



Town of Ashland

MASSACHUSETTS

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**WARRANT ARTICLES, INFORMATION AND
RECOMMENDATIONS
OF THE
FINANCE COMMITTEE
FOR THE
MAY 3, 2017
TOWN MEETING
ASHLAND HIGH SCHOOL**

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Moderator's Motions

1. That this meeting dispense with the reading of the warrant and of the Constable's return of service of that warrant and that the Moderator not be required to read warrant articles verbatim, but may refer to them by number and subject matter.
2. That the moderator may extend the floor to Town management and staff and other non-voters provided that they must first be recognized by the Moderator.
3. That the Moderator, pursuant to G.L. c. 39 § 15 be allowed to declare a two-thirds vote rather than taking a standing count.
4. That once final action has been taken on an article and the next order of business has been taken up, or the session of the meeting has been adjourned, the matter may not again be taken under consideration at that town meeting unless, in the best judgment of the Moderator, a significant error or omission occurred in the language or the process of the original action on the article, or a significant change of circumstances has occurred, such that there is a clear likelihood that the outcome could change upon reconsideration or that reconsideration would be in the Town's best interest.

TOWN OF ASHLAND

ANNUAL TOWN MEETING WARRANT
2017

Article 1: Hear Town Reports
Sponsor: Board of Selectmen

To see if the Town will hear the reports of the several town committees and to accept those as printed in the Annual Town Report, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to hear the reports of the several town committees and to accept those as printed in the Annual Town Report.

MOTION: That the Town hear the reports of the several town committees and to accept those as printed in the Annual Town Report.

Article 2: Transfer to OPEB Trust:
Sponsor: Board of Selectmen

To see if the Town will transfer \$62,500 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town approve the transfer of \$62,500 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710. In accordance with the Town's financial policies the OPEB obligation of General Government employees hired during the fiscal year are funded through this year's budget. The transfer represents those OPEB obligations.

MOTION: That the Town transfer \$62,500 from OPEB Contribution Account #01915-51709 to the OPEB Trust, Account #88100-49710.

Article 3: Amend Town of Ashland General Bylaws Chapter 26: FINANCES.
DEPARTMENTAL REVOLVING FUNDS
Sponsor: Board of Selectmen

To see if the Town will vote to amend Chapter 26, Finances of the Town, of Ashland General Bylaws by adding a new section 26-5 to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under G.L. c. 44 §53E 1/2, and further to authorize the expenditure of revolving funds, or take any other action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town amend the Bylaws and authorize the expenditures as set forth in the article.

MOTION: Part 1: That the Town amend Chapter 26, Finances of the Town, of Ashland General Bylaws by adding a new section 26-5 to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under G.L. c. 44

§53E 1/2 as follows:

Chapter 26: Finances

§ 26-5 Departmental Revolving Funds

A. Purpose.

(1) This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are **established under and governed by General Laws Chapter 44, § 53E1/2.**

B. Expenditure Limitations.

(1) A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

(a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [, except for those employed as school bus drivers2].

(b) No liability shall be incurred in excess of the available balance of the fund.

(c) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

C. Interest.

(1) Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

D. Procedures and Reports.

(1) **Except as provided in General Laws Chapter 44, § 53E1/2 and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law.** The Town accountant auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town accountant auditor provides the department, board, committee, agency or officer on appropriations made for its use.

A. Authorized Revolving Funds.

The Table establishes:

- a. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- b. The department or agency head, board, committee or officer authorized to spend from each fund,
- c. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
- d. The expenses of the program or activity for which each fund may be used,
- e. Any restrictions or conditions on expenditures from each fund,
- f. Any reporting or other requirements that apply to each fund, and

g. The fiscal years each fund shall operate under this by-law.

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEARS
Senior Program Revolving	Monies paid by those who avail themselves of such programs for such programs	Director of Elder Affairs	The purpose of which shall be to pay for programs conducted by the Council on Aging for the benefit of Ashland senior citizens	2018 and subsequent years
Community Center Rental	Monies paid by the renter and that such monies represent the cost of providing said building	Town Manager	The purpose of which shall be to pay for expenses and maintenance incurred for the rental of said building	2018 and subsequent years
Town of Holliston Animal Control Revolving	Monies paid by the Town of Holliston and that such monies represent the cost of providing Animal Control services	Town Manager	The purpose of which shall be to pay for expenses incurred for the care and capture of animals on behalf of the Town of Holliston	2018 and subsequent years
Library Materials Replacement Fund	Monies paid by the borrowers of the lost or damaged materials and that such monies represent the replacement cost of the materials	Library Director with approval of Board of Trustees	The purpose of which shall be to acquire equivalent Public Library materials to replace items lost or damaged by those who borrow such materials	2018 and subsequent years
Hazardous Waste Revolving Fund	Drop off cost the resident will pay for the service	Town Manager	The purpose of which shall be to be able to continue to drop off programs for TV's & Computers	2018 and subsequent years
Sidewalk Construction Fund	Monies paid by those who avail themselves of such programs for such programs	Planning Board	The purpose of which shall be to pay for sidewalks	2018 and subsequent years
Guidance Revolving Fund	Fees paid by those who will be taking the PSAT and/or AP exams	High School Principal	The purpose of which shall be to pay for the institutional, per student cost for our students who take the PSAT and/or Advanced Placement (AP) tests and to pay for proctors during the exams	2018 and subsequent years

Food Inspection Program Revolving Fund	Monies paid by those who avail themselves of such inspections, investigations and reviews for such programs, including the monies collected for food establishment permit fees	Director/Agent of Board of Health	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for food establishment programs provided by the Board of Health for the delivery of routine inspections, investigations and reviews for food establishments	2018 and subsequent years
Tobacco Program Revolving Fund	Monies paid by those who avail themselves of such programs, including the monies collected for tobacco sales permit fees	Director/Agent of Board of Health	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for inspections and programs provided by the Board of Health for the delivery of tobacco control comprehensive inspections at tobacco sales locations and for evidence based education programs that will benefit the residents of Ashland	2018 and subsequent years
Ambulance Revolving Fund	Monies paid to the Town from ambulance receipts	Town Manager	The purpose of which shall be to pay for the costs of providing ambulance and emergency response services.	2018 and subsequent years

Part 2:

That the Town authorizes the total expenditures for the following revolving funds pursuant to G.L. c. 44 Section 53E 1/2 for the fiscal year beginning July 1, 2017 to be expended in accordance with the bylaws heretofore approved.

FUND	USE OF FUNDS	RESTRICTIONS AND/OR COMMENTS
Senior Program Revolving	The purpose of which shall be to pay for programs conducted by the Council on Aging for the benefit of Ashland senior citizens	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$25,000
Community Center Rental	The purpose of which shall be to pay for expenses and maintenance incurred for the rental of said building	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$25,000

Town of Holliston Animal Control Revolving	The purpose of which shall be to pay for expenses incurred for the care and capture of animals on behalf of the Town of Holliston	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$76,000
Library Materials Replacement Fund	The purpose of which shall be to acquire equivalent Public Library materials to replace items lost or damaged by those who borrow such materials	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$1,500
Hazardous Waste Revolving Fund	The purpose of which shall be to be able to continue to drop off programs for TV's & Computers	Expenditures shall not exceed monies into the fund \$15,000
Sidewalk Construction Fund	The purpose of which shall be to pay for sidewalks	Expenditures shall not exceed receipts into the fund \$50,000
Guidance Revolving Fund	The purpose of which shall be to pay for the institutional, per student cost for our students who take the PSAT and/or Advanced Placement (AP) tests and to pay for proctors during the exams	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$40,000
Food Inspection Program Revolving Fund	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for food establishment programs provided by the Board of Health for the delivery of routine inspections, investigations and reviews for food establishments	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$20,000
Tobacco Program Revolving Fund	The purpose of which shall be a self-supporting program which will collect fees for the services provided to pay for inspections and programs provided by the Board of Health for the delivery of tobacco control comprehensive inspections at tobacco sales locations and for evidence based education programs that will benefit the residents of Ashland	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$5,000

Ambulance Revolving Fund	The purpose of which shall be to pay for the costs of providing ambulance and emergency response services.	Expenditures shall not exceed receipts into the fund and in any case shall not exceed \$500,000
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Part 3: Motion: That the Town authorize revolving funds under MGL Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2017 as set forth in Table 1. and Table 2. as described in the prior motion and printed above.

Article 4: Capital Plan
Sponsor: Board of Selectmen

To see if the Town will vote to raise, appropriate, transfer from available funds in the treasury and/or borrow funds in order to fund a portion of the Capital Plan, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to raise, appropriate, transfer and/or borrow funds in the manner and for the purposes set forth in the Article.

MOTION: That the amount of \$680,000.00 be appropriated to be expended by the Town Manager in order to fund the following projects of the Capital Plan and to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under G.L. Chapter 44 §7, or any other enabling authority, for a period not in excess of five (5) years.

<u>Project</u>	<u>Department</u>	<u>Amount</u>
Utility Vehicle	DPW	150,000
Cordaville Road Bridge Design Work	DPW	100,000
Computer Replacment	IT	70,000
PA System Mindess	School	85,000
Tech Upgrades APS	School	75,000
HVAC RTU at Middle School	School	80,000
Quiet Zone Design Work	Comm Dev	120,000

Article 5: Fiscal Year 2018 Budget
Sponsor: Board of Selectmen

To see if the Town will vote to raise, appropriate and/or transfer from available funds in the treasury

such sums of money as are necessary to defray charges and expenses of the town, including debt and interest, for the ensuing fiscal year, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to raise, appropriate and/or transfer from available funds such sums of money as are necessary to defray charges and expenses of the town as set forth in the Article.

MOTION: I move that the Town approve the following balanced budget of 65,519,499

		2017 ATM BUDGET TOTAL	2018 PROPOSED BUDGET	\$/CHANG E	%/CHAN GE
01123	TOWN MANAGER	456,219	503,899	47,680	10.45%
01138	CENTRAL PURCHASING	60,300	60,300	-	0.00%
01139	TELECOMMUNICATIONS	53,000	73,000	20,000	37.74%
01151	TOWN COUNSEL	210,000	210,000	-	0.00%
01155	DATA PROCESSING	514,975	532,088	17,113	3.32%
01161	TOWN CLERK	139,751	140,314	562	0.40%
01162	ELECTIONS/TOWN MEETING	29,400	14,150	(15,250)	-51.87%
01163	BOARD OF REGISTRARS	7,790	7,790	-	0.00%
01182	ECONOMIC DEVELOPMENT	130,828	244,632	113,804	86.99%
01180	HUMAN RESOURCES	149,000	206,075	57,075	38.31%
	SUBTOTAL: ADMINISTRATION	1,751,263	1,992,248	240,985	13.76%
01135	TOWN ACCOUNTANT	119,900	123,400	3,500	2.92%
01141	ASSESSORS OFFICE	213,056	218,971	5,915	2.78%
01145	TREASURER	228,518	184,192	(44,326)	-19.40%
	SUBTOTAL: FINANCE	561,474	526,563	(34,911)	-6.22%
01170	COMMUNITY DEVELOPMENT & HEALTH	7,500	-	(7,500)	-100.00%
01171	CONSERVATION COMMISSION	93,200	94,450	1,250	1.34%
01172	OPEN SPACE COMMITTEE	450	450	-	0.00%

01175	PLANNING BOARD	137,616	143,950	6,334	4.60%
01241	INSPECTION SERVICES DEP	189,061	190,523	1,462	0.77%
SUBTOTAL: DEVELOPMENT SERVICES		427,827	429,373	1,546	0.36%
01210	POLICE DEPT.	3,151,403	3,283,427	132,024	4.19%
01220	FIRE DEPARTMENT	2,423,414	2,241,959	(181,455)	-7.49%
SUBTOTAL: PUBLIC SAFETY		5,574,817	5,525,386	(49,431)	-0.89%
01510	BD. OF HEALTH	150,432	154,904	4,473	2.97%
01543	VETERAN'S SERVICES COA/REC/YOUTH & FAM	89,105	89,105	-	0.00%
01544	SERVICES	336,077	354,857	18,780	5.59%
01610	PUBLIC LIBRARY	341,461	370,878	29,418	8.62%
SUBTOTAL: HEALTH AND HUMAN SERVICES		917,074	969,745	52,671	5.74%
01192	PUBLIC BLDGS&PROP MAINT	438,373	459,620	21,246	4.85%
01421	DPW ADMINISTRATION	107,643	98,252	(9,392)	-8.72%
01422	HIGHWAY CONST & MAINT	436,519	451,922	15,403	3.53%
01423	SNOW & ICE REMOVAL	285,200	285,200	-	0.00%
01424	HWY-STREETLIGHTING	41,200	40,000	(1,200)	-2.91%
01429	HWY COMBINED FUEL ACCOU	151,000	151,000	-	0.00%
01491	CEMETERY, PARKS & TREES	197,694	238,028	40,334	20.40%
SUBTOTAL: PUBLIC WORKS		1,657,630	1,724,021	66,392	4.01%
01300	SCHOOL DEPARTMENT	27,907,822	29,078,500	1,170,678	4.19%
01399	KEEFE TECH VOC SCHOOL	1,405,137	1,405,137	-	0.00%
SUBTOTAL: EDUCATION					3.99%

		29,312,959	30,483,637	1,170,678	
01710	TOTAL DEBT	3,433,935	3,290,144	(143,791)	-4.19%
	EXCLUDED DEBT	1,750,367	1,830,442	80,075	4.57%
	NON EXCLUDED DEBT	1,683,568	1,459,703	(223,866)	-13.30%
01930	CAPITAL PROJECTS	748,267	750,000	1,733	0.23%

For information purposes - Capital Projects to be funded under 01930 appropriation:

Fire Ambulance lease	55,000
Fire Pumper Truck	86,000
Firefighting Gear	75,000
Police Cruiser replacement	63,000
Police laptop computeres for cruisers	7,000
Police radios for cruisers	9,000
School electrical upgrade study at Mindess/Middle Schools	15,000
School - install Modulars at Warren School	150,000
School - upgrade lighting controls for athletic fields at Middle School	10,000
Downtown Phase 1 - Riverwalk	280,000

01911	EMPLOYEE RETIREMENT	2,464,185	2,809,394	345,209	14.01%
01912	WORKERS COMPENSATION	150,000	270,000	120,000	80.00%
01913	UNEMPLOYMENT COMPENSATI	110,000	75,000	(35,000)	-31.82%
01914	EMPLOYEE HEALTH FRINGES	16,000	5,000	(11,000)	-68.75%
01915	GROUP HEALTH INSURANCE	5,357,059	5,624,810	267,751	5.00%
01945	OTHER INSURANCE	630,973	630,973	-	0.00%
	SUBTOTAL: BENEFITS & INSURANCE	8,728,217	9,415,177	686,960	7.87%
01960	C.O.L.A. TO DISTRIBUTE	75,000	68,000	(7,000)	-9.33%

01965	MUNICIPAL EFFICIENCY PROGRAM	-	50,000	50,000	
01132	RESERVE FUND	450,000	450,000	-	0.00%
TOTAL GENERAL FUND		53,638,463	55,674,294	2,035,830	3.80%
6000	WATER ENTERPRISE	2,809,347	2,820,093	10,746	0.38%
6100	SEWER ENTERPRISE	5,713,414	5,560,119	(153,295)	-2.68%
6200	TRASH COLLECTION	1,202,293	1,151,172	(51,121)	-4.25%
6300	FIELD MANAGEMENT	89,900	98,321	8,421	9.37%
6400	CABLE ACCESS	320,500	215,500	(105,000)	-32.76%
TOTAL ALL FUNDS		63,773,917	65,519,499	1,745,581	2.74%

a. For the General Fund, that the following amounts be transferred from the respective accounts:

Account Name	Balance in Account	FY18 Transfer
Recreation Revolving	\$261,810	\$11,700
Wetlands Grant	\$36,248	\$36,248
Title V Loan Repayments	\$28,762	\$28,762
Village of the Americas	\$12,052	\$12,052
Sale of Cemetery Lots	\$114,992	\$33,238
Dog Licenses	\$29,038	\$25,000

And that the balance be raised and appropriated \$55,527,294

And,

- b. For the Water Enterprise Fund that \$2,820,093 be raised through the water rates;
- c. For the Sewer Enterprise Fund that \$5,560,119 be raised through the sewer rates;
- d. For the Rubbish Collection Enterprise Fund that \$1,151,172 be raised through the solid waste rates;
- e. For the Fields Management Enterprise Fund that \$98,321 be raised through fees for field usage.
- f. For the Cable Access Enterprise Fund, that \$215,500 be raised through cable franchise fees.

Article 6: Capital Items
Sponsor – Citizen’s Petition

Amend the Town Code to add 63-10 as follows: Capital Budget warrant articles presented to Town Meeting with anticipated total value for all related costs of \$50,000 or more shall be in order for consideration only as individual articles and shall not be combined with other business.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote against the proposed amendment.

Article 7: Annual Consent Article - General
Sponsor: Board of Selectmen

To see if the Town will vote the following items:

1. Grant Program Authorization - To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Ashland by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program;
2. Road Contracts - To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioner or the Federal Government for the construction and maintenance of public highways in the Town of Ashland for the ensuing year;
3. Contracts in Excess of Three Years - To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate;

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to approve Article 7 as written. This is an annual article that allows the Town to more efficiently conduct certain business.

MOTION: That the Town approve Article 7 as written.

Article 8: Annual Authorization Article
Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for access, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interest of the Town; or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to authorize the Board of Selectmen and the School Committee as set forth in Article 8. This is an annual article that allows the Board and the School Committee to more efficiently conduct certain business by granting them the authority to do so without having to obtain

the approval of Town Meeting.

MOTION: That the Town authorize the Board of Selectmen and the School Committee to grant easements for access, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interest of the Town.

**Article 9: Annual Consent Article: Community Preservation Act
Sponsor: Community Preservation Committee**

To see if the Town will vote the following items:

- a. **Community Preservation Funds – FY18 Annual Appropriations** - To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2018, with each item to be considered a separate appropriation:

Appropriations:

From FY 2018 estimated revenues to Committee Administrative Expense \$ 54,775

Reserves:

From FY 2018 estimated revenues to Historic Resources Reserve \$104,073

From FY 2018 estimated revenues to Community Housing Reserve \$104,073

From FY 2018 estimated revenues to Open Space Reserve \$104,073

From FY 2018 estimated revenues to Undesignated Reserve \$728,514

or pass any vote or take any other action relative thereto.

- b. **Community Preservation Funds – Oak Street Bond Payment** - To see if the Town will vote to appropriate \$174,150 in Community Preservation Act funds to fund the bond payment approved in Article 1 of the Special Town Meeting of November 26, 2007 that acquired by eminent domain a certain parcel of land off Oak Street, now or formerly owned by Stephanie A. and Kristen McCook consisting of 1,305,929 +/- sq. ft. and more particularly described as parcel #003D-005-000 on the Assessors Map and further defined in an Order of Taking by Eminent Domain filed with the Middlesex County Registry of Deeds Southern District on January 7, 2002, all in accordance with the Agreement for Judgment issued by the Superior Court Department of the Trial Court, Civil Action No. MICV2003-02643 which amount supplemented the funds raised in its vote of Article 6 of the Fall Special Town Meeting of October 20, 1999, for the acquisition of the aforesaid parcel, from the Community Preservation Fund Undesignated Reserve Account, to be added to 01710 Debt Service passed in Article 5 of this Town Meeting; or pass any vote or take any other action relative thereto.
- c. **Community Preservation Funds – H.S. Athletic Fields Bond Payment** - To see if the Town will vote to appropriate \$351,050 in Community Preservation Act funds to fund the bond payment approved in Article 11 of the Annual Town Meeting of May 4, 2011 to construct and equip athletic fields to be located at the Ashland High School and other ancillary uses and to pay for all related engineering and legal fees associated therewith from the Community Preservation Fund Undesignated Reserve Account, to be added to 01710 Debt Service passed in Article 5 of this Town Meeting; or pass any vote or take any other action relative thereto.
- d. **Community Preservation Funds – Warren Woods Bond Payment** - To see if the Town will vote to appropriate \$176,875 in Community Preservation Act funds to fund the bond payment

for the purchase of that certain parcel of land which was owned by Northeastern University and described as Assessors' Map 28, Lots 070 and 072, consisting of approximately 118.36 +/- acres, more or less, known as Warren Woods and which the Town acquired by deeds dated June 5, 2012 and recorded in Book 59237, Page 246 and Book 59237 Page 252 and which said expenditure and purchase was approved in Article 8 of the Special Town Meeting of November 29, 2010 and further modified by Article 5 of the Special Town Meeting of October 18, 2011, from the following FY 2018 CPA reserve accounts; or pass any vote or take any other action relative thereto.

Historic Resources Reserve	<u>\$ 56,600</u>
Open Space Reserve	<u>\$ 47,756</u>
Undesignated Reserve	<u>\$ 72,519</u>

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote in favor of the consent articles set forth in Article 9.

MOTION: That the Town approve the consent Article 9 as printed in the Warrant and as recommended by the Community Preservation Committee.

Article 10: Ashland Cemetery Improvements
Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate \$11,000 to enable the Town of Ashland, Historical Commission, to complete the Phase 2 conservation and repair of 50 gravestones at the Ashland Cemetery, located at 118 Main Street Rear (behind the Federated Church) under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$11,000 be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance, with unexpended funds as of June 30, 2020 being returned to their funding sources, or pass any vote or take any other action thereon.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to make the appropriation and transfer set forth in Article 10.

MOTION: That the Town appropriate \$11,000 to enable the Town of Ashland, Historical Commission, to complete the Phase 2 conservation and repair of 50 gravestones at the Ashland Cemetery, located at 118 Main Street Rear (behind the Federated Church) under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$11,000 be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance, with unexpended funds as of June 30, 2020 being returned to their funding sources.

Article 11: Federated Church of Ashland, Restoration of Granite Steps and Foundation
Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate \$5,000 to enable the Federated Church of Ashland located at 118 Main Street, to complete the restoration and re-pointing of the granite steps and foundation, an element of the historic façade, to be completed in compliance with the Secretary of the Interior Standards for Rehabilitation, and further that a plaque will be placed on the front of the Church Building

upon completion of the project to acknowledge the funding source, and further that a Letter of Agreement will be signed by the Church and the CPC prior to the transfer of funds, under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$5,000 will be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance, with unexpended funds as of June 30, 2020 being returned to their funding sources, or pass any vote or take any other action thereon.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote against the appropriation of the funds called for in Article 11 to be used for the purposes and subject to the conditions set forth in the Article, at least until litigation currently before the Appeals court (town of Acton) is resolved to establish precedent.

MOTION: That the Town appropriate \$5,000 to enable the Federated Church of Ashland located at 118 Main Street, to complete the restoration and re-pointing of the granite steps and foundation, an element of the historic **façade**, to be completed in compliance with the Secretary of the Interior Standards for Rehabilitation, and further that a plaque will be placed on the front of the Church Building upon completion of the project to acknowledge the funding source, and further that a Letter of Agreement will be signed by the Church and the CPC prior to the transfer of funds, under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$5,000 will be transferred from the Historic Resources Reserve Account from the Community Preservation Fund balance with unexpended funds as of June 30, 2020 being returned to their funding sources.

Article 12: Riverwalk Trail Enhancement Project
Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate \$300,000 to enable the Town of Ashland, Open Space and Recreation Committee, to complete the design and construction segments for Phase 1 (ADA-compliant and accessible components) and Phase 3 (trail creation, relocation and improvements) of the Riverwalk Trail Enhancement project (ref Site Plans (12 Sheets) entitled, "Sudbury Riverwalk Enhancement Project, Ashland, Massachusetts", prepared by GLM Engineering Consultants, revised through 9/22/14), with any remaining funds to be used towards overall project costs, on land owned by the Town of Ashland, or on land owned by others and/or under easements granted to the Town of Ashland, and abutting Mill Pond Park, the Sudbury River, Sudbury Road, Ponderosa Road, the Ashland Animal Kennel and the Department of Public Works, under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$200,000 be transferred from the Open Space Reserve Account, and the sum of \$100,000 be transferred from the Undesignated Reserve Account, from the Community Preservation Fund balance, with unexpended funds as of June 30, 2021 being returned to their funding sources, or pass any vote or take any other action thereon.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to approve the appropriation of the funds called for in Article 12, from the sources and to be used for the purposes set forth in the Article.

MOTION: That the Town appropriate \$300,000 to enable the Town of Ashland, Open Space and Recreation Committee, to complete the design and construction segments for Phase 1 (ADA-compliant and accessible components) and Phase 3 (trail creation, relocation and improvements) of the Riverwalk Trail Enhancement project (ref Site Plans (12 Sheets) entitled, "Sudbury Riverwalk Enhancement Project, Ashland, Massachusetts", prepared by GLM Engineering Consultants, revised through 9/22/14), with any remaining funds to be used towards overall project costs, on land owned by the Town of Ashland, or on land owned by others and/or under easements granted to the Town of Ashland, and abutting Mill Pond

Park, the Sudbury River, Sudbury Road, Ponderosa Road, the Ashland Animal Kennel and the Department of Public Works, under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$200,000 be transferred from the Open Space Reserve Account, and the sum of \$100,000 be transferred from the Undesignated Reserve Account, from the Community Preservation Fund balance, with unexpended funds as of June 30, 2021 being returned to their funding sources.

Article 13: Land and Water Conservation Fund Grant Match and Funding for Riverwalk Project.

Sponsor: Open Space and Recreation Committee/Town Manager

To see if the Town will vote to raise and/or appropriate \$1,267,795 for the purpose of landscaping, alteration, rehabilitation, construction, reconstruction and/or improvement of public land, namely the River Walk as shown on a plan entitled "Sudbury Riverwalk Enhancement Project" by GLM Engineering Consultant, 19 Exchange Street Holliston, MA 01746 and dated 1/30/14, for recreation purposes under M.G.L Chapter 45 §3, which said Riverwalk shall be managed and controlled by the Town of Ashland and further, that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Selectmen, Conservation Commission, and/or Open Space and Recreation Committee are authorized to apply for and accept any and all grants including by not limited to funding from the Land and Water Conservation Fund pursuant to PL 88-578 or the Community Preservation Committee and any others, including but not limited to accessing \$350,000 from the 2016 Economic Bond Bill, utilizing \$280,000 in capital funds as outlined in Article 5 and \$300,000 from Community Preservation Committee grant funds as outlined in Article 12, that may be available to pay costs of such project and that the amount authorized to be borrowed by this vote shall be reduced to the extent of any such grants that are received by the Town; and that the Board of Selectmen or the Conservation Commission as may be required, be and is hereby authorized to enter into and execute any and all instruments as may be necessary on behalf of the Town of Ashland to affect the requirement of said grants and funding including the execution of a conservation and recreation restriction as required, or take any other action in relation thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town raise and/or appropriate funds for the purposes set forth in the article.

MOTION: That the Town appropriate \$1,267,795 for the purpose of landscaping, alteration, rehabilitation, construction, reconstruction and/or improvement of public land, namely the River Walk as shown on a plan entitled "Sudbury Riverwalk Enhancement Project" by GLM Engineering Consultant, 19 Exchange Street Holliston, MA 01746 and dated 1/30/14, all for recreation purposes pursuant to G.L. c. 45 §3, which said Riverwalk shall be managed and controlled by the Town of Ashland and further, that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Selectmen, Conservation Commission and/or Open Space and Recreation are authorized to apply for and accept any and all grants including by not limited to funding from the Land and Water Conservation Fund pursuant to PL 88-578 or the Community Preservation Committee and any others that may be available to pay costs of such project and that the amount authorized to be borrowed by this vote shall be reduced to the extent of any such grants that are received by the Town; and that the Board of Selectmen or the Conservation Commission as may be required, be and is hereby authorized to enter into and execute any and all

instruments as may be necessary on behalf of the Town of Ashland to affect the requirement of said grants and funding including the execution of a recreation restriction as may be required.

**Article 14: Approval/Funding for MWRA Connection and MWRA Entrance Fee
Sponsor: Town Manager/Director of Public Works**

To see if the Town will vote to appropriate funds sufficient to cover the cost the entrance fee for and the cost of the construction related to, the connection to the Massachusetts Water Resource Authority water supply and to meet this appropriation, see what sum the Town will raise by borrowing, transfer from available funds, or otherwise, and further that the Town connect to the Massachusetts Water Resources Authority water supply at the Southborough connection point and that the Board of Selectmen be authorized to take any and all steps necessary and appropriate and enter into and negotiate any and all agreements in order to effectuate said connection, or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to connect to Massachusetts Water Resources Authority water supply at the Southborough connection point.

MOTION: That the Town connect to the Massachusetts Water Resources Authority water supply at the Southborough connection point and that the Board of Selectmen is hereby authorized to take any and all steps necessary and appropriate and enter into and negotiate any and all agreements in order to effectuate said connection.

**Article 15: Dissolve the Redevelopment Authority and Transfer Assets or Vote 2 members
Sponsor: Ashland Redevelopment Authority and Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of Massachusetts to dissolve the Ashland Redevelopment Authority and to transfer any and all of the Redevelopment Authority's assets to the Town for use or disposal as the Town sees fit, in substantially the following form 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 by the General Court which are within the scope of the general public objectives of the petition;

AN ACT DISSOLVING THE REDEVELOPMENT AUTHORITY IN THE TOWN OF ASHLAND.

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. The Ashland Redevelopment Authority established by vote of the Town Meeting on June 23, 2003, Article 18, pursuant to G.L. c. 121B, §4 is hereby dissolved.

SECTION 2. The Town of Ashland shall assume all rights, obligations, contracts, title to property, assets, liabilities, including outstanding litigation, and responsibilities of the Ashland Redevelopment Authority hereinafter called the Authority. All bonded indebtedness of the Authority shall become the responsibility of the Town of Ashland.

All petitions, hearings, actions at law or in equity, or other proceedings pending immediately prior to the effective date of this act before any court of law or any administrative tribunal shall continue unabated as if no dissolution had been effected and shall be the responsibility of the Town of Ashland.

All orders, rules, and regulations duly promulgated by the Authority prior to the effective date of this act shall remain in full force and effect until revised or rescinded in accordance with the law.

All contracts and obligations of the Authority duly in effect immediately prior to the effective date of this Act shall continue in full force and effect and shall be contracts and obligations of the Town of Ashland.

All rights, title, and interest in any real property held in the name of the Authority shall be transferred to the Town of Ashland.

SECTION 3. All books, papers, records, documents, plans, and personal property of any kind in the custody or possession of the Authority immediately prior to the effective date of this act shall be transferred to the custody and control of the Town of Ashland.

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

or in the alternative should the vote fail, to see if the Town will elect two members to the Redevelopment Authority,

or take any vote relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to authorize the Board of Selectmen to petition the General Court as described above.

MOTION: Part 1: That the Board of Selectmen is authorized to petition the General Court of Massachusetts to dissolve the Ashland Redevelopment Authority and to transfer any and all of the Redevelopment Authority's assets to the Town for use or disposal as the Town sees fit and in accordance with any requirements of funding sources used for any real property purchases, in substantially the following form 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 by the General Court which are within the scope of the general public objectives of the petition;

AN ACT DISSOLVING THE REDEVELOPMENT AUTHORITY IN THE TOWN OF ASHLAND.

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. The Ashland Redevelopment Authority established by vote of the Town Meeting on **June 23, 2003, Article 18, pursuant to G.L. c. 121B, §4 is hereby dissolved.**

SECTION 2. The Town of Ashland shall assume all rights, obligations, contracts, title to property, assets, liabilities, including outstanding litigation, and responsibilities of the Ashland Redevelopment Authority hereinafter called the Authority. All bonded indebtedness of the Authority shall become the responsibility of the Town of Ashland.

All petitions, hearings, actions at law or in equity, or other proceedings pending immediately prior to the effective date of this act before any court of law or any administrative tribunal shall continue unabated as if no dissolution had been effected and shall be the responsibility of the Town of Ashland.

All orders, rules, and regulations duly promulgated by the Authority prior to the effective date of this act shall remain in full force and effect until revised or rescinded in accordance with the law.

All contracts and obligations of the Authority duly in effect immediately prior to the effective date of this Act shall continue in full force and effect and shall be contracts and obligations of the Town of Ashland.

All rights, title, and interest in any real property held in the name of the Authority shall be transferred to the Town of Ashland to be disposed of or used as it sees fit and in accordance with any requirements of funding sources used for any real property purchases.

SECTION 3. All books, papers, records, documents, plans, and personal property of any kind

in the custody or possession of the Authority immediately prior to the effective date of this act shall be transferred to the custody and control of the Town of Ashland.

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

Part 2. The Town will elect two members to the Redevelopment Authority.

**Article 16: Amend the Town of Ashland General Bylaw – Nuisance Noise
Sponsor: Board of Selectmen**

To see if the Town will vote to amend Chapter 204 of the Town of Ashland General Bylaws by omitting the existing chapter in its entirety and replacing it as follows:

§ 204- 1: PURPOSE

This bylaw is adopted to regulate, prohibit, eliminate and abate, loud, unusual, and unnecessary noise, or noises which annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others within the Town of Ashland.

§ 204-2: SHORT TITLE

1. This Bylaw may be cited as "The Nuisance Noise Bylaw."

§ 204-3: DEFINITIONS

- A. "Nuisance Noise" is any noise that prevents a property owner from enjoying the reasonable expectation of enjoyment of their property.
- B. "Reasonable Person" is able to judge in an unbiased manner the appropriateness of a given social situation. A reasonable person is informed, rational, capable, aware of the law, and fair minded when application of the law is sought taking into account the factors in §204-4 of this Bylaw.
- C. "Responsible Party" is the owner or lessee, which is in control of the property on which the noise is emanating and/or occurring at the time the alleged violation occurs.

§204-4: GENERAL PROHIBITIONS

- A. No person or business shall make, continue, cause or permit to be made or continued, any intermittent or continuous loud or excessive noise by way of music, machinery, motor vehicles or any other means which would disturb any Reasonable Person within the Town of Ashland.
- B. The following factors may be used to determine whether a noise is unreasonably loud or excessive noise and is likely to disturb any reasonable person including, but are not limited to:
 - i) Land use and zoning from which the noise is emanating;
 - ii) Land use and zoning of the surrounding area, including proximity of the sound to any residential use or other use containing sleeping quarters;
 - iii) Time of day and day of week;
 - iv) Duration;
 - v) Volume;

- vi) Type or nature of the sound;
- vii) The frequency of occurrence;
- viii) The nature of the activity from which the sound emanates; and
- ix) Any other relevant factor.

§204-5: SPECIFIC PROHIBITIONS

A. Motor Vehicle and Machinery Noises

- i) No person or business shall create loud, excessive, unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane, or thoroughfare within the Town of Ashland whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- ii) No person or business shall emit or cause the emission of any loud, excessive, unusual or unnecessary noise or noises which annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others within the Town of Ashland resulting from any of the following acts:
 - a) The sounding of a motor vehicle signaling device or warning device, or siren, except where required by state or federal law or authorized by this Bylaw.
 - b) The continuous operation of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary unless:
 - 1) The vehicle or machinery is being driven or operated on a public road or private way; or
 - 2) The vehicle, machine, auxiliary equipment, or engine is in an enclosed structure so as to effectively prevent excessive noise emissions; or
 - 3) The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, the operation of ready-mixed concrete trucks, lift platforms, or refuse compactors; municipal pump stations; or
 - 4) Weather conditions justify the use of heating, refrigerating or air conditioning systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
 - 5) Prevailing low temperatures make longer idling periods necessary after starting the motor or engine.
- iii) No person shall allow the diesel motor of a tractor, which pulls a trailer or semi-trailer truck to remain running longer than 5 minutes while the tractor-trailer or tractor alone is not in motion in any zone.
- iv) **The provisions of §204-5(A) of this Bylaw do not apply to an emergency vehicle, or to work on a public road or public utility carried out by the Town of Ashland or to a contractor working on behalf of the Town of Ashland.**

B. Commercial and Industrial Noise

- i) No person shall operate a motor vehicle in the course of a commercial enterprise in violation of §204-5 (A) above;
- ii) No person shall load or unload trucks in any area designated as being a residential zone or within three hundred feet of the boundary of such zone between the hours of 10 P.M.

- and 7 A.M.
- iii) No trash collection or dumpster collection shall take place in any area designated as, or directly abutting a residential zone between the hours of 10 P.M. and 7 A.M.
- iv) Every effort must be taken during trash collection and dumpster collection in commercial and industrial zones (including adjusting pick-up times and routes) so as to reasonably not create a nuisance in neighboring residential zones. Every effort will be made between vendors and the town to accommodate this clause.
- v) No person shall operate loud stationary machinery in any area designated as residential or within three hundred feet of the boundary of such zone between the hours of 10 P.M. and 7 A.M.
- vi) Any establishment granted a license for entertainment that is amplified by microphone, amplifier, or the like will be subject to this Bylaw. The entertainment should not be audible beyond the property boundaries of the establishment.
- vii) No establishment granted a liquor license shall permit crowd noise to be audible beyond the premises between the hours of 10 P.M. and 7 A.M.
- viii) Any establishment granted an entertainment license by the local licensing authority, may further be regulated by said authority; any violations of said license shall be deemed a violation of this by-law.

C. Domestic Noises

- i) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower powered by an engine of any description in a residential zone between the hours of 8 P.M. and 7 A.M.
- ii) No person shall operate a leaf-blower in a residential zone between the hours of 8 P.M. and 8 A.M.
- iii) No person shall play music, either live or recorded, which interferes unreasonably with the quiet enjoyment of a neighbor's property.
- iv) Any event, private or public, with an outdoor band will require notification to the Police Department.

D. Construction Noises

- i) No construction activities shall take place between the hours of 7 P.M. and 7 A.M.
- ii) No construction activities shall take place on Sundays or federal holidays without special permission from the Planning Office and/or the Board of Selectmen.
- iii) The provisions of Section D do not apply:
 - a. to work carried out by the Town or its contractors; or
 - b. to work carried out by an individual homeowner on their own property; or
 - c. for emergencies as determined by the Police or Fire Department personnel.

§204-6: EXEMPTIONS

- A. Notwithstanding any of the provisions of this Bylaw, this Bylaw shall not apply to any noise in connection with any of the following activities:

- i) Emergency Response
- ii) The reasonable use of equipment or device to amplify the human voice or music in a public park or recreational area in connection with any public meeting, public celebration, recreational event, or other permitted gathering.
- iii) Any band or parade approved by the Board of Selectman or designee.
- iv) Any outdoor carnival, fair, performance or exhibition approved by the Board of Selectman.

- v) Any event authorized by the Town of Ashland on Town owned land.
- vi) The sounding of bells in churches, religious establishments and schools.
- vii) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.
- viii) Use of generators in times of a power outages.
- ix) Snow removal.

§204-7: SPECIAL PERMITS

- A. The Board of Selectmen shall have the authority to grant special permit on a limited basis. Any person seeking a special permit shall file an application with the Board of Selectmen.
 - i) The application shall contain information, which demonstrates that bringing the source of the sound activity into compliance with this Bylaw would constitute an unreasonable hardship on the applicant.
 - ii) The Board of Selectmen shall establish appropriate procedures for processing applications for such special permits, including such public hearing as the Board of Selectmen deems appropriate.
 - iii) In determining whether to grant or deny the application, the Board of Selectmen shall consider the impact on the surrounding properties, and health, safety and welfare of persons residing or working in the abutting properties. Applicants for special permits and persons contesting special permits may be required to submit information the Board of Selectmen.
 - iv) The Board of Selectmen may issue a special permit for existing residential, commercial, industrial and/or agricultural noise sources, which have been operating on lawful basis prior to the effective date of this bylaw.
 - v) The Board of Selectmen shall notify the Planning Board, Board of Appeals, the Board of Health, Police Department, and School Committee of the application and the date of the public hearing.
 - vi) Special permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. Non-compliance with any condition of the special permits shall be ground to revoke special permit
 - vii) Applications for extension of time limits specified in the special variances or for modification of other substantial conditions shall be treated like applications for initial special permit.
 - viii) In granting or denying an application, the Board of Selectmen shall place in the office of the Town Clerk a copy of the decision and the reasons for denying or granting the special permit.
 - ix) This special permit is granted to the applicant only. Under no circumstances can this special permit be transferred to another party nor shall it "run" with the land or business license.

§204-8: ENFORCEMENT AND PENALTIES

- A. The Police Department, upon a complaint to the Department, will be charged with the enforcement responsibilities of this Bylaw.
- B. Penalties for violations of this bylaw are listed below:
 - i) The first violation of this Bylaw may result in the issuance of a written warning or a citation indicating the reason(s) for the violation and stating, at the investigating officer's discretion, a time period within which the offender(s) must cease production of the noise, or reduce the noise to acceptable levels which will then comply with the restrictions and

- criteria of this Bylaw.
- ii) The second violation of this Bylaw shall be punished by a fine of one hundred (\$100.00) dollars.
- iii) Further violations of this Bylaw shall be punished by a fine of three hundred (\$300.00) dollars for each violation.
- iv) Each hour such violation occurs or continues shall be considered a separate offense unless it occurs within the time period granted for correcting the offense.
- v) Violations hereunder shall be issued against the Responsible Party who shall be liable for any fines or violations of this bylaw.

§204-9: APPEALS

- A. An offender who has been cited and/or fined pursuant to this Bylaw can appeal the citation/fine within thirty (30) days after receiving it by presenting to the Board of Selectmen or its designee, any alternative information, situational evidence, or explanation of extenuating circumstances. The Board of Selectmen or its designee shall hear the appeal, and may in its sole discretion dismiss, or affirm the appeal, request additional details. This appeal is final without further administrative remedy.
- B. Any appeals of the enforcement hereof, following the exhaustion of the foregoing administrative remedy shall be taken in accordance with G.L. c 40 §21D.

§204-10: SEVERABILITY

- A. If any provision of this Bylaw shall be determined invalid or unenforceable by final judgement or order of a court of competent jurisdiction, the remaining provisions of this Bylaw shall continue in effect to the fullest extent permitted by law.

or take any other action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town will vote to amend Chapter 204: Noise of the Town of Ashland General Bylaws by as printed in the Warrant.

**Article 17: Noise Study
Sponsor – Citizen’s Petition**

To see if the Town of Ashland will vote to transfer from the Town Manager’s 2018 Consulting Budget, or from other available Town funds or to raise and appropriate, a sum of money in the amount of \$15,000 to hire a consultant with expertise in noise and sound engineering to work under the direction of a three-person commission, consisting of one person appointed by each of the Board of Selectmen, Board of Health, and the Planning Board, whose members are tasked to assess the present noise by-law and to recommend noise bylaw change to the 2018 Annual Town Meeting , or any Town Meeting held prior, in the form of a Warrant Article.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote not to transfer from the Town Manager’s 2018 Consulting Budget, or from other available Town funds or to raise and appropriate, a sum of money in the amount of \$15,000 for the purposes set forth in the article.

**Article 18: Street Acceptance Wilson Circle
Sponsor: Planning Board**

To see if the Town will vote to accept as a public way under the provisions of MGL Chapter 82, as

amended, Wilson Circle as laid out by the Board of Selectmen and shown on plans entitled, "The Preserve at Oregon" drawn by Cornerstone Consulting and Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, dated January 3, 2017, scale 1" = 50', which plan is on file in the office of the town clerk, and to accept such easements as are shown on said plans, or pass any vote or take any action relative thereto

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to accept as a public way the property and easements identified in the Article.

MOTION: That the Town accepts as a public way, Wilson Circle, as laid out by the Board of Selectmen and shown on plans entitled, "The Preserve at Oregon" drawn by Cornerstone Consulting and Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, dated January 3, 2017, scale 1" = 50'.

Article 19: Authorization to Set New Speed Limits

Sponsor: Board of Selectmen

To see if the Town will vote to adopt the provisions of G.L. c. 90, §17C to allow the Board of Selectmen to set speed limits of 25 mph in all areas in Town defined by state law as "thickly settled or business districts" which are not on a state highway, or take any other action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town accept the provisions of G.L. c. 90 **§17C** and allow the Board of Selectmen to set speed limits of 25 mph in all areas in Town defined by state law as "thickly settled or business districts" which are not on a state highway.

Article 20: Authorization to Establish Safety Zones for the Purpose of Speed Reduction

Sponsor: Board of Selectmen

To see if the Town will vote to adopt the provisions of G.L. c. 90, §18B to allow the Board of Selectmen to establish 20 mph Safety Zones in certain areas in Town, or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town will accept the provisions of G.L. c. 90, **§18B** and allow the Board of Selectmen to establish 20 mph Safety Zones in certain areas in Town.

Article 21: Amend Town of Ashland Zoning Bylaws Temporary Moratorium on Recreational Marijuana Establishments and Retailers

Sponsor: Board of Selectmen

To see if the Town will vote to amend Section 3.1.6(C) to Chapter 282 of the Town of Ashland Bylaw, entitled "Temporary Moratorium on Recreational Marijuana Establishments and Retailers" as follows (~~strike through deleted language~~, **underline and bold new language**).

Section 3.1.6(C). TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for

"Marijuana", "Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer". The moratorium shall be in effect through ~~December 31, 2017~~ **July 1, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

Or pass any vote or take any action relative thereto.

FINCOM RECOMMENDATION: The Finance Committee recommends that the Town vote to amend Section 3.1.6(C) to Chapter 282 of the Town of Ashland Bylaw as set forth in the article.

MOTION: That the Town amend Section 3.1.6(C) to Chapter 282 of the Town of Ashland Bylaw, entitled "Temporary Moratorium on Recreational Marijuana Establishments and Retailers" as follows (~~strike through deleted language,~~ **underline and bold new language**).

Section 3.1.6(C). TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", "Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer". The moratorium shall be in effect through ~~December 31, 2017~~ **July 1, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", Marijuana Establishment", "Marijuana Product", and " Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

TOWN MEETING VOCABULARY

Abatement	A reduction or elimination of a real or personal property tax, motor vehicle excise, a fee, charge, or special assessment imposed.
Available Funds	Balances in the various fund types that represent non-recurring revenue sources. Examples include free cash, stabilization funds, overlay surplus, and enterprise retained earnings.
Bond	A means to raise money through the issuance of debt.
Bond Authorization	The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon signature of the selectmen.
Cherry Sheet	An annual statement from the Massachusetts Department of Revenue detailing estimated reimbursements and charges to the Town. Its name derives from the fact that it was once written on cherry colored paper. In this manner the Town receives its share of various state funds and aid accounts, and is charged its share of running state government. Although the Cherry Sheet is required to be distributed by the first of March of each year, in actuality it is sent after the Legislature has passed the budget, which may not occur until June or July.
Citizens' Petitions	10 citizens for an Annual Town Meeting or 100 citizens for a Special Town Meeting may submit a petition requesting that a specific article be included in the next Town Meeting warrant for consideration. 200 citizens may submit a petition calling the Board of Selectmen to set a Town Meeting within 45 days.
Community Preservation Act	Permits towns accepting its provisions to establish a restricted fund from which monies can be appropriated only for a) the acquisition, creation and preservation of open space; b) the acquisition, preservation, rehabilitation, and restoration of historic resources; and c) the acquisition, creation and preservation of land for recreational use; d) the creation, preservation and support of community housing; and e) the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created using monies from the fund.
Community Preservation Fund	A special revenue fund established to receive all monies collected to support the community preservation program, including but not limited to, tax surcharge receipts, proceeds from borrowings, and funds received from the State.
Debt Exclusion	A community may vote at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover each year's principal & interest is added to the levy limit for the life of the debts.
Enterprise Fund	An enterprise fund is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. With an enterprise fund, all costs of service delivery--direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables

communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. We have sewer, water and trash enterprise accounts.

Exemption	Established by statute, it is a discharge from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.
Fiscal Year	The Fiscal Year starts July 1 st of each year and ends June 30 th the following year.
Free Cash	Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's accountant. This amount is certified annually by the Massachusetts Department of Revenue and thereafter is available for appropriation by a Town Meeting.
Levy Limit	The amount of property taxes that can be raised in accordance with Proposition 2½ formulas. The levy may be raised by 2½% plus new construction.
Local Receipts	Income derived by the Town from Motor Vehicle excise taxes, fees, licenses and permits, penalties & interest on taxes, etc.
New Construction	New growth and increases to property independent of market inflation are added to the levy limit in addition to the 2½% inflation increase allowed under Proposition 2½.
Omnibus Budget	For convenience, all recommended appropriations for operating expenses of the various Town departments and boards are gathered together in one article called the Omnibus Budget. The period covered by the Omnibus Budget is the upcoming Fiscal Year, and money not spent during this period reverts to Free Cash. No department or board can overspend its budget.
Overlay	An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.
Override	A vote by a community at an election to permanently increase the levy limit. An override question on the election ballot must state a purpose for the override and the dollar amount.
Raise and Appropriate	A type of funding for Town expenditures voted at Town Meetings. The funds are raised through taxes, local receipts, and state reimbursements. Funds raised and appropriated in warrant articles are available until a time set by the article or until voted out by a subsequent Town Meeting.
Reserve Fund	A fund, established by each Town Meeting, for extraordinary or unforeseen expenses in the upcoming fiscal year. The Finance Committee alone may transfer money from this fund, thus eliminating the need for frequent Special Town Meetings. The fund may not exceed 5% of the preceding year's tax levy.

Revolving Account	Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service.
Stabilization Fund	A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. It retains its own investment income. A two-thirds vote is required on any vote relative to this Fund. This fund serves as the Town's primary "rainy day" fund.

Town of Ashland Selected Town Meeting Procedures

Amending an Article: Any time after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion using the following procedures:

1. Proceed to a microphone and wait to be recognized by the Moderator.
2. Announce your intent to amend the motion verbally and submit a copy of the amended motion in writing to the Moderator. The motion to amend must include your name as sponsor. Any increase in appropriation must include a funding source.
3. The Moderator will ask for a second to the motion to amend.
4. If passed, the motion to amend will be opened for discussion and then must be voted on by Town Meeting separately from the main motion.
5. A simple majority is required to pass a motion to amend.
6. More than one motion to amend can be made to a main article, but each must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion (or as amended) must be voted on.

Necessary Majorities *

Unless noted otherwise, a simple majority is required to pass a motion.

A 2/3 majority is required for all borrowing, land acquisitions or transfers and all zoning by-laws.

A 4/5 majority is required at Annual Town Meeting for unpaid bills of prior fiscal years.

A 9/10 majority is required at Special Town Meetings for unpaid bills of prior years.

Only votes cast will be counted in determining the percentage of votes in favor of a motion. If there are 170 voters present and 100 vote yes, 50 vote no and 20 do not vote, the results shall be interpreted as 100 yes votes out of 150 votes or 66.67% in favor.

* Please note that these vote majorities are for example only and there may be other types of votes which fall under each of the categories listed above.