



Town of Ayer

SPECIAL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium
141 Washington Street, Ayer, MA 01432
October 23, 2017 @ 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 Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-third (23rd) day of October, 2017, 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 3rd day of October AD 2017.


Christopher R. Hillman, Chairman


Janhice L. Livingston, Vice Chairman


Gary J. Luca, 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 20, 2017. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

ARTICLE 1: AN ACT ESTABLISHING AN APPOINTED TOWN CLERK

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation changing the office of Town Clerk from elected to appointed, as set forth below; provided, however, 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, and to authorize the Board of Selectmen to approve amendments within the scope of the general public objectives of the petition:

An Act Establishing the Appointed Office of Town Clerk in the Town of Ayer

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be established in the town of Ayer the appointed position of town clerk. The town clerk shall be appointed and may be removed by the Ayer board of selectmen, and shall serve at its pleasure. The town clerk shall have all the powers and duties and be subject to the liabilities and penalties imposed by law on town clerks.

SECTION 2. As of the effective date of this act, the elected office of town clerk shall be abolished and the term of the elected incumbent terminated, provided, however, that the incumbent holding the office of town clerk as of the effective date of this act shall become the first appointed town clerk, and shall serve in such capacity for a period of time equivalent to the remainder of the incumbent's elected term or sooner vacating of office. Thereafter, appointments to the position of town clerk shall be made in accordance with section 1.

SECTION 3. This act shall take effect upon its passage.

Or take any other action relative thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: Upon passage of this article by Town Meeting, the matter would be sent to the State Legislature for their approval. Upon approval, the incumbent elected Town Clerk will become the appointed, full-time Town Clerk. Public Information Forum on Articles 1 - 4 to be held on October 10, 2017 at 6pm at the Ayer Town Hall. Presentation to be at Town Meeting. This change has been recommended by the Massachusetts Division of Local Services; Massachusetts Department of Revenue; the DRAFT 2017 Master Plan and the 2010 Government Study Committee. Presentation to be made a Town Meeting.

ARTICLE 2: AN ACT CREATING A COMBINED, APPOINTED POSITION OF TREASURER-COLLECTOR

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation creating the combined, appointed position of Treasurer-Collector, as set forth below; provided, however, 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,

and to authorize the Board of Selectmen to approve amendments within the general public objectives of the petition:

An Act Establishing the Appointed Position of Treasurer-Collector in the Town of Ayer

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be established in the town of Ayer the appointed position of treasurer-collector. Said treasurer-collector shall be appointed and may be removed by the Ayer board of selectmen, and shall serve at its pleasure. The treasurer-collector shall have all the powers and duties and be subject to the liabilities and penalties imposed by law on town treasurers and town collectors of taxes. The board of selectmen may establish an employment contract with the treasurer-collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act, the positions of elected town treasurer and elected tax collector shall be abolished and the terms of the officer or officers holding said offices shall be terminated. The elected incumbent holding the office with the longer term remaining shall become the first appointed treasurer-collector and shall serve for a period equivalent to the remainder of such elected term or sooner vacating of office. Thereafter, appointments to the position of treasurer-collector shall be made in accordance with section 1.

SECTION 3. As of the effective date of this act, all records, property and equipment of the offices of the treasurer and collector, shall be transferred to the combined office. All official bonds, obligations, contracts and other instruments entered into or executed by or on behalf of the town before adoption of this act and all taxes, assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town, shall, notwithstanding any provision of this act, continue to be enforced and collected without abatement, except as otherwise provided by law. No contracts or liabilities in force on the effective date of this act shall be affected by the adoption of this act or the abolition of the elected offices of treasurer and collector. The appointed treasurer-collector position created by section 1 shall, in all respects, be the lawful successor of the elected offices of town treasurer and tax collector.

SECTION 4. This act shall take effect upon its passage.

Or take any other action relative thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: Upon approval by Town Meeting this article will be submitted to the State Legislature for approval. Upon approval by the State Legislature, the position of elected Treasurer will become the full-time, appointed position of Treasurer/Tax Collector. Public Information Forum on Articles 1 - 4 to be held on October 10, 2017 at 6pm at the Ayer Town Hall. Presentation to be made at Town Meeting. This change has been recommended by the Massachusetts Division of Local Services; Massachusetts Department of Revenue; the DRAFT 2017 Master Plan and the 2010 Government Study Committee. Presentation to be made at Town Meeting.

ARTICLE 3: AN ACT ESTABLISHING A TOWN MANAGER

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation establishing the position of Town Manager, as set forth below; provided 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, or take any action thereon or in relation thereto:

An Act Establishing the Position of Town Manager in the Town of Ayer

SECTION 1. TOWN MANAGER

There shall be established in the town of Ayer the office of town manager, who shall be appointed by the board of selectmen for a term not to exceed 3 years. The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience. The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of the town manager's employment unless approved by the board of selectmen in advance. The town manager shall hold no elective office in the town during the town manager's tenure as town manager, but the board of selectmen may appoint the town manager to any non-elective office or position consistent with the responsibilities of the town manager, and such office or position shall be deemed to be part of the position of town manager. The board of selectmen shall annually set the compensation of the town manager in an amount not to exceed that appropriated by town meeting for such purposes. Additional terms and conditions of employment may be established by contract between the Ayer board of selectmen and the town manager in accordance with section 108N of chapter 41 of the General Laws.

SECTION 2. POWERS AND DUTIES

The town manager shall be the chief administrative officer of the town, responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, bylaw, the board of selectmen, or town meeting. The town manager shall be responsible for the implementation of town policies established by the board of selectmen. The powers and duties of the town manager shall include, but not be limited to, the following:

- (A) Appoint and remove members of multiple-member bodies as well as all department heads, officers, subordinates and employees, except employees of the school committee and firefighters. The town manager shall, prior to appointing a department head subject to the policy direction of a multiple-member body, consult with such multiple-member body. Appointment or removal of a department head or member of a multiple member body shall take effect 15 days following notice to the board of selectmen of such action, unless the board of selectmen shall sooner vote to approve or reject such appointment or removal. All appointments and removals made by a temporary or acting town manager under section 3 of this act shall be approved by the board of selectmen;
- (B) Manage, supervise and be responsible for the efficient and coordinated administration of all town functions under the town manager's control by this act, bylaw, town meeting or the board of selectmen, including all appointed officers and their respective departments, and coordinate

the activities of all town agencies, including those under the control of other officers and multiple-member bodies elected by the voters, and to authorize the town manager to reasonably require persons so-elected or appointed, or their representatives, to meet with the town manager for such purposes, or, at the town manager's request, to provide such information as may be necessary and appropriate to have available for purposes of such coordination;

- (C) Be responsible for the town personnel system, including but not limited to, administering personnel policies and practices, rules and regulations, personnel by-laws and collective bargaining agreements;
- (D) Fix the compensation of all appointed officers and employees within the limits established by town meeting;
- (E) Attend all regular and special meetings of the board of selectmen unless excused in advance by the chair of the board of selectmen, and the town manager shall have a voice, but no vote, in all of the proceedings of the board of selectmen;
- (F) Keep the board of selectmen fully advised concerning the status of all matters referred by the board of selectmen to the town manager and as to the needs of the town; and recommend to the board of selectmen and other elected and appointed town officers and agencies such measures requiring action by them or town meeting as the town manager may deem necessary or desirable;
- (G) Attend all town meetings and, as authorized by the moderator, answer questions that relate to matters over which the town manager exercises supervision;
- (H) Have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, conservation commission, and board of library trustees; provided, however, that the town manager shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town manager's control by this act, by by-law, by vote of town meeting, or otherwise;
- (I) Establish and maintain a full and complete inventory of all real and personal property of the town;
- (J) Serve as the chief procurement officer for purposes of chapter 30B of the General Laws and be responsible for purchasing all services, supplies, material and equipment for all departments and activities of the town, including execution of contracts therefor; provided, however, that the town manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency; and provided further, that the town manager shall be responsible for the disposal of all supplies, material and equipment that have been declared surplus by any town agency. All contracts for purchase of services, supplies, material and equipment negotiated by a temporary or acting town manager under section 3 of this act shall be approved by the board of selectmen;
- (K) Negotiate collective bargaining agreements and all other contracts involving any subject within the jurisdiction of the office of the town manager, including contracts with town employees other than employees of the school department involving wages, hours and other terms and

conditions of employment; provided, however, that all such contracts shall be subject to ratification and execution by the board of selectmen;

- (L) Assure that full and complete records of the financial and administrative activities of the town are kept and rendered, as often as may be required by the board of selectmen, a full report of all town administrative operations during the period reported on;
- (M) Sign warrants for payment prepared and signed by the town accountant in accordance with section 56 of chapter 41 of the General Laws; provided, however, that 1 selectman designated by vote of the board of selectmen shall approve all warrants for payment in the absence of the town manager or in the event an acting or interim town manager has been appointed in accordance with section 3 of this act;
- (N) Inquire or make investigation, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency;
- (O) Ensure that all provisions of the general laws and any special laws applicable to the town, town by-laws and other votes of town meeting and the board of selectmen that require enforcement by the town manager or officers subject to the direction and supervision of the town manager, are faithfully executed, performed or otherwise carried out;
- (P) Act as the liaison with and represent the board of selectmen before state, federal and regional authorities;
- (Q) Delegate to any subordinate officer or employee authority to exercise any power or perform any function or duty which is assigned to the office of the town manager, other than the signing of warrants for payment; provided, however, that all acts performed under any such delegation shall be deemed to be the acts of the town manager; and
- (R) Perform any other duties as are required to be performed by the town manager by town by-laws, town meeting, the board of selectmen or otherwise.

SECTION 3. TEMPORARY ABSENCE OR VACANCY

- (A) Temporary absence—By letter filed with the town clerk and board of selectmen, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence or disability not in excess of ten business days, which person shall, when acting in that capacity, be known as the acting town manager. Following the expiration of such period, the board of selectmen may revoke such designation and appoint another qualified town administrative officer or employee to serve as the temporary town manager until the town manager returns. The powers of an acting town manager shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.
- (B) Vacancy—Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen; provided, however, that pending such permanent appointment, the board of selectmen shall appoint a qualified town administrative officer or employee to perform the

duties of the office on an acting basis, which person shall be known as the interim town manager. Such appointment shall not exceed 6 months, but 1 renewal may be voted by the board of selectmen not to exceed a second 6 months. Compensation for such person shall be set by the board of selectmen within the appropriation made by town meeting for the office of town manager.

SECTION 4. REMOVAL AND SUSPENSION

The board of selectmen by majority vote of the entire board may terminate, remove or suspend the town manager from office; provided, however, that further conditions applicable to termination, removal and suspension may be addressed by the terms of any contract between the board of selectmen and the town manager.

SECTION 5. TRANSITIONAL PROVISIONS

The office of town administrator shall be abolished upon the effective date of this act, and the office of the town manager shall in all respects be its lawful successor. The appointed town administrator holding office as of the effective date of this act shall become the first Ayer town manager and shall serve for a period of time equivalent to the remainder of his appointed term as town administrator or sooner vacating of office. A town manager shall thereafter be appointed by the board of selectmen in accordance with section 1 of this act, and previous service as the town administrator shall not disqualify such person from being appointed as the town manager under this act.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/2017)

Simple Majority Vote

Explanatory Note: Upon approval of the article, it will be submitted to the State Legislature for approval. Upon approval by the State Legislature, the incumbent Town Administrator shall become the Town Manager. Public Information Forum on Articles 1 - 4 to be held on October 10, 2017 at 6pm at the Ayer Town Hall Presentation to be made at Town Meeting. This change has been recommended by the Massachusetts Division of Local Services; Massachusetts Department of Revenue; and the DRAFT 2017 Master Plan. Presentation to be made at Town Meeting.

ARTICLE 4: AN ACT ESTABLISHING AN APPOINTED TREE WARDEN

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation changing the office of Tree Warden from elected to appointed, as set forth below; provided, however, 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, and to authorize the Board of Selectmen to approve such amendments as are within the scope of the general public objectives of the petition:

An Act Establishing the Appointed Office of Tree Warden in the Town of Ayer

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be established in the town of Ayer the appointed position of tree warden. The tree warden shall be appointed and

may be removed by the Ayer board of selectmen, and shall have all the powers and duties and be subject to the liabilities and penalties imposed by law on tree wardens.

SECTION 2. As of the effective date of this act, the elected office of tree warden shall be abolished and the term of the elected incumbent terminated, provided, however, that the incumbent holding the office of tree warden as of the effective date of this act, shall become the first appointed tree warden, and shall serve in such capacity for a period of time equivalent to the remainder of the incumbent's elected term or sooner vacating of office. Thereafter, appointments to the position of tree warden shall be made in accordance with section 1.

SECTION 3. This act shall take effect upon its passage.

Or take any other action therein or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: Upon approval by Town Meeting, this article will be submitted to the State Legislature for approval. Upon approval by the State Legislature, the incumbent elected Tree Warden shall become the appointed Tree Warden. Public Information Forum on Articles 1 - 4 to be held on October 10, 2017 at 6pm at the Ayer Town Hall. Presentation to be made at Town Meeting.

ARTICLE 5: AYER CULTURAL COUNCIL MEMBERSHIP

To see if the Town will vote to establish a local cultural council to consist of nine (9) members to be appointed by the Board of Selectmen for staggered terms of three years, any such member not to be appointed to more than two consecutive terms, with members having demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences, in accordance with the requirements of G.L. c. 10, § 58;) or take any other action therein or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)

Simple Majority Vote

Explanatory Note: The number of members of the Cultural Council was never officially set. The Council has acted as a 12 member body which has proven to be challenging in terms of reaching a quorum. The Cultural Council has therefore requested that the membership number be set at nine (9).

ARTICLE 6: ESTABLISHMENT OF A CONSERVATION FUND

To see if the Town will, vote pursuant to the provisions of G.L. c. 40, § 8C, to establish a conservation fund, with the treasurer to be the custodian thereof and authorized to deposit or invest the proceeds thereof in accordance with the statute; and income therefrom shall be credited to the fund. Money in said fund may be expended by said Commission without further authorization for any purpose authorized by said statute, except that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with said statute. The fund may receive gifts and donations, and the town may appropriate money in any year to the fund; or take any action thereon or related thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: At the request of the Community Preservation Committee, with the support of the Conservation Commission and Open Space Committee, this article would create a Conservation Fund of which funds would be used for the purpose of acquiring lands for the purposes of conservation, open space, and/or passive recreation. The Fund will be overseen by the Conservation Commission and the Town Treasurer shall serve as the custodian of the funds. Community Preservation Committee to hold Public Hearing on article on October 18, 2017 at 7pm at Town Hall.

ARTICLE 7: TRANSFER ARTICLE: TRANSFER OF FUNDS FROM THE COMMUNITY PRESERVATION FUND TO THE CONSERVATION FUND

To see if the Town will vote to transfer the sum of \$500,000 from the Community Preservation Open Space Fund to the Conservation Fund, or take any action thereon or related thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: This article would transfer \$500,000 from the Community Preservation Committee's Open Space Fund to the Conservation Fund as established by the previous article (Article 6). Community Preservation Committee to hold Public Hearing on article on October 18, 2017 at 7pm at Town Hall.

ARTICLE 8: ARTICLE TO SUPPLEMENT PRIOR BORROWING VOTES TO PERMIT THE APPLICATION OF BOND PREMIUM TO PAY PROJECT COSTS

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any action thereon or related thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: The Municipal Modernization Act made changes to Chapter 44, section 20 regarding the permitted use of bond and note premiums. The article will give the Town the flexibility to apply premium to project costs at the time of issue of any bonds or notes for borrowing authorizations that have already been approved but not yet permanently financed. Town will not be required to apply the premium, but would have the option if it wanted to do so. This article is recommended by the Town's Bond Counsel.

ARTICLE 9: TRANSFER ARTICLE: TRANSFER OF FUNDS FROM STABILIZATION ACCOUNT FOR THE PURPOSES OF FUNDING MANDATED RETIREMENT CONTRIBUTIONS FOR TOWN PERSONNEL WHO ACTIVELY SERVED IN THE MILITARY

To see if the Town will vote to transfer the amount of \$16,577.23 from the Town’s Stabilization Account for the purpose of funding the mandated retirement contributions of two Town Employees who actively served in the military while employed by the Town, or take any action thereon or related thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17) Two-Thirds Majority Vote
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Explanatory Note: Per MGL Chapter 32, Section 22 (4), the Town is mandated to pay the employer contribution to the retirement system for any Town Employee who is actively deployed with the U.S. Military.

ARTICLE 10: COMMUNITY PRESERVATION FUNDS FOR THE HISTORIC RENOVATION OF THE FORMER FIRE STATION CUPOLA AND ROOF

To see if the Town will vote to transfer the amount of \$30,000 from the Community Preservation Historic Fund for the purpose of funding the historic restoration of the cupola and roof of the former Fire Station on Washington Street, or take any action thereon or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17) Simple Majority Vote
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Explanatory Note: This article would authorize the funding of \$30,000 from the CPC historic preservation fund to the developer of the Former Fire Station for the purpose of the historic restoration of the cupola and roof. Community Preservation Community Committee to hold Public Hearing on article on October 18, 2017 at 7pm at Town Hall.

ARTICLE 11: TRANSFER BORROWING AUTHORIZATION FOR DPW OPERATIONS CENTER

To see if the Town will vote to transfer the unexpended borrowing authorization totaling \$126,570 from Article 20 of the May 9, 2016 Annual Town Meeting, DPW-Sewer Enterprise W. Main Pump Station Construction to pay the additional costs of constructing and equipping/furnishing the DPW Operations Center, or take any action thereon or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17) Simple Majority Vote
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Explanatory Note: This article will authorize the transfer of an unexpended borrowing in the amount of \$126,570 from the completed W. Main Pump Station construction project to pay the additional costs for constructing and equipping/furnishing the DPW Operations Center. Presentation to be made at Town Meeting.

ARTICLE 12: TRANSFER OF UNEXPENDED BOND PROCEEDS FOR DPW OPERATIONS CENTER

To see if the Town will vote to transfer the following amounts that were previously appropriated and raised by borrowing under the following votes of the Town, as such amounts are no longer needed to complete the projects for which they were initially borrowed, to pay the additional costs of constructing and equipping/furnishing the DPW Operations Center:

<u>Amount to be Transferred</u>	<u>Warrant Article</u>	<u>Meeting Date</u>	<u>Original Purpose</u>
\$35,035	2	June 8, 2015	Stony Brook Pump Station
\$24,822	18	May 13, 2013	Culvert Replacement Victor Dr

Or take any action thereon or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Finance Committee: Recommends 3-0 (Voted 10/4/17)

Simple Majority Vote

Explanatory Note: This article would authorize the transfer of unexpended bond proceeds from the completed projects above (in the amounts) above to pay the additional costs of constructing and equipping/furnishing the DPW Operations Center. Presentation to be made at Town Meeting.

ARTICLE 13: RECREATIONAL MARIJUANA RETAILERS GENERAL BYLAW

To see if the Town will vote to adopt the following recreational marijuana retailer general bylaw and to authorize the Town Clerk, in consultation with the Town Administrator, to assign appropriate numbering for this Bylaw so that it may be in compliance with the numbering format of the Town bylaws:

Non-Medical Marijuana Retailer. There shall be no more than one (1) non-medical “marijuana retailer”, as defined in G.L. c. 94G, §1 as “an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers,” permitted to locate and operate within the Town of Ayer.

Or take any action thereon or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)

Simple Majority Vote

Explanatory Note: The Town may by statute limit the number of recreational marijuana retailers to fewer than 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverage not to be drunk on the premises (which is 8); therefore the Town may limit the number to one (1) license. If this article passes Town Meeting it must also pass by a ballot vote at a Special Election.

ARTICLE 14: RECREATIONAL MARIJUANA RETAILERS ZONING BYLAW

To see if the Town will vote to adopt the following recreational marijuana retailer zoning bylaw. and to authorize the Town Clerk, in consultation with the Town Administrator, to assign appropriate numbering for this Bylaw so that it may be in compliance with the numbering format of the Town bylaws:

Non-Medical Marijuana Retailer. There shall be no more than one (1) non-medical “marijuana retailer”, as defined in G.L. c. 94G, §1 as “an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers,” permitted to locate and operate within the Town of Ayer.

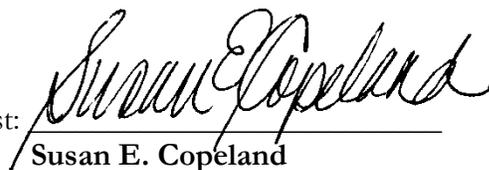
Or take any action thereon or in relation thereto.

Board of Selectmen: Recommends 3-0 (Voted 10/3/17)
Planning Board: To Report at Town Meeting

Two-Thirds Majority Vote

Explanatory Note: The Town may by statute limit the number of recreational marijuana retailers to fewer than 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverage not to be drunk on the premises (which is 8); therefore the Town may limit the number to one (1) license. If this article passes Town Meeting it must also pass by a ballot vote at a Special Election. Planning Board to hold Public Hearing on October 19, 2017 at 6:15 PM at the Ayer Town Hall.

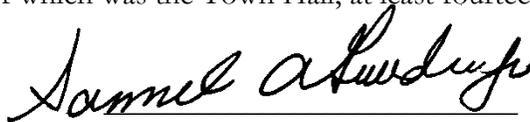
A True Copy Attest:



Susan E. Copeland
Town Clerk, Tax Collector and Treasurer

Date: October 6, 2017

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: October 6, 2017