1,331.20	\$ 1,364.40	\$ 1,398.40	\$ 1,433.20	\$ 1,469.20	\$ 1,506.00	\$ 1,543.60	\$ 1,582.00	\$ 1,621.60	\$ 1,662.00	\$ 1,703.60
	Annual	\$ 69,488.64	\$ 71,221.68	\$ 72,996.48	\$ 74,813.04	\$ 76,692.24	\$ 78,613.20	\$ 80,575.92	\$ 82,580.40	\$ 84,647.52	\$ 86,756.40	\$ 88,927.92
14	Hourly	\$ 36.61	\$ 37.53	\$ 38.47	\$ 39.43	\$ 40.42	\$ 41.43	\$ 42.47	\$ 43.53	\$ 44.62	\$ 45.74	\$ 46.88
	Weekly	\$ 1,464.40	\$ 1,501.20	\$ 1,538.80	\$ 1,577.20	\$ 1,616.80	\$ 1,657.20	\$ 1,698.80	\$ 1,741.20	\$ 1,784.80	\$ 1,829.60	\$ 1,875.20
	Annual	\$ 76,441.68	\$ 78,362.64	\$ 80,325.36	\$ 82,329.84	\$ 84,396.96	\$ 86,505.84	\$ 88,677.36	\$ 90,890.64	\$ 93,166.56	\$ 95,505.12	\$ 97,885.44
15	Hourly	\$ 40.27	\$ 41.28	\$ 42.31	\$ 43.37	\$ 44.45	\$ 45.56	\$ 46.70	\$ 47.87	\$ 49.07	\$ 50.30	\$ 51.56
	Weekly	\$ 1,610.80	\$ 1,651.20	\$ 1,692.40	\$ 1,734.80	\$ 1,778.00	\$ 1,822.40	\$ 1,868.00	\$ 1,914.80	\$ 1,962.80	\$ 2,012.00	\$ 2,062.40
	Annual	\$ 84,083.76	\$ 86,192.64	\$ 88,343.28	\$ 90,556.56	\$ 92,811.60	\$ 95,129.28	\$ 97,509.60	\$ 99,952.56	\$ 102,458.16	\$ 105,026.40	\$ 107,657.28
16	Hourly	\$ 44.30	\$ 45.41	\$ 46.55	\$ 47.71	\$ 48.90	\$ 50.12	\$ 51.37	\$ 52.65	\$ 53.97	\$ 55.32	\$ 56.70
	Weekly	\$ 1,772.00	\$ 1,816.40	\$ 1,862.00	\$ 1,908.40	\$ 1,956.00	\$ 2,004.80	\$ 2,054.80	\$ 2,106.00	\$ 2,158.80	\$ 2,212.80	\$ 2,268.00
	Annual	\$ 92,498.40	\$ 94,816.08	\$ 97,196.40	\$ 99,618.48	\$ 102,103.20	\$ 104,650.56	\$ 107,260.56	\$ 109,933.20	\$ 112,689.36	\$ 115,508.16	\$ 118,389.60
17	Hourly	\$ 48.73	\$ 49.95	\$ 51.20	\$ 52.48	\$ 53.79	\$ 55.13	\$ 56.51	\$ 57.92	\$ 59.37	\$ 60.85	\$ 62.37
	Weekly	\$ 1,949.20	\$ 1,998.00	\$ 2,048.00	\$ 2,099.20	\$ 2,151.60	\$ 2,205.20	\$ 2,260.40	\$ 2,316.80	\$ 2,374.80	\$ 2,434.00	\$ 2,494.80
	Annual	\$ 101,748.24	\$ 104,295.60	\$ 106,905.60	\$ 109,578.24	\$ 112,313.52	\$ 115,111.44	\$ 117,992.88	\$ 120,936.96	\$ 123,964.56	\$ 127,054.80	\$ 130,228.56

10% Between Grades / 2.5% Between Steps  
40 Hours Per Week / 52.2 Weeks Per Year

**ARTICLE 3: FUNDING OF NON-UNION CLASSIFICATION AND COMPENSATION PLAN**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$86,367.09 to fund the Non-Union Classification and Compensation Plan as set forth in Article 2 or take any action thereon or in relation thereto.

Sponsor: Personnel Board (3-0) 8/18/15 (*Public Hearing Held on September 2, 2015*)  
Board of Selectmen: Recommends (3-0) 10/6/15  
Finance Committee: No Recommendation 10/6/15                      Simple Majority Vote Required

*Explanatory Note: The cost to implement the Non-Union Classification and Compensation Plan as set forth by the HRS Study and approved by the Personnel Board is \$86,367.09. This cost is retroactive to July 1, 2015.*

**ARTICLE 4: SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to revise the salary and compensation of the following elected officers of the Town of Ayer, funding therefore to be provided by the vote taken under Article 3 of this Warrant:

Town Clerk: \$30,715.52      Tax Collector: \$37,541.20      Treasurer: \$68, 256.72

or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15  
Finance Committee: Recommends (3-0) 10/6/15                      Two-Thirds 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. If Articles 2 and 3 are passed, Town Meeting would need to pass Article 4 to adjust the salaries of the Town Clerk; Tax Collector; and Treasurer to reflect the changes set forth by the Non-Union Classification and Compensation Plan in Article 2 and as funded by Article 3.*

**ARTICLE 5: SUPPLEMENTAL APPROPRIATION FOR FIRE CHIEF'S PERSONAL SERVICES CONTRACT – EMERGENCY MANAGEMENT DIRECTOR STIPEND**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$2,340.00 to fund the Fire Chief's Personal Services Contract for the Emergency Management Director Stipend; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15  
Finance Committee: Recommends (3-0) 10/6/15                      Simple Majority Vote Required

*Explanatory Note: As a result of the contract negotiations between the Board of Selectmen and the Fire Chief, the Parties mutually agreed and executed in a contract effective July 1, 2015 that the Chief shall receive a sum equivalent*

*to five percent (5%) of his base salary for his duties and services as Emergency Management Director. This amount is \$4,840.00. The FY 2016 Budget which was set and approved prior to the conclusion of the Contract Negotiations had budgeted \$2,500 for this stipend. Therefore the difference between \$4,840.00, as negotiated in the contract, and the FY 2016 Budgeted amount of \$2,500.00 is \$2,340.00. Note: Because this amount is 5% of the Fire Chief's Base Pay, if Articles 2 and 3 aforementioned are passed by Town Meeting than this amount will need to be amended higher to reflect 5% of the Fire Chief's Base Pay per the adoption of the new classification and compensation plan.*

## **ARTICLE 6: TEENAGE ANXIETY AND DEPRESSION SOLUTIONS (TADS) GRANT**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$4,000.00 to fund the Town's portion of the Teenage Anxiety and Depression Solutions (TADS) two (2) year contract (November 1, 2014 – October 31, 2016); or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15

Finance Committee: Recommends (3-0) 10/6/15

Simple Majority Vote Required

*Explanatory Note: The Ayer Board of Selectmen in July 2014, after a presentation by the Ayer Shirley Regional School District (ASRSD), made a commitment to fund the Town's portion of this two (2) year contract for the Teenage Anxiety Depression Solutions (TADS) Grant. This Article in the amount of \$4,000 would be the second year payment from the Town. This grant funded program provides anxiety and depression solution and resources to students, parents, and families in the ASRSD.*

## **ARTICLE 7: HOLIDAY LIGHTING FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$10,000.00 to fund the Town's Holiday Lighting Fund; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15

Finance Committee: Recommends (3-0) 10/6/15

Simple Majority Vote Required

*Explanatory Note: Established in 2012 by the Board of Selectmen, the Holiday Lighting Fund has been used to illuminate the Carlton Rotary in the past for the holiday season. The funding from this Article will be used to illuminate the Carlton Rotary; the entrances of the Ayer Town Hall; and the Downtown Light poles with holiday lights installed and maintained by a professional company. The lights would be activated after Thanksgiving through New Year's. The total annual cost of this project is approximately \$20,000 with half of the funding from this Article and half of the funds raised.*

**ARTICLE 8: ESTABLISHMENT OF AYER SHIRLEY REGIONAL SCHOOL DISTRICT STABILIZATION FUND**

To see if the Town will vote to authorize the Ayer Shirley Regional School District to establish a Stabilization Fund in accordance with Chapter 71, Section 16G 1/2 of the Massachusetts General Laws, or take any other action thereon or in relation thereto.

Sponsor: Ayer Shirley Regional School Committee 8/19/15  
Board of Selectmen: Recommends (3-0) 10/6/15  
Finance Committee: Recommends (3-0) 10/6/15                      Simple Majority Vote Required

*Explanatory Note: This Article would authorize the Ayer Shirley Regional School District to establish a Stabilization Fund in accordance with MGL Chapter 71, Section 16G 1/2.*

**ARTICLE 9: AUTHORIZATION AND RATIFICATION OF EASEMENT ACQUISITION (ON PARK STREET)**

To see if the Town will vote to authorize and ratify the actions of the Board of Selectmen to acquire by purchase an easement for ingress and egress over property identified as 16 Park Street, Tax Map 26, Lot 21, described in a deed recorded with the Registry of Deeds in Book 20440, Page 82, said easement providing access to and from certain property located at 0 Park Street, Tax Map 26, Lot 20, being those Town-owned premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 65896, Page 503, said easement shown on a plan on file with the Town Clerk, for general municipal purposes, including, but not limited to, fire station purposes, and to accept a deed or deeds for said easement; and further to authorize and ratify the actions of the Board of Selectman to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15                      Simple Majority Vote Required

**ARTICLE 10: AUTHORIZATION TO GRANT EASEMENT OR LEASE PORTION OF TOWN LAND (0 PARK STREET) FOR DRIVEWAY (ON PARK STREET)**

To see if the Town will vote to authorize the Board of Selectmen to grant an easement upon or lease a portion of Town-owned property, being 0 Park Street, Map 26, Lot 20, described in a deed dated August 11, 2015, recorded with the Middlesex South Registry of Deeds in Book 65896, Page 503 for driveway purposes, for the benefit of 16 Park Street, Map 26, Lot 21, as shown on a sketch plan on file with the Town Clerk, and to authorize the Board of Selectmen to enter into all agreements and to execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15                      Simple Majority Vote Required

*Explanatory Note for Articles 9 & 10: With the Town's purchase of 0 Park Street per the May 11, 2015 Town Meeting, Article 9 is required to authorize and ratify the easement acquisition. The Town now owns a portion of the driveway of 16 Park Street for which an easement is needed as set forth in Article 10.*

**ARTICLE 11: STREET ACCEPTANCE – MULBERRY CIRCLE; CALVIN STREET EXTENSION; BLUEBERRY CIRCLE; HIBISCUS LANE; MAGNOLIA DRIVE; AND SAMANTHA LANE**

To see if the town will vote to accept the layout of Mulberry Circle; Calvin Street Extension; Blueberry Circle; Hibiscus Lane; Magnolia Drive; and Samantha Lane as public ways, the metes and bounds of which are on file in the Office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, fee interest or easement in such public ways and any and all easements related thereto, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen deems appropriate; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15

Planning Board: Recommends 10/1/15

Simple Majority Vote Required

**ARTICLE 12: WATER ENTERPRISE TRANSFER – CONSTRUCTION OF PINGRY HILL WATER STORAGE TANK**

To see if the Town will transfer the sum of \$72,000 from the Water Enterprise Retained Earnings (Free Cash) (collected from Willow Road Development, LLC) to provide funds for the construction of the Pingry Hill Water Storage Tank and related water distribution system improvements, or take any action thereon or in relation thereto.

*Explanatory Note: This Article would transfer the sum of \$72,000 in certified water enterprise retained earnings as collected from the Willow Road Development, LLC to provide funds for the construction of the Pingry Hill Water Storage Tank (which has a total cost of \$250,000).*

Sponsor: Board of Selectmen (3-0) 10/6/15

Simple Majority Vote Required

**ARTICLE 13: EXTENSION OF SEWER LINE ON WESTFORD ROAD INTO THE TOWN OF GROTON**

To see if the Town will vote to authorize the extension of the Town's sewer line on Westford Road from approximately Nemco Way into the Town of Groton to provide sewer to the Groton Four Corners Area; or take any action thereon or in relation thereto.

*Explanatory Note: The Town of Groton has requested a sewer interconnection to the Ayer wastewater collection and treatment system to provide sewer service to the Four Corners area (Route 119 and Sandy Pond Road). Ayer has adequate capacity to serve this area and the project will include expanding sewer service to Ayer businesses and residents on Westford Road.*

Sponsor: Board of Selectmen (3-0) 10/6/15

Simple Majority Vote Required

## **ARTICLE 14: BYLAW AMENDMENT – AUTHORITY OF THE TOWN MODERATOR**

To see if the Town will vote to amend the Town’s General Bylaws, Article 1, Town Meeting, by inserting the following new provision:

Section 6. Authority of the Town Moderator: If in consideration of a warrant article at Town Meeting a two-thirds vote is required by statute for passage of such article, the Moderator may declare the vote to be a two-thirds vote without a count, provided, however, that if the vote is immediately questioned by one (1) or more voters, a count shall be taken; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15

Simple Majority Vote Required

## **ARTICLE 15: BYLAW AMENDMENT – BYLAW XL NUISANCE BYLAW**

To see if the Town will vote to amend the Town’s General Bylaws by deleting the existing language under Article XL, Nuisances, and inserting in place thereof the following new provisions:

### **1. AUTHORITY AND PURPOSE**

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by Massachusetts General Laws, Chapter 139, Sections 1-3A, this Bylaw is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town, which nuisances constitute a hazard or blight, or adversely affect property values.

### **2. DEFINITIONS**

- A) Blight - Any condition that seriously impairs the value, condition, strength, durability or appearance of real property, including real property owned or occupied by an Interested Party as defined in section 2F.
- B) Building - A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. Also, see 2K.
- C) Dilapidated - A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:



Property having deteriorated roofs, foundations or floors, including broken or inadequately secured windows or doors;

Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

- D) Enforcement Authority – This Bylaw shall be enforced by the Building Commissioner, or his designee (i.e., Assistant Zoning Enforcement Officer, Alternate Building Inspector) and/or the Ayer Police Department. The Board of Health and/or Nashoba Associated Boards of Health shall enforce this bylaw as it relates to the State Sanitary Code
- E) Hazard - A condition likely to expose persons to injury, or property to damage, loss or destruction.
- F) Interested Parties - In connection with the notification requirements of this bylaw Interested Parties are the Enforcement Authority; owner(s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting, and that is within 300 feet of, the property line of the subjected property. Other persons who own or occupy property and who demonstrate to the satisfaction of the Enforcement Authority that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Enforcement Authority.
- G) Nuisance - Any substantial interference with the common interest of the general public in the maintaining decent, safe, and sanitary structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. Any substantial interference with any public place, street or private way to include the placement of snow, ice and any other debris that interferes with safe passage on any public roadway or sidewalk. The fact that a particular structure or use may be permitted under the Zoning Bylaw does not create an exemption from the application of this bylaw. The term includes but is not limited to:
- (a) burned structures not otherwise lawfully habitable or usable,
  - (b) dangerous or unsafe structures or personal property,
  - (c) overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values,
  - (d) dead, decayed, diseased or hazardous trees, debris or trash,
  - (e) signs that block or obscure the line of sight for vehicular and/or pedestrian traffic

(f) personal property that is exposed to the elements without protection against deterioration, rust or dilapidation,

(g) vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil,

- H. Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.
- I. Owner - Every person who alone or jointly or severally with others (a) has legal title to any building, structure or property to this Bylaw; or (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) lessee under a written letter agreement; or (d) mortgage in possession; or (e) agent, trustee or other person appointed by the courts.
- J. Responsible Party - The owner or occupant (in the case of real property) of property that is the subject of proceedings under this by-law. The singular use of the term includes the plural when the context so indicates.
- K. Structure - A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

### 3. ADMINISTRATION AND ENFORCEMENT

- A. **Enforcement** - If the Enforcement Authority shall be informed or have reason to believe that any provision of this Bylaw has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If the Enforcement Authority finds any violation they shall give immediate notice in writing to the Owner and to the Occupant of the premises. In making such inspection, the Enforcement Authority shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

If, after such notice and order, the Owner or Occupant fails to obey any lawful order of the Enforcement Authority with respect to any violation of the provisions of this Bylaw, the Enforcement Authority may make complaint to the Superior Court or any court of competent jurisdiction.

In addition to the foregoing remedy, whoever violates any provision of this Bylaw or fails to obey any lawful order issued by the Enforcement Authority in enforcing this Bylaw shall be liable to a fine of not more than three hundred (\$300.00) for each violation. Each violation

of this Bylaw shall constitute a separate offense. Each day that any such violation continues shall constitute a separate offense.

This Bylaw may be enforced by the Enforcement Authority through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to M.G.L. Chapter 40, Subsection 21D and Article LIII of the Town's Bylaws. In the event that enforcement is sought through non-criminal disposition, fines shall be imposed as follows:

- i. First offense, \$50.00
- ii. Second offense, \$100.00
- iii. Third and successive offenses, \$300.00 each

The Enforcement Authority may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Enforcement Authority may require that such complaint be made under oath or subject to the penalties of perjury. If the Enforcement Authority determines that a reported condition may warrant immediate action, constitute a substantial violation of this Bylaw, or adversely affect protected interests of others than the complainant, the Enforcement Authority may commence action under this Bylaw without requiring the disclosure of the identity of the complainant.

If the Enforcement Authority determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this Bylaw, he shall refer the matter to the Director of Public Health of the town appropriate slate or town officials for action.

During his investigation of the matter, the Enforcement Authority may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Bylaw without the need to issue a notice of violation.

- B. **Notice to Complainant** - In any matter in which a complaint has been made by a person other than the Enforcement Authority, the Enforcement Authority shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.
- C. **Removal of Nuisance by Selectmen** - If the Responsible Party fails to remedy the nuisance upon notice from the Enforcement Authority to do so, the Board of Selectmen may cause the nuisance to be removed as provided in General Laws c. 139.
- D. **Review by the Town Administrator** - Any Interested Party who has filed a written complaint of a nuisance to the Enforcement Authority upon which complaint the Enforcement Authority has determined that the condition is not a nuisance, or has taken other action that the Interested Party claims is inadequate shall have a right to a review of the matter by the Town Administrator. At the request of such an Interested Party, the

Town Administrator shall confer with the Enforcement Authority and shall recommend appropriate action to the Enforcement Authority and to the Board of Selectmen.

- E. **Reports by Enforcement Authority** - The Enforcement Authority shall file with the Town Administrator each month a report that shall include all complaints of nuisance made to him during the prior month; all proceedings begun by him under this Bylaw; all pending complaints and all investigations and enforcement actions taken by him or referred to the Commissioner of Public Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter.

Sponsor: Board of Selectmen (3-0) 10/6/15

Simple Majority Vote Required

## **ARTICLE 16: BYLAW AMENDMENT – BYLAW XXXVIII-A CONSULTANT BYLAW**

To see if the Town will vote to amend the Town's General Bylaws, Article XXXVIII-A, Consultant Bylaw by deleting the Bylaw in its entirety; or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen (3-0) 10/6/15

Simple Majority Vote Required

## **CITIZENS' PETITIONS**

### **Senior Citizen Water and Sewer Bill Discount**

To see if the Town will vote to allow Senior Citizens a twenty percent (20%) discount on water and sewerage bills. Senior Citizens "cannot keep up" with the rising costs of electricity, gas for autos, home heating, groceries, water and sewerage costs and it goes "on and on". Let's not forget the rising costs of medicines and health insurance. Many are also "trying to help" their grandchildren as much as possible that are living with their grandparents.

Sponsor: By Citizens' Petition submitted on September 14, 2015 (by the Town's deadline of Friday, September 22, 2015 at 12:30pm to Town Clerk). 101 signatures certified by Registrars of Voters.

*Explanatory Note: Citizens' Petition printed verbatim in Warrant as submitted and certified. The original Citizens' Petition is on file at the Town Clerk's Office at the Ayer Town Hall.*

A True Copy Attest: Susan E. Copeland  
Susan E. Copeland  
Town Clerk & Tax Collector

Date: October 6 2015

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 days before said meeting, all as herein directed.

Samuel A. Goodwin, Jr.  
Samuel A. Goodwin, Jr.  
Constable

Date: 10/6/2015