

**Commonwealth of Massachusetts
Annual Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 4, 2013 at 9:30 a.m. to act on the following articles:

ANNUAL TOWN MEETING ARTICLES

Article 1. To see if the Town will vote to elect all other town officers not required to be on the official ballot.

This article allows the voters at Town Meeting to elect officials to open elected positions that are not filled at the time of the Town Meeting. This typically consists of a Field Driver, but could be any other open position.

Finance Committee action: Approved Disapproved No Action

Article 2. To see if the Town will vote to hear the reports of the various town officials and committees.

In response to this motion, the Town Moderator usually asks if the Town Meeting will vote to dispense with the reading of all the annual reports that appear in the Town Annual Report.

Finance Committee action: Approved Disapproved No Action

Article 3. To see if the Town will vote to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws; or take any other action relative thereto.

This article allows the Town Treasurer to take out short term loans throughout the fiscal year if necessary to address cash flow timing issues.

Finance Committee action: Approved Disapproved No Action

Article 4. To see if the Town will vote to accept the following sums in trust, the income therefrom to be expended for the perpetual care of lots as follows:

Glenwood Cemetery

<u>Amount</u>	<u>Name</u>	<u>Ave.</u>	<u>Lot</u>	<u>Section</u>
\$600.00	Steven & Marlene Plante	E	20	Lyman
\$400.00	Glenn & Debra Roberts		71	Section 3

\$200.00	Jeanette Patnaude	D	15A	Lyman
\$400.00	Phillips & Diane Morrill	B	29	Lyman
\$400.00	Richard & Nancy Fors	D	14A	Lyman
\$400.00	John & Pauline Buczinski	E	3	Lyman II
\$200.00	Brian & Elizabeth Pomerleau	E	30	Lyman II;

or take any other action relative thereto.

The Cemetery Commissioners are responsible to report all monies collected from the sale of lots for perpetual care during the year so that the voters at Town Meeting can formally accept the funds for the Town.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 5. To see if the Town will vote to authorize the renewal of the Cemetery Burial and Foundations Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for burials, said funds to be expended by the Cemetery Commissioners to pay for said burials to be performed, for grave foundations, and for general cemetery maintenance and improvements with total expenditures not to exceed \$10,000; or take any other action relative thereto.

This motion asks the voters to renew their authority to the Cemetery Commissioners to maintain a revolving account for the specific purpose of maintaining the cemeteries.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 6. To see if the Town will vote to authorize the renewal of the Library Books Revolving Fund in accordance with Massachusetts General Laws, Chapter 44, Section 53E½, to receive monies collected for book late fees and replacement fees, said funds to be expended by the Library Trustees to pay for book and media repairs, replacements, supplies and expenses with total expenditures not to exceed \$3,000; or take any other action relative thereto.

This motion asks the voters to renew their authority to the Library Trustees to maintain a revolving account for the specific purpose of maintaining library books and media.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 7. To see if the Town will vote to appropriate all funds received from the state under the provisions under the “Chapter 90” program to provide for eligible road resurfacing and/or other improvement projects for Town roads; said sum to be 100% reimbursable by the Commonwealth under the provisions of the “Chapter 90” program; or take any other action relative thereto.

This article asks the voters to formally accept the state funding granted to the Town for road work.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 8. To see if the Town will vote to appropriate from Recycling Center/Transfer Station Enterprise Free Cash the sum of \$5,511 for the purpose of paying the Town’s original entry fee (\$4,111) and the FY14 Annual Membership fee (\$1,400) for the Devens’ Regional Household Hazardous Products Collection Center; or take any other action relative thereto.

If the Town votes to provide the monies requested it will effectively constitute authorization for the Town to enter into membership in the Devens’ Regional Household Hazardous Products Collection Center. Note

that the "Enterprise Free Cash" is an account which is completely separate and distinct from the Town's Free Cash account.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 9. To see if the Town will vote to appropriate from available funds the sum of \$34,140 for the purpose of operating the Ashby Recycling Center & Transfer Station for FY2014; or take any other action relative thereto.

This article is the proposed annual budget of the Recycling Center and Transfer Station (RCTS) for FY14.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 10. To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to defray the expenses of the Town for the fiscal year commencing July 1, 2013 and to set the salaries of elected officials; or take any other action relative thereto.

This article will establish a departmentalized budget that has been proposed by the Finance Committee and the Board of Selectmen after careful deliberation.

Finance Committee action: **Approved** **Disapproved** **No Action**

Amounts shown for prior fiscal years may include funds received through warrant articles, reserve fund transfers, etc. as well as transfers out and do not necessarily reflect budget amounts voted initially by Town Meeting.				
TOWN OF ASHBY Budget ATM 14				
		FY12	FY13	FY14
	LINES	SPENT	BUDGET	FINCOM RECOMMENDS
Administration				
<u>1</u>	Salaries & Wages	\$ 38,016.22	\$ 39,156.71	\$ 51,156.71
<u>2</u>	Expenses	\$ 5,016.71	\$ 7,500.00	\$ 6,550.00
	Total	\$ 43,032.93	\$ 46,656.71	\$ 57,706.71
Town Administrator				
<u>3</u>	Salaries & Wages	\$ 49,500.00	\$ 55,933.07	\$ 38,000.00
	Total	\$ 52,561.94	\$ 55,933.07	\$ 38,000.00
Finance Committee				
<u>4</u>	Expense Budget	\$ 152.00	\$ 500.00	\$ 500.00
<u>5</u>	Reserve Fund	\$ 39,215.21	\$ 25,000.00	\$ 35,000.00
	Total	\$ 39,367.21	\$ 25,500.00	\$ 35,500.00
Town Accountant				
<u>6</u>	Salaries & Wages	\$ 31,414.47	\$ 32,136.00	\$ 33,457.36
<u>7</u>	Clerical	\$ 7,336.54	\$ 7,918.82	\$ 6,000.00
	Expenses	\$ 19,999.02	\$ 23,500.00	\$ 24,400.00
	Total	\$ 58,750.03	\$ 63,554.82	\$ 63,857.36
Board of Assessors				
<u>10</u>	Assessing Services	\$ 17,400.00	\$ 17,800.00	\$ 27,800.00
<u>11</u>	Wages	\$ 14,619.29	\$ 16,931.47	\$ 17,100.78
	Expenses	\$ 4,498.40	\$ 4,485.00	\$ 4,650.00

	Total	\$ 37,017.69	\$ 39,216.47	\$ 49,550.78
<u>Treasurer</u>				
15	Salaries & Wages	\$ 23,688.43	\$ 25,399.08	\$ 25,643.07
	Expenses	\$ 14,334.28	\$ 9,826.00	\$ 15,826.00
	Total	\$ 38,022.71	\$ 35,225.08	\$ 41,469.07
<u>Tax Collector</u>				
18	Salaries & Wages	\$ 30,217.64	\$ 32,124.17	\$ 32,435.41
	Expenses	\$ 14,677.92	\$ 15,412.00	\$ 14,329.75
	Total	\$ 45,028.03	\$ 47,536.17	\$ 46,765.16
<u>Legal Services</u>				
21	Expenses	\$ 24,558.00	\$ 25,000.00	\$ 20,000.00
	Total	\$ 24,558.00	\$ 25,000.00	\$ 20,000.00
<u>Technology and Systems</u>				
22	Expenses	\$ 24,654.91	\$ 29,300.00	\$ 43,000.00
	Total	\$ 24,654.91	\$ 29,300.00	\$ 43,000.00
<u>Town Clerk</u>				
23	Town Clerk Salary	\$ 28,398.64	\$ 29,250.60	\$ 29,543.11
24	Clerical	\$ 5,693.17	\$ 7,119.95	\$ 7,191.15
25	Election and Registrar Stipend	\$ 5,131.66	\$ 6,227.13	\$ 6,227.13
	Expenses	\$ 4,549.16	\$ 10,837.00	\$ 10,837.00
	Total	\$ 43,921.09	\$ 53,434.68	\$ 53,798.39
<u>Town Reports</u>				
30	Expenses	\$ 1,385.15	\$ 1,600.00	\$ 1,600.00
	Total	\$ 1,385.15	\$ 1,600.00	\$ 1,600.00
<u>Conservation Commission</u>				
31	Expenses	\$ 1,308.94	\$ 1,523.00	\$ 1,700.00
	Total	\$ 1,308.94	\$ 1,523.00	\$ 1,700.00
<u>Planning</u>				
32	Expenses	\$ 709.66	\$ 750.00	\$ 750.00
	Total	\$ 908.15	\$ 750.00	\$ 750.00
<u>Zoning</u>				
33	Zoning Bd Expense	\$ 132.82	\$ 500.00	\$ 500.00
	Total	\$ 132.82	\$ 500.00	\$ 500.00
<u>Land Use</u>				
34	Agent Budget	\$ 9,003.75	\$ 10,000.00	\$ 10,000.00
	Expenses	\$ 1,065.81	\$ 1,405.74	\$ 1,628.38
	Total	\$ 10,069.56	\$ 11,405.74	\$ 11,628.38
<u>Town Office</u>				
	Expenses	\$ 33,890.44	\$ 43,470.00	\$ 46,170.00
	Total	\$ 34,609.66	\$ 43,470.00	\$ 46,170.00
<u>Town Clock</u>				
40	Stipend	\$ 500.00	\$ 500.00	\$ 500.00
	Total	\$ 500.00	\$ 500.00	\$ 500.00
<u>Municipal Buildings</u>				
47	Salaries & Wages	\$ 3,336.06	\$ 3,437.73	\$ 3,472.11

	Expenses	\$ 3,212.27	\$ 10,000.00	\$ 35,000.00
	Total	\$ 14,136.19	\$ 13,437.73	\$ 38,472.11
<u>Police</u>				
<u>49</u>	Police Chief Wages	\$ 41,475.00	\$ 50,000.00	\$ 53,328.00
<u>50</u>	Wages - Coverage	\$ 395,638.59	\$ 392,468.45	\$ 445,252.32
	Expenses	\$ 96,100.23	\$ 102,141.00	\$ 120,658.05
	Total	\$ 533,213.82	\$ 544,609.45	\$ 619,238.37
<u>Fire</u>				
<u>54</u>	Chief Salary	\$ 52,427.98	\$ 54,000.82	\$ 54,540.83
<u>55</u>	Firefighters Wages	\$ 16,173.36	\$ 13,502.31	\$ 13,637.33
<u>56</u>	FF/ EMT Wages	\$ 31,652.55	\$ 38,578.03	\$ 38,963.81
<u>57</u>	Firefighter Stipends	\$ 2,893.11	\$ 5,000.00	\$ 5,000.00
<u>58</u>	FF/EMT Overtime	\$ 4,465.40	\$ 5,000.00	\$ 5,000.00
	Expenses	\$ 37,119.98	\$ 35,565.00	\$ 39,222.70
	Total	\$ 194,530.91	\$ 151,646.16	\$ 156,364.67
<u>Waste Oil</u>				
<u>62</u>	Wages	\$ 2,080.80	\$ 2,112.01	\$ 2,164.65
<u>63</u>	Expenses	\$ 291.07	\$ 300.00	\$ 950.00
	Total	\$ 2,371.87	\$ 2,412.01	\$ 3,114.65
<u>EMS</u>				
<u>64</u>	Wages - Coverage	\$ 9,608.72	\$ 12,050.39	\$ 12,170.89
<u>65</u>	Stipend - training	\$ 1,607.40	\$ 4,215.00	\$ 4,215.00
	Expenses	\$ 35,733.62	\$ 36,250.00	\$ 36,773.00
	Total	\$ 54,164.74	\$ 52,515.39	\$ 53,158.89
<u>Emergency Management</u>				
<u>67(2)</u>	Salaries & Wages	\$ 600.00	\$ 620.00	\$ 626.20
<u>68</u>	Expenses	\$ 999.82	\$ 7,657.28	\$ 1,000.00
	Total	\$ 14,245.38	\$ 8,277.28	\$ 1,626.20
<u>E-911</u>				
<u>69</u>	Expenses	\$ 95.55	\$ 100.00	\$ 100.00
	Total	\$ 95.55	\$ 100.00	\$ 100.00
<u>Hazardous Waste Coord.</u>				
<u>69(2)</u>	Stipend	\$ 665.00	\$ 345.86	\$ 345.86
	Total	\$ 665.00	\$ 345.86	\$ 345.86
<u>Building Inspector</u>				
<u>70</u>	Salaries & Wages	\$ 10,217.77	\$ 10,524.30	\$ 10,629.54
	Expenses	\$ 325.00	\$ 907.74	\$ 907.74
	Total	\$ 10,542.77	\$ 11,432.04	\$ 11,537.28
<u>Plumbing Inspector</u>				
<u>72</u>	Salaries & Wages	\$ 6,043.68	\$ 6,224.99	\$ 6,287.24
<u>73</u>	Expenses	\$ 31.00	\$ 115.00	\$ 115.00
	Total	\$ 6,074.68	\$ 6,339.99	\$ 6,402.24
<u>Electrical Inspector</u>				
<u>74</u>	Salaries & Wages	\$ 6,043.68	\$ 6,224.99	\$ 6,287.24

<u>75</u>	Expenses	\$ -	\$ 200.00	\$ 200.00
	Total	\$ 6,043.68	\$ 6,424.99	\$ 6,487.24
<u>Dog Officer</u>				
<u>76</u>	Salaries & Wages	\$ 13,730.46	\$ 14,142.37	\$ 14,283.79
<u>77</u>	Expenses	\$ 2,100.00	\$ 1,500.00	\$ 1,500.00
	Total	\$ 15,830.46	\$ 15,642.37	\$ 15,783.79
<u>Emergency Dispatch</u>				
<u>78</u>	Salaries & Wages	\$ 136,326.97	\$ 152,246.00	\$ 152,246.00
<u>79</u>	Expenses	\$ 1,955.00	\$ 2,037.04	\$ 2,297.04
	Total	\$ 138,281.97	\$ 154,283.04	\$ 154,543.04
<u>Montv Tech</u>				
<u>80</u>	Assessment	\$ 316,895.00	\$ 318,059.00	\$ 327,562.00
	Total	\$ 316,895.00	\$ 318,059.00	\$ 327,562.00
<u>NMRSD</u>				
	Assessment	\$ 2,611,900.00	\$ 2,830,191.45	\$ 2,941,144.00
	Total	\$ 2,611,900.00	\$ 2,830,191.45	\$ 2,941,144.00
<u>Highway</u>				
<u>83 (2)</u>	Wages Supt.	\$ 48,149.28	\$ 49,595.50	\$ 50,091.46
<u>84</u>	Wages - Regular	\$ 116,051.92	\$ 149,654.40	\$ 154,327.84
<u>85</u>	Wages - Overtime	\$ 2,450.04	\$ 2,000.00	\$ 2,500.00
	Expenses	\$ 115,752.88	\$ 120,176.00	\$ 144,451.00
	Total	\$ 320,780.61	\$ 321,425.90	\$ 351,370.30
<u>Snow & Ice</u>				
<u>91</u>	Winter Operation Wages	\$ -	\$ -	\$ -
<u>92</u>	Winter Overtime	\$ 17,686.48	\$ 18,000.00	\$ 20,000.00
<u>93</u>	Winter Expenses	\$ 92,311.86	\$ 75,000.00	\$ 80,000.00
	Total	\$ 109,998.34	\$ 93,000.00	\$ 100,000.00
<u>Street Lights</u>				
<u>94</u>	Expense	\$ 718.99	\$ 800.00	\$ 800.00
	Total	\$ 718.99	\$ 800.00	\$ 800.00
<u>Tree Warden</u>				
<u>95</u>	Expenses	\$ 1,200.00	\$ 2,800.00	\$ 2,800.00
	Total	\$ 1,200.00	\$ 2,800.00	\$ 2,800.00
<u>Cemetery</u>				
<u>96</u>	Wages - Coverage	\$ 7,382.50	\$ 8,584.68	\$ 8,670.53
<u>97</u>	Expense	\$ 1,963.76	\$ 2,000.00	\$ 2,000.00
	Total	\$ 9,346.26	\$ 10,584.68	\$ 10,670.53
<u>Board of Health</u>				
	Expenses	\$ 15,907.07	\$ 18,282.00	\$ 18,282.00
	Total	\$ 15,907.07	\$ 18,282.00	\$ 18,282.00
<u>Animal Inspector</u>				
<u>102</u>	Stipend	\$ 408.00	\$ 420.24	\$ 420.24
	Total	\$ 408.00	\$ 420.24	\$ 420.24
<u>Council on Aging</u>				
<u>103</u>	Wages	\$ 2,100.00	\$ 2,163.00	\$ 2,184.63

<u>103A</u>	Expense	\$ 1,368.07	\$ 1,375.00	\$ 1,875.00
	Total	\$ 3,468.07	\$ 3,538.00	\$ 4,059.63
<u>Veterans' Services</u>				
<u>104</u>	Salaries & Wages	\$ 1,681.29	\$ 1,731.73	\$ 1,749.05
	Expenses	\$ 15,127.40	\$ 15,500.00	\$ 42,500.00
	Total	\$ 16,808.69	\$ 17,231.73	\$ 44,249.05
<u>Library</u>				
<u>107</u>	Librarian Salary	\$ 18,577.50	\$ 19,281.60	\$ 19,968.00
<u>108</u>	Library Assistant Wages	\$ 15,393.76	\$ 18,555.57	\$ 18,741.13
	Expenses	\$ 43,758.58	\$ 44,677.00	\$ 44,577.00
	Total	\$ 77,729.84	\$ 82,514.17	\$ 83,286.13
<u>Band Concerts</u>				
<u>113</u>	Expenses	\$ 3,098.00	\$ 7,500.00	\$ 7,500.00
	Total	\$ 3,098.00	\$ 7,500.00	\$ 7,500.00
<u>July 3rd</u>				
<u>114</u>	Expenses	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
	Total	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
<u>Allen Field</u>				
<u>115</u>	Expenses	\$ 1,025.00	\$ 1,200.00	\$ 1,400.00
	Total	\$ 5,016.58	\$ 1,200.00	\$ 1,400.00
<u>Town Common</u>				
<u>116</u>	Expenses	\$ 771.82	\$ 3,200.00	\$ 4,025.00
	Total	\$ 4,974.82	\$ 3,200.00	\$ 4,025.00
<u>Debt Service</u>				
<u>118</u>	Temporary Loan Interest	\$ -	\$ 1,000.00	\$ 1,000.00
	Total	\$ -	\$ 1,000.00	\$ 1,000.00
<u>Middlesex Retirement</u>				
<u>123</u>	Middlesex Retirement System	\$ 144,042.00	\$ 150,810.00	\$ 141,772.00
	Total	\$ 144,042.00	\$ 150,810.00	\$ 141,772.00
<u>Unemployment</u>				
<u>124</u>	Unemployment Compensation	\$ 3,261.01	\$ 20,000.00	\$ 2,500.00
	Total	\$ 8,261.01	\$ 20,000.00	\$ 2,500.00
<u>Employee Ins. Benefits</u>				
<u>125</u>	Employee Benefits Expense	\$ 276,613.58	\$ 309,880.53	\$ 347,129.94
	Total	\$ 276,613.58	\$ 309,880.53	\$ 347,129.94
<u>Workers Compensation</u>				
<u>126</u>	Insurance Not Health	\$ 5,214.95	\$ 13,666.68	\$ 13,666.68
	Total	\$ 5,214.95	\$ 13,666.68	\$ 13,666.68
<u>Insurance P & C</u>				
<u>127</u>	Liability P&C, E,F&P	\$ 51,608.65	\$ 80,000.00	\$ 80,000.00
	Total	\$ 51,608.65	\$ 80,000.00	\$ 80,000.00
<u>FICA</u>				
<u>128</u>	Employee Costs	\$ 18,727.85	\$ 21,028.65	\$ 21,028.65

	Total	\$ 18,727.85	\$ 21,028.65	\$ 21,028.65
	Total	\$ 5,449,944.15	\$ 5,756,905.08	\$ 6,085,536.34

Setting of Elected Salaries under Article 10:

- a. Town Clerk: \$29,543.11
- b. Town Collector: \$32,435.41 (Includes \$1,000 certification stipend)
- c. Town Treasurer: \$25,643.07 (Includes \$1,000 certification stipend)

Article 11. To see if the Town will vote to accept the provisions of MGL Ch. 200A, s. 9A, as amended, relative to notice requirements and alternative procedures in managing abandoned funds (i.e. unclaimed checks or “tailings”); or take any other action relative thereto.

MGL Chapter 200A, Section 9A, as amended by section 65 of Chapter 188 of the Acts of 2010, includes new notice requirements and provides for an updated and simplified process of managing abandoned funds. Text of amended section is provided as an addendum to this warrant.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 12. To see if the Town will vote to approve the \$600,000 borrowing authorized by the North Middlesex Regional School District for the purpose of paying costs of construction of a new septic system, including the payment of all costs incidental and related thereto, to be located at Hawthorne Brook Middle School, 64 Brookline Road, Townsend, said system to service the Hawthorne Brook Middle School and the Squannacook Early Childhood Center, said amount to be expended at the direction of the North Middlesex Regional School District School Committee; or take any other action relative thereto.

Hawthorne Brook’s Septic System has failed and must be replaced. Since Ashby students attend this school, approximately 24% of the cost of the new system will be apportioned against the Town of Ashby.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 13. To see if the Town will vote to appropriate from available funds the sum of \$5,000 for the purpose of procuring professional consultant services regarding the radio repeater system for the Police and Fire Department; or take any other action relative thereto.

There are “dead spots” in the radio coverage of the Town for police and fire purposes. This appropriation will allow an independent assessment of what is needed to correct some or all of those gaps in coverage, and assess the current capacity of the existing equipment as well as desired upgrades and improvements.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 14. To see if the Town will vote to appropriate from available funds the sum of \$2,000 for the purpose of repairing the Fire Chief’s car and ambulance; or take any other action relative thereto.

The body of the ambulance is rusting, and probably will not pass the next scheduled inspection. The Fire Chief’s car is also in need of body repairs.

Finance Committee action: Approved Disapproved No Action

Article 15. To see if the Town will vote to appropriate from available funds the sum of \$6,000 for the purpose of purchasing a laptop for use on the ambulance and a Fire Station computer, with any associated equipment or costs, for electronic reporting of ambulance calls; or take any other action relative thereto.

The EMS/Fire Department wishes to purchase a laptop for the ambulance, and a computer to be housed at the Fire Station. The Town does not currently perform electronic reporting of ambulance calls.

Finance Committee action: * Approved Disapproved No Action

**Recommended in the amount of \$4000 for a laptop only.*

Article 16. To see if the Town will vote to appropriate from available funds the sum of \$7,200 for the purpose of paying for a Library furnace conversion to natural gas; or take any other action relative thereto.

The conversion is projected to save on heating costs and pay for itself within two years.

Finance Committee action: Approved Disapproved No Action

Article 17. To see if the Town will vote to appropriate from available funds the sum of \$12,000 for the purpose of installing insulation in the ceiling over the original part of the Library; or take any other action relative thereto.

The old section of the Ashby Free Public Library is currently not insulated. There have been suggested savings of as much as 60% on heating costs if insulation is installed.

Finance Committee action: Approved Disapproved No Action

Article 18. To see if the Town will vote to appropriate from available funds the sum of \$5,000 for the purpose of purchasing and installing a camera monitoring system at the Library; or take any other action relative thereto.

As a safety issue trustees have sought bids for a camera monitoring system throughout the building and at the outside rear location after staff cars were vandalized.

Finance Committee action: Approved Disapproved No Action

Article 19. To see if the Town will vote to appropriate from available funds the sum of \$500 for the purpose of capping the non-working chimney in the original Library building; or take any other action relative thereto.

Capping the chimney will prevent energy loss and further bird infestation.

Finance Committee action: Approved Disapproved No Action

Article 20. To see if the Town will vote to appropriate from available funds the sum of \$169,000 for the purpose of purchasing a new dump truck for the Highway Department; or to take any other action relative thereto.

This is a replacement for an existing dump truck which is sixteen plus years old. The body is rotting out and the cab and chassis will shortly be in similar condition.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 21. To see if the Town will vote to amend the zoning bylaw by deleting, from section 4.1.2, the words “or non-profit institutional” so that the section will read “4.1.2 Municipal, Educational or Religious uses.”; or take any other action relative thereto.

The Zoning bylaw, as currently written, permits non-profit institutional uses in all zoning districts as a matter of right. Non-profit institutions include medical research and treatment facilities, institutions for housing or treating disadvantaged people, political organizations, and any organization that is structured as a non-profit under U.S. law. This article would no longer permit non-profit institutional use by right in all districts. A non-profit organization would be required to meet the requirements of the district it was located in. Non-profits would be permitted to operate as a home occupation in the Residential and Residential/Agricultural Districts. They would be permitted to operate on a larger scale in the Residential/Commercial districts subject to the limitation of that district.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 22. To see if the Town will vote to amend the zoning bylaw by deleting subsection “d. Conversion of a single-family home into a structure with 3 or more apartments or dwelling units within it or on the same lot.” from section 9.1.4, Authority, and lettering succeeding subsections consecutively; or take any other action relative thereto.

The current zoning bylaw allows the conversion of a dwelling into 3 or more apartments in the Village Center District. This amendment would eliminate the multiple apartment use. Should the amendment pass, the Village Center District would allow 1 apartment per owner occupied dwelling by special permit. This is what is allowed in other zoning districts.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 23. To amend the zoning bylaw by deleting section “9.1.6.1 Minimum Setbacks for Residential, Non-residential and Mixed Use Buildings: forty (40) feet” and inserting “9.1.6.1 Minimum setback from street center: forty (40) feet.” in its place; or take any other action relative thereto.

The current zoning bylaw establishes a setback of 40 feet for the front, side and rear setbacks in the Village Center District. This amendment would establish a setback of 40 feet for the front only. The side and rear setbacks would revert to 25 feet, the same as the underlying district.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 24. To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as may be amended from time to time, and to enact Article XVIII of the Town of Ashby By-laws as set forth below:

Article XVIII - Stretch Energy Code

Section 1 - Adoption

The Town of Ashby has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 2 - Purpose

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

This article will regulate the design and construction of buildings for the effective use of energy.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 25. To see what sum of money the Town will vote to transfer from available funds for deposit in the Stabilization Fund; or take any other action relative thereto.

This article allows the Town Meeting to gather and total any monies that were available and not appropriated under previous articles, and direct that sum to the Stabilization Fund.

Finance Committee action: **Approved** **Disapproved** **No Action**

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby seven (7) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this _____ day of _____, 2013.

Peter McMurray, Chair

Dan Meunier, Procurement

Mike McCallum, Clerk

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least seven days before the time of said Annual Town Meeting.

Date: _____

William Davis
Constable of Ashby

Text of amended Section 9A referred to in Article 11 of this Annual Town Meeting Warrant:

MGL Chapter 200A Section 9A as amended: (a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to

the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.
