

**Commonwealth of Massachusetts
Special 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 Elementary School Auditorium in said Ashby, Saturday, March 15, 2014 at 9:30 a.m. to act on the following articles:

Article 1. To see if the Town will approve the \$89,084,977 borrowing authorized by the North Middlesex Regional School District, for the purpose of paying costs of constructing a new District High School, to be located at 19 Main Street, in Townsend, and for the payment of all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA shall not exceed the lesser of (1) sixty and sixty-three hundredths percent (60.63%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action relative thereto.

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

Article 2. To see if the Town will vote to approve the expenditure of funds realized through bid savings on the new High School Project (the "Project") by the North Middlesex Regional School District (the "District") to design and construct a maintenance facility building to be located on the site of the Project, including the payment of all costs incidental and related thereto, the approximate cost of which is expected to be \$801,350, or such lesser amount as may be available within the total amount authorized to be expended for the Project. The District acknowledges that the costs incurred for this potential aspect of the Project are the sole responsibility of the District and are not eligible for reimbursement from the MSBA. Any vote to authorize District's expenditure of funds for this potential aspect of the project shall require the affirmative town meeting votes of each of the District's member towns.

Or take any other action relative thereto.

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

Article 3. To see if the Town will vote to approve the expenditure of funds realized through bid savings on the new High School Project (the "Project") by the North Middlesex Regional School District (the "District") to design and construct athletic facilities upgrades, including upgrades to the athletic fields, spectator facilities and the running track all located on the site of the Project, including the payment of all costs incidental and related thereto, the approximate cost of which is expected to be \$2,688,916, or such lesser amount as may be available within the total amount authorized to be expended for the Project. The District acknowledges that the costs incurred for this potential aspect of the Project are the sole responsibility of the District and are not eligible for reimbursement from the MSBA. Any vote to authorize District's expenditure of funds for this potential aspect of the project shall require the affirmative town meeting votes of each of the District's member towns.

Or take any other action relative thereto.

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

Article 4. To see what sum of money the Town will vote to appropriate from available funds to implement, and to fund the financial terms for the current fiscal year, of a collective bargaining agreement entered into by the Town and Teamsters Local #170 (Dispatchers Unit) for the period July 1, 2013 – June 30 2016; and, further, to appropriate from available funds an additional sum to provide for wages and benefits for newly-hired dispatchers for the remainder of the fiscal year; or take any other action relative thereto.

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

Brief Explanation: *Contract negotiations are concluding with the new Dispatcher's Union, including wage adjustments which bring Ashby closer to being in line with wages in surrounding communities. Three new Dispatcher positions have been filled and the current line item is not adequate to fund these positions to the end of the year, due to overtime already expended in covering vacant positions.*

Article 5. To see if the Town will vote to appropriate from available funds, the sum of \$2,250 for tires for three (3) Fire/EMS Department vehicles; or take any action relative thereto.

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

Brief Explanation: *The ambulance is in need of 4 new tires and the forestry truck is in need of 6 new tires capable of off-road operations. The current tires on the forestry truck are still in excellent condition, but cannot function well for off-road driving; these tires can replace the worn tires on the ambulance, which uses the same size tire. The off road utility vehicle (Kawasaki Mule), acquired thru the State/Federal excess property program, is also in need of 4 new tires and chains for off-road rescue operations.*

Article 6. To see if the Town will vote to amend the By-laws of the Town of Ashby by adding the following new section, to be numbered consecutively:

COUNCIL ON AGING

Section 1. The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of seven (7) members. Upon acceptance of this by-law, the Board shall appoint three (3) members for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year terms.

Members can be reappointed for concurrent terms. The members of the Council shall serve without pay.

Section 3. Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act, or for any other reason, the vacancy shall be filled by appointment, by the Selectmen, for the remainder of the term.

Section 4. The Council on Aging at its first annual meeting and thereafter, annually in April of each year, shall elect from its membership a President, 1st Vice President, 2nd Vice President, Secretary, and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

Section 5. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

Section 6. The Council may appoint such clerks and other employees as it may require.

Or take any other action relative thereto.

Finance Committee action: ___ Approved ___ Disapproved No Action

Brief Explanation: *This by-law was adopted by the Town in 1976, but, for some reason, was never processed for approval by the Attorney General. To meet documentation requirements for the acceptance procedure, we need to start again.*

Article 7. To see what sum of money the Town will vote to appropriate from “Police Wages” (specifically, the Lieutenant’s allotment) to augment the amount appropriated for “Police Chief Salary;” or take any other action relative thereto.

Finance Committee action: Approved ___ Disapproved ___ No Action

Article 8. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially as follows, 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 thereto before enactment by the General Court, which amendments shall be within the public purpose of said petition:

Be it enacted, etc. as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, all actions, proceedings, and policies of the Town of Ashby, undertaken or adopted under the authority of MGL Chapter 32B are hereby ratified, validated, and confirmed, notwithstanding any defect or omission in the process of acceptance of the said Chapter, or any of its sections.

Section 2. The provisions of MGL Chapter 32B and any sections thereof that are applicable to past and present health insurance benefits offered by the Town of Ashby are hereby deemed to have been accepted by and to be in effect with respect to the Town of Ashby.

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

Or take any other action relative thereto.

Finance Committee action: ___ Approved ___ Disapproved No Action

Brief Explanation. *This is a “housekeeping” issue. Because the record of the Town’s actions relative to Chapter 32B is incomplete and/or vague, a validation of the Town’s related policies - utilized for decades past - should be secured, and documentation placed on the record. This “Home Rule Petition” is the appropriate vehicle to achieve that end.*

Article 9. To see if the Town will vote to amend Section 5.6 of Article III of the Town By-laws by striking the word “nominate” therein, and substituting therefor the word “appoint,” so that, in conformity with the provisions of MGL, Ch. 129, s. 15, the By-law shall direct that the Board of Health “...annually, in March of each year, nominate an Inspector of Animals...”; or take any other action relative thereto.

Finance Committee action: ___ Approved ___ Disapproved No Action

Article 10. To see if the Town will vote to appropriate from available funds the sum of \$15,000, to augment the amount appropriated for the Reserve Fund; or take any other action relative thereto.

Finance Committee action: Approved ___ Disapproved ___ No Action

Article 11. To see if the Town will vote to appropriate from available funds the sum of \$7,000 to augment the amount appropriated for “Highway Road Maintenance;” or take any other action relative thereto.

Finance Committee action: Approved ___ Disapproved ___ No Action

Article 12. To see if the Town will vote to appropriate from available funds the sum of \$2,400 to augment the amount appropriated for Highway Barn Fuel; or take any other action relative thereto.

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 fourteen (14) 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 _____, 2014.

Janet Flinkstrom, Chair

Michael McCallum, Clerk

Steven Ingerson, Procurement

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 fourteen days before the time of said Special Town Meeting.

Date: _____

William Davis
Constable of Ashby