

Town of Ayer
SPECIAL TOWN MEETING
WARRANT

Ayer Shirley Regional High School Auditorium
141 Washington Street, Ayer, MA 01432
October 24, 2016 @ 7:15 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 Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-fourth (24th) day of October, 2016, at seven-fifteen o'clock in the evening (7:15 p.m.) then and there to act on the following articles:

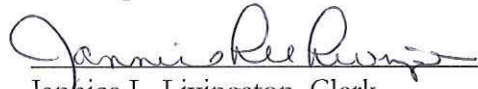
Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 4th day of October AD 2016.



Gary J. Luca, Chairman

Christopher R. Hillman, Vice-Chairman



Janhice L. Livingston, 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, 2016. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

ARTICLE 1: 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 first year of the Town’s portion of the Teenage Anxiety and Depression Solutions (TADS) two (2) year contract (November 1, 2016 – October 31, 2018); or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the Town of Ayer’s portion of the 1st year of the contract. The 2nd year of the contract will be part of the Town of Ayer’s annual assessment to the regional school district. The ASRSD, Town of Ayer, and Town of Shirley contribute \$4,000 each to the TADS program which provides mental health services in the areas of teenage anxiety and depression to all students and their families in the ASRSD.

Sponsor: Board of Selectmen
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 2: CONTRACT FUNDING – NEPBA Police Superior Officers Contract (July 1, 2016 to June 30, 2019)

To see if the Town will vote to fund the first year cost items of a collective bargaining agreement between the Town of Ayer and the New England Police Benevolent Association (NEPBA) Police Superior Officers for the period of July 1, 2016 through June 30, 2019, and to raise and appropriate from available funds such sum or sums of money required to fund the collective bargaining agreement, or take any action thereon or in relation thereto.

Explanatory Note: Per MGL Chapter 150 E, Union Contracts are subject to the appropriation of funds by Town Meeting. The Board of Selectmen and NEPBA reached a Memorandum of Agreement on July 12, 2016 for a three year contract. The FY 2017 estimated total cost of the Contract is \$15,108.00. Memorandum of Agreement available on Town’s website (www.ayer.ma.us). Presentation to be made at Town Meeting.

Sponsor: Board of Selectmen
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 3: SUPPLEMENTAL APPROPRIATION FOR POSITION OF CONSERVATION COMMISSION AGENT

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$35,178.00 to allow for an increase in the position of Conservation Commission Agent to full-time, benefitted status; or take any action thereon or in relation thereto.

Explanatory Note: This article would provide the funding to make the part-time Conservation Agent position a full-time position with benefits. The portion of the article for salary increase to full-time is \$18,236 with \$16,943 for the portion for benefits (health insurance, etc.)

Sponsor: Conservation Commission
Board of Selectmen: Recommends
Finance Committee: Does Not Recommend Simple Majority Vote Required

ARTICLE 4: FUNDING FOR AQUATIC WEED CONTROL FOR TOWN PONDS

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$54,000 for the purposes of funding the aquatic weed control program for the Town’s ponds; or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the Town’s Spring 2017 aquatic weed treatment of Sandy Pond, Flannagan Pond, and Pine Meadow Pond.

Sponsor: Conservation Commission
Board of Selectmen: Recommends
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 5: BORROW ARTICLE: FUNDING FOR AYER POLICE DEPARTMENT RADIO COVERAGE IMPROVEMENT PROJECT (PHASE I)

To see if the Town will vote to borrow, pursuant to the provisions of G.L. c. 44, sec. 7, or any other enabling authority, the sum of \$222,066 for the purposes of funding Phase I of the Ayer Police Department Radio Coverage Improvement Project and any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to issue bonds or notes of the Town therefor; and further to authorize the Board of Selectmen to enter into any agreements and execute all documents, including contracts for a term in excess of three years, necessary to effectuate the purposes of this article; or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the first phase of the Police Department Radio Coverage Improvement Project in the amount of \$222,066. The second phase of funding in the amount of \$166,793 will be presented and requested at the 2017 Annual Town Meeting. Presentation was made to the Board of Selectmen on September 20, 2016 (video and presentation available on the Town’s website at www.ayer.ma.us). Presentation to be made at Town Meeting.

Sponsor: Board of Selectmen
Finance Committee: No Vote Taken Two-Thirds Majority Vote Required

ARTICLE 6: INCREASED FUNDING FOR RESERVE FUND BALANCE

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$50,000 for the purposes of funding the Reserve Fund; or take any action thereon or in relation thereto.

Explanatory Note: This article would increase the FY 2017 balance of the Town’s Reserve Fund from \$100,000 to a total of \$150,000.00

Sponsor: Board of Selectmen
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 7: UDAG REPLENISHMENTS

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$300,000.00 to replenish the Urban Development action Grant (UDAG) account; or take any action thereon or in relation thereto.

Explanatory Note: This article would replenish the Town’s UDAG Fund in the amount set forth in the article. The total committed UDAG funds for which there is no replenishment mechanism is \$617,596.00.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 8: TRANSFER UNEXPENDED BALANCES FOR WATER GARAGE AT GROVE POND

To see if the Town will vote to transfer the following unexpended funds to supplement the funds appropriated by the vote taken under Article 22 of the May 2015 Annual Town Meeting to construct a garage at the Grove Pond Water Treatment Plant:

Article 19, May 2010 Annual Town Meeting, transfer from Water Fund Retained Earnings to construct the Grove Pond Water Treatment Plant Expansion \$80,063.22

Article 23, May 2015 Annual Town Meeting, from Water Fund Retained Earnings to construct the Pingry Hill Water Storage Tank \$26,145.11

Article 12, October 2015 Special Town Meeting, from Water Fund Retained Earnings to construct the Pingry Hill Water Storage Tank \$72,000.00

Or to take any action thereon or in relation thereto.

Explanatory Note: This article takes the unexpended balances from each specified article and transfers them for the purposes of supplementing funding for constructing the garage at the Grove Pond Water Treatment Plant.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 9: PLEASANT STREET SCHOOL PRESERVATION RESTRICTION & CONSERVATION RESTRICTION

To see if the Town will vote to amend the vote taken under Article 37, of the Spring 2005 Annual Town Meeting as follows:

Revise condition 1 of said vote which stated:

“the premises shall be subject to a recorded Preservation Restriction on the exterior envelope of the building, **in perpetuity**, to be held by the Town acting by and through its Historical Commission, approved by the Massachusetts Historical Commission’;

to state the following:

“the premises shall be subject to a recorded Preservation Restriction on the exterior envelope of the building **for a Term of 99 years**, to be held by the Town acting by and through its Historical Commission”;

and;

Revise condition 2 of said vote which stated:

“the premises shall be subject to a recorded Conservation Restriction on such portion of the premises as the Selectmen deem to be in the best interest of the Town while still permitting the development of the Property for senior housing, **in perpetuity**, to be held by the Town, approved by the Secretary of the Executive Office of Environmental Affairs”;

to state the following:

“the premises shall be subject to a recorded Conservation Restriction on such portion of the premises as the Selectmen deem to be in the best interest of the Town while still permitting the development of the property for senior housing, **for a Term of 99 years**, to be held by the Town acting by and through its Conservation Commission”;

Or take any action thereon or in relation thereto.

Explanatory Note: This article will implement the Historic Pleasant Street School Building Preservation Restriction & Conservation Restriction with a legal instrument containing a “Term of 99 years” which will resolve the long-standing subordination requirement impasse with regard to the legal recording and settlement of the property deed.

Sponsor: Board of Selectmen

Finance Committee: No Vote Taken

Simple Majority Vote Required

ARTICLE 10: BY-LAW AMENDMENT (ARTICLE 3, SECTION 3): NO DOG LICENSE FEE FOR A DOG OWNED BY A PERSON AGED 70 YEARS OR OLDER

To see if the Town will vote to accept the provisions of MGL Chapter 140, Section 139 and to amend Article III, Section 3 of the Town’s Bylaws by inserting the following language at the end thereof:

“No fee shall be charged for a license for a dog owned by a person aged 70 years or over.”

Or take any action thereon or in relation thereto.

Explanatory Note: This article would amend the Town’s Bylaw III, Section 3 by accepting the provision of MGL Chapter 140, Section 139 allowing that no fee be charged for a license for a dog owned by a person 70 years or older.

Sponsor: Board of Selectmen

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 11: AUTHORIZATION TO GRANT ONE ADDITIONAL ALL ALCOHOL LICENSE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to authorize the Town to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT AUTHORIZING THE TOWN OF AYER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES

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

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ayer may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other location, person, or entity, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. If the license granted under this act is cancelled, revoked, or no longer in use, it shall be returned physically, with all of the legal rights, privileges, and restrictions pertaining thereto to the licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

Section 2. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Explanatory Note: If passed this article would petition the State Legislature to authorize the Board of Selectmen to issue one (1) additional all-alcohol license for the Town of Ayer. If passed the total number of all-alcohol licenses for the Town of Ayer would increase from three (3) to four (4).

Sponsor: Board of Selectmen
Finance Committee: No Vote Taken

Simple Majority Vote Required

ARTICLE 12:

**WATER LINE EXTENSION FOR NATIONAL
GUARD FACILITY ON BARNUM ROAD,
DEVENS**

To see if the Town will vote to authorize the extension of the Town water line on Barnum Road to provide water service to the existing National Guard Facility located at 87 Barnum Road, Devens; or take any action thereon or in relation thereto.

Explanatory Note: The National Guard facility located at the property abutting the Grove Pond Water Treatment Plant on Barnum Road currently has water service from the Devens water system. Due to poor water quality, the National Guard has inquired about connecting to the Ayer water system. If this article is approved, an agreement between the Ayer Board of Selectmen and Devens will need to be executed which will detail the responsibilities, conditions, rate(s), and billing.

Sponsor: Board of Selectmen

Finance Committee: No Vote Taken

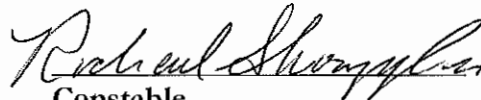
Simple Majority Vote Required

A True Copy Attest:


Susan E. Copeland
Town Clerk, Tax Collector and Treasurer

Date: Oct. 6, 2016

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.


Constable

Date: Oct. 6, 2016