



Town of Ashland

MASSACHUSETTS

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**WARRANT ARTICLES, INFORMATION AND
RECOMMENDATIONS
OF THE
FINANCE COMMITTEE
FOR THE
NOVEMBER 28, 2018
SPECIAL 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.

**SPECIAL TOWN MEETING WARRANT
NOVEMBER 28, 2018**

**Article 1: Hear Report of Town Manager
Sponsor: Routine**

To see if the town will hear any report of the Town Manager, or pass any vote or take any action relative thereto.

**Article 2: Free Cash Allocations
Sponsor: Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be placed in the Stabilization Fund, OPEB Trust Fund, Special Education Special Purpose Stabilization Account, Capital Account, and/or FY19 budgetary line items as proposed, or pass any vote or take any action relative thereto.

	Amount
General Stabilization Fund	\$275,000
OPEB Trust	\$434,170.80
Special Education Stabilization	\$110,718.80
Capital (Deferred from May Town Meeting)	\$557,346.40
Stormwater Enterprise Fund	\$150,000
Purchase of 0 Oregon Rd	\$195,000
TOTAL	\$1,722,236

FINANCE COMMITTEE RECOMMENDS: That the Town votes to transfer the sum of \$275,000 from Free Cash to the Stabilization Fund; and the sum of \$434,170.80 from Free Cash to the OPEB Trust Fund; and the sum of \$110,718.80 to the Special Education Special Purpose Stabilization Account; and the sum of \$557,346.40 from Free Cash to the Capital Account; and \$150,000 to the Stormwater Enterprise Fund; and \$195,000 for the purchase of 0 Oregon Rd.

MOTION: That the Town votes to transfer from Free Cash the following; the sum of \$275,000 to the Stabilization Fund; and the sum of \$434,170.80 to the OPEB Trust Fund; and the sum of \$110,718.80 to the Special Education Special Purpose Stabilization Account; and the sum of \$557,346.40 to the Capital Account.

Article 3: Creation of Stormwater Enterprise Fund & Appropriation of Funds
Sponsor: Board of Selectmen

To see if the Town will vote to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing Stormwater Management as an enterprise fund effective fiscal year 2019 and to see if the Town will vote to raise and appropriate or transfer from Free Cash, a sum of money to be placed in the Stormwater Enterprise Fund.

FINANCE COMMITTEE RECOMMENDS: that the Town votes to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing Stormwater Management as an enterprise fund effective fiscal year 2019 and will transfer \$150,000 from Free Cash to the Stormwater Enterprise Fund.

MOTION: That the Town votes to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing Stormwater Management as an enterprise fund effective fiscal year 2019 and will transfer \$150,000 from Free Cash to the Stormwater Enterprise Fund.

Article 4: Property Tax Exemptions
Sponsor: Board of Selectmen

To see if the Town will vote to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½, to be effective for exemptions granted for any fiscal year beginning July 1, 2018, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the property tax exemption percentage be set at 10% as recommended by the Board of Assessors.

MOTION: That the Town votes to adjust (the exemption amount and eligibility factors) for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C½ to 10% to be effective for exemptions granted for any fiscal year beginning July 1, 2018.

Article 5: Approve Tax Agreement for Solar Project
Sponsor: Board of Selectmen

To see if the Town will vote in accordance with G.L. c. 59, Sec 38H to authorize the Board of Selectmen and the Board of Assessors to negotiate and to enter into and execute a Tax Agreement with Ashland Solar, LLC for a period of up to twenty-five (25) years, whereby Ashland Solar, LLC will pay the Town a sum of money per year relative to a photovoltaic solar facility to be located on a parcel of land located Map 13 Lot 138, also known as 0 MBTA Access Rd, Ashland; or pass any vote or take any action relative thereto

FINANCE COMMITTEE RECOMMENDS: that the Town vote in accordance with G.L. c. 59, Sec 38H to authorize the Board of Selectmen and the Board of Assessors to negotiate and to enter into and execute a Tax Agreement (Payment in Lieu of Taxes, or PILOT) with Ashland Solar, LLC for a period of up to twenty-five (25) years,

whereby Ashland Solar, LLC will pay the Town a sum of \$1,500,000 over the agreed upon period up to twenty-five (25) years.

MOTION: That the Town votes to authorize the Board of Selectmen and the Board of Assessors to negotiate and to enter into and execute a Tax Agreement with Ashland Solar, LLC for a period of up to twenty-five (25) years for a photovoltaic solar facility to be located on a parcel of land located Map 13 Lot 138, also known as 0 MBTA Access Rd, Ashland.

**Article 6: Approve Purchase/Taking of Land – Rail Transit District
Sponsor: Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, the property, or any part thereof, located in Ashland, Massachusetts identified on Lot 2A containing 37.99 +/- acres of land shown on a plan entitled "Ashland RTD Apartments LLC M.B.T.A. Access Road, Ashland, Massachusetts" dated February 29, 2016 by Kelly Engineering Group, Inc. and recorded as Plan 345 Book 2016 on May 2, 2016 and Lot 3 containing 123.2227 + acres on the Plan entitled "Plan of and in Ashland, MA" prepared for J.P.I. Apartment Development Inc., and recorded as Plan 966 on July 28, 2006 at the Middlesex Registry of Deeds, Southern District and also known as Assessor Map 13, Lot 138 off the MBTA Access Road (collectively the "Property") copies of which are on file in the Town Clerk's office, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for recreational use, affordable housing and economic development to be under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town vote in to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of \$4,800,000 to fund said purchase or taking along with all associated legal and engineering costs necessary, the property, or any part thereof, located in Ashland as outlined in the Plan described in the Purchase and Sale ("Attachment A"). This property provides a unique opportunity for recreational, commercial and housing development as directed by the Town.

MOTION: That the Town votes to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to appropriate \$4,800,000--to fund said purchase or taking along with all associated legal and engineering costs necessary, the property, or any part thereof, located in Ashland, Massachusetts the entirety of which is identified on the Plan entitled "Plan of and in Ashland, MA" prepared for J.P.I. Apartment Development Inc., and recorded as Plan 966 on July 28, 2006 at the Middlesex Registry of Deeds, Southern District and also known as Assessor Map 13, Lot 138 off the MBTA Access Road (collectively the "Property") copies of which are on file in the Town Clerk's office, acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for recreational use, affordable housing and economic development to be under the care, custody and control of the Board of Selectman. And to meet said appropriation the Town Treasurer,

with the approval of the Board of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L Chapter 44, or pursuant to any other enabling authority and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, s. 20 thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 7: Approve Gift of Land for Public Safety Building
Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectman to accept a gift of real property from 58 Exchange Ashland LLC, located at properties located at 12&16 Union Street as more fully set forth as Map 15 Lot 76 and Lot 77 in the Town of Ashland Assessor's Maps including 11.55 acres +/-, and to be used for municipal purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town vote to accept the gift of real estate from 58 Exchange Ashland LLC, located at properties located at 12&16 Union Street as more fully set forth as Map 15 Lot 76 and Lot 77 in the Town of Ashland Assessor's Maps including 11.55 acres +/-, and to be used for municipal purposes under the care, custody and control of the Board of Selectman.

MOTION: That the Town votes to authorize the Board of Selectman to accept a gift of real property from 58 Exchange Ashland LLC, of property located at 12&16 Union Street as more fully set forth as Map 15 Lot 76 and Lot 77 in the Town of Ashland Assessor's Maps including up to 11.55 acres +/-, and to be used for municipal purposes under the care, custody and control of the Board of Selectman.

Article 8: Amend Zoning Bylaw Wildwood Mixed Use District
Sponsor: Board of Selectmen and Planning Board

To see if the Town will vote to amend the Town of Ashland Zoning Bylaw Chapter 282 as follows (~~cross-out~~ are eliminations and **bold underline** is new language):

A. Section 8.6.12 Nuisance Standards.

2. Commercial ~~and municipal~~ uses shall be prohibited from 24 hour operation. Said uses shall be designed to operate with limited hours of operation from 6:00 AM to midnight so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.

B. Change in Use Table Section 8.4.6 – Wildwood Use Table (4) Municipal Uses

8.6.4

Wildwood Use Table		Per Use Plan				
(4) Municipal Uses	A	B	C	D	E	
Municipal school, and other municipal buildings: <u>and 24-hour municipal use.</u>	Y	Y	Y	Y	Y	
Municipal cemetery	Y	Y	Y	N	N	

or pass any vote or take any action relative thereto.

FINANCE COMMITTEE defers to Town Meeting.

MOTION: That the Town adopt the amendment to the Zoning Bylaw as printed in Article 8 in the warrant.

**Article 9: Bond Authorization for Public Safety Facility
Sponsor: Board of Selectmen**

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen for the design and engineering services and related legal costs all related to the construction of a public safety facility and determine whether this appropriation shall be raised by borrowing or otherwise, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town appropriates Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purposes of paying for the design and engineering services, construction oversight, and related legal costs all related to the construction of a public safety facility. To meet this appropriation, the Town Treasurer, with the approval of the Board of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L Chapter 44, or pursuant to any other enabling authority.

MOTION: That the Town appropriates Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purposes of paying for the design and engineering services, construction oversight, and related legal costs all related to the construction of a public safety facility. To meet this appropriation, the Town Treasurer, with the approval of the Board of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L Chapter 44, or pursuant to any other enabling authority and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, s. 20 thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 10: Ashland Affordable Housing Trust
Sponsor: Community Preservation Committee

To see if the Town will vote to appropriate \$250,000 to be provided to the Town of Ashland, Affordable Housing Trust to be used for the creation and/or preservation of affordable housing pursuant to its enabling legislation under Chapter 44B, the Community Preservation Act, and that to meet this appropriation, the sum of \$250,000 be transferred from the Affordable Housing Reserve Account from the Community Preservation Fund balance, or pass any vote or take any other action thereon.

FINANCE COMMITTEE RECOMMENDS: that the Town vote not to approve Article 10 due to lack of information presented to the Finance Committee prior to Town Meeting.

MOTION: That the Town appropriate \$250,000 in Community Preservation Act funds for the Town of Ashland Affordable Housing Trust to acquire real property for the purposes of creating affordable housing or to acquire an affordable housing restriction(s) in the Ashland ADD-B and ADD-C Downtown Zoning Districts (excludes the ADD overlay zones). Under Chapter 44B, the sum of \$250,000 will be transferred from the Affordable Housing Reserve Account from the Community Preservation Fund balance, subject to the execution of the grant agreement, with unexpended funds as of October 31, 2021 being returned to their funding sources.

Article 11: Accept Easement for Riverwalk
Sponsor: Board of Selectmen

To see if the Town will vote to accept an easement from Kevin and Amy Kennedy, over the land located at 24 Sudbury Road, Ashland, MA which deed is recorded in Book 26259 Page 180 of the Middlesex South Registry of Deeds as set forth on that certain plan by Green International Affiliates, Inc, Westford, MA and dated 9/14/2018 and which is on file with the Town Clerk, including 359 square feet more or less, an area indicated as "Trail Easement" for the purpose of the Riverwalk to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto

FINANCE COMMITTEE RECOMMENDS: that the Town vote to accept the easement as described in the article.

MOTION: That the Town accepts an easement from Kevin and Amy Kennedy over the land located at 24 Sudbury Road, Ashland, MA which deed is recorded in Book 26259 Page 180 of the Middlesex South Registry of Deeds as set forth on that certain plan by Green International Affiliates, Inc, Westford, MA and dated 9/14/2018 and which is on file with the Town Clerk, including 359 square feet more or less, an area indicated as "Trail Easement" for the purpose of the Riverwalk to be under the care, custody and control of the Board of Selectmen, and to authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto

Article 12: Dispose of Real Property
Sponsor: Board of Selectmen

To see if the Town will vote to change the use, which is currently general municipal, of a portion of the land located off of 0 Sudbury Road, including 824 square feet more or less as more fully set forth on that certain plan by Green International Affiliates, Inc, Westford, MA and dated 9/14/2018 and which is on file with the Town Clerk, to the purpose of conveyance and/or transfer and to authorize the Board of Selectmen to sell, transfer or otherwise convey same, and take any legal action necessary to effectuate said conveyance or transfer and to further authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same, or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the Town vote to accept the easement as described in the article.

MOTION: That the use of the of a portion of the land located off of 0 Sudbury Road, including 824 square feet more or less as more fully set forth on that certain plan by Green International Affiliates, Inc, Westford, MA and dated 9/14/2018 and which is on file with the Town Clerk, be changed to the purpose of conveyance and/or transfer and to authorize the Board of Selectmen to sell, transfer or otherwise convey the property as described, and take any legal action necessary to effectuate said conveyance or transfer and to further authorize the Board of Selectmen to negotiate and execute any and all documents necessary to effectuate same.

Article 13: Approve Purchase/Taking of Land / Rear Oregon Road
Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, of approximately 7.10 acres +/-, located at Map 4 Lot 16 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 26355 Page 182 located at 0 Oregon Road Rear, as more fully set forth on the sketch plan dated 11/7/2018 and titled Article 13, Rear Oregon Road , on file in the Town Clerk's office, and further that the Board be authorized to grant back any necessary utility, access and/or egress easements to the grantor's, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for passive open space purposes under the care, custody and control of the Board of Selectman; or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDS: That the Town votes to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, approximately 7.10 acres +/-, located at Map 4 Lot 16 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 26355 Page 182 located at 0 Oregon Road Rear, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for passive open space purposes under the care, custody and control of the Board of Selectman and pay for said acquisition along with all associated legal and engineering costs required to effectuate the said purchase that the town transfer \$195,000 from Free

Cash.

MOTION: That the Town votes to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, approximately 7.10 acres +/-, located at Map 4 Lot 16 an as more fully described in a deed recorded in the Middlesex South Registry of Deeds Book 26355 Page 182 located at 0 Oregon Road Rear, as more fully set forth on the sketch plan dated 11/7/2018 and titled Article 13, Rear Oregon Road , on file in the Town Clerk's office, and further that the Board be authorized to grant back any necessary utility, access and/or egress easements to the grantor's, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Ashland and to be used for passive open space purposes under the care, custody and control of the Board of Selectman and pay for said acquisition along with all associated legal and engineering costs required to effectuate the said purchase that the town transfer \$195,000 from Free Cash.

**Article 14: MWRA Bond for I and I Work
Sponsor: Board of Selectmen**

To see if the Town will appropriate a sum of money to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 10 Funding Allocation, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects; or pass any vote or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDS: that the town vote appropriate \$420,000 to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 10 Funding Allocation, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects.

Motion: That the Town appropriate \$420,000 to make infiltration and inflow improvements to the Town's sewer system, including improvements for infiltration and inflow reduction purposes that are eligible for loans or other financial assistance through the Massachusetts Water Resources Authority's I/I Local Financial Assistance Program - Phase 10 Funding Allocation, said funds to be expended under the direction of the Department of Public Works; to determine whether such amounts should be raised by taxation, borrowing, transfer from available funds or otherwise, and to authorize the Selectmen to apply for and accept, any grants that may be available to pay costs of such projects. And to meet said appropriation the Town Treasurer, with the approval of the Board of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L Chapter 44, or pursuant to any other enabling authority and that any

premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, s. 20 thereby reducing the amount authorized to be borrowed to pay such costs by a like amount

Article 15: Acceptance of G.L.c. 40 sec. 58 Municipal Lien Charges / Amend General Bylaws

Sponsor: Board of Selectmen

To see if the Town will vote to adopt the provisions of G.L. c. 40 §58 and in doing so amend the Town of Ashland General Bylaws to create a new section, § 26-6, Municipal Charges Liens, within Chapter 26, Finances, which would provide for the imposition of a lien on real property for the failure or refusal of an owner of real property in the Town to pay any charge, fine, penalty, and or/fee assessed against the owner as follows:

§ 26-6 Municipal Charges Liens.

A. Authority.

This by-law is adopted pursuant to the authority of G. L. c. 40, § 21 and G. L. c. 40, § 58, as amended, and any other relevant statutes and regulations.

B. Purpose.

The purpose of this section is to establish a municipal charges lien program to provide a cost-effective method of collecting a charge, fine, penalty, and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge or charges, fine or fines, penalty or penalties, and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

C. Applicability.

The municipal charges lien shall apply to the following municipal charges and/or fees:

- a. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of development agreements.
- b. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of contracts with the Town.
- c. Charges, fines, penalties, unpaid amounts due and/or fees including interest and all costs to record said lien(s) in the Middlesex South Registry of Deeds for violations of tax agreements.

D. Lien Takes Effect.

The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, unpaid amounts due, fines, penalties, and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

E. Collection of the Lien.

- a. The Tax Collector shall be in charge of collecting the lien.
- b. The Treasurer who is the person responsible for collecting the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees shall notify the Assessors of

- all unpaid municipal charges, unpaid amounts due, fines, penalties, and fees that have not been paid or appealed to the court at the end of each month.
- c. The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Middlesex South Registry of Deeds.
- F. Unpaid Municipal Charges Liens.
- a. If unpaid municipal charges, unpaid amounts due, fines, penalties, and fees fine, secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees to the Assessors' Department and the Assessors shall add the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
 - b. If the property to which the unpaid municipal charges, unpaid amounts due, fines, penalties, and/or fees relates is tax exempt, the unpaid municipal charges, unpaid amounts due, fines, penalties, and fees shall be committed as a tax on said property.
- G. Release of the Lien.
- The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all unpaid municipal charges, unpaid amounts due, fines, penalties, and fees constituting a lien, together with any interest and costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.
- or pass any vote or take any other action relative thereto

FINANCE COMMITTEE RECOMMENDATION: That the Town accepts G.L. c. 40 §58 and in doing so amend the Town of Ashland General Bylaws to create a new section, § 26-6, Municipal Charges Liens, within Chapter 26, Finances, which would provide for the imposition of a lien on real property for the failure or refusal of an owner of real property in the Town to pay any charge, fine, penalty, and or/fee assessed against the owner

MOTION: That the Town accepts G.L. c. 40 §58 and in doing so amend the Town of Ashland General Bylaws to create a new section, § 26-6, Municipal Charges Liens, within Chapter 26, Finances, as printed in Article 15 of the Warrant.

**Article 16: Amend the Town of Ashland Bylaws / Collection of Municipal Charges
Sponsor: Board of Selectmen**

To see if the Town will amend section 178-1(A) of the Town of Ashland General Bylaws as follows (underline is new and ~~cross-outs~~ are deletions):

§ 178-1 Renewal or granting of certain licenses or permits.

A. The Town Collector herein referred to as "Collector" shall annually furnish to each department, board, or commission, hereinafter referred to as the "Licensing Authority" that

issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter, referred to as the "party" that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending petition before the appellate tax board.

or pass any vote or take any other action relative thereto

FINANCE COMMITTEE RECOMMENDS: that the Town votes to amend the Town of Ashland General Bylaw as printed in Article 16.

MOTION: The Town votes to amend the Town of Ashland General Bylaw as printed in Article 16 of the Warrant.

**Article 17: Accept Statute and Amend the Chapter 178 of the Town of Ashland Bylaws / Finger Printing
Sponsor: Board of Selectmen**

To see if the Town will vote to accept G.L. c. 6 section 172B1/2 and amend the Town of Ashland General Bylaws by adding a new section 178-2, Fingerprint-Based Background Checks for applicants requesting licenses from the Town for certain specified occupations, as follows:

Chapter 178

Section 178-2 Fingerprint-Based Background Checks

§ 178-2 -1 Purpose and authorization.

A. In order to protect the health, safety, and welfare of the inhabitants of the Town of Ashland, as authorized by Chapter 6, Section 172B 1/2, of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this chapter shall require that:

(1) Applicants for certain Town licenses to engage in specified occupational activities within the Town as enumerated in § 178-2-2 below, must submit to fingerprinting by the Ashland Police Department;

(2) The Ashland Police Department must conduct criminal history record checks based on such fingerprints pursuant to Section 172B 1/2 of Chapter 6 of the Massachusetts General Laws and 28 U.S.C. § 534; and

(3) The Town shall consider the results of such background checks in determining whether or not to grant a license.

B. Under this Chapter, fingerprints shall be submitted to the Identification unit within the department of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), or its successor, for a state criminal history records check and to the Federal Bureau of Investigation (FBI), or its successor, for a national criminal history records check, as may be applicable and consistent with this chapter. The Town authorizes the licensing authority and the Ashland Police Department to receive and utilize these state and FBI records in connection with such background checks, consistent with this chapter.

§ 178-2-2 Applicant's submission to fingerprinting by Ashland Police Department.

A. Any applicant for a license to engage in any of the following occupational activities within the Town shall submit, within 10 days of application, a full set of fingerprints taken by the Ashland Police Department for the purpose of conducting a state and national criminal history record check to determine the suitability of the applicant for said license:

- (1)** Secondhand dealers and collectors;
- (2)** Peddling and soliciting, door-to-door sales;
- (3)** Ice cream truck vendor, MGL c. 270, § 25.

B. At the time of fingerprinting, the Ashland Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's state and FBI criminal history records.

§ 178-2-3 Police Department processing.

A. Upon receipt of the fingerprints and payment of the applicable fee, the Police Department shall transmit the fingerprints obtained pursuant to this chapter to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or their successors as may be necessary for the purpose of conducting the fingerprint-based state and national criminal history records checks of license applicants specified in § 178-2-2.

B. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this chapter. The Town authorizes the Ashland Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this chapter. The state and FBI criminal history will not be disseminated to unauthorized entities.

C. The Police Department shall provide the applicant with a copy of the results of their fingerprint-based criminal history record check and provide the applicant an opportunity to complete or challenge the accuracy of the information contained therein, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 CFR Part 16.34 pertaining to FBI identification records.

D. The Police Department shall not communicate the fingerprint-based criminal history record check to the applicable licensing authority pursuant to the following subsection until it has complied with the preceding subsection and otherwise complied with the Town's policy applicable to Town licensing-related criminal history record checks.

E. The Police Department shall communicate the results of fingerprint-based criminal history record checks to the applicable licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon their suitability for a license, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.

F. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (EOPSS) which has issued an Informational Bulletin which explains the requirements

for Town bylaws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

§ 178-2 -4 Reliance on results.

- A. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal history record checks for the sole purpose of determining the suitability of the applicant for the proposed occupational activity which is the subject of the license applications specified in § 178-2-2.
- B. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations, and Town policies bearing on an applicant's suitability in making this determination.
- C. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

§ 178-2 -5 Compliance with law, regulation, and Town policy.

Implementation of this chapter and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

§ 178-2 -6 Fees.

At the time of filing the application, each applicant shall pay a fee of \$30.00. A portion of the fee, as specified in MGL c. 6, § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

§ 178-2 -7 Severability.

- A. The provisions of this chapter are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.
- B. Any bylaws in conflict herewith are hereby repealed to the extent of such conflict. or pass any vote or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town votes to accept G.L. c. 6 section 172B1/2 and amend the Town of Ashland General Bylaws by adding a new section 178-2, Fingerprint-Based Background Checks as printed in Article 17 of the Warrant except the fee set forth in , § 178-2 - 6 Fees, shall be \$60.00.

**Article 18: Subdivision Land Acceptance and Road Acceptance
Sponsor: Board of Selectmen**

A. Tydeman Road

To see if the Town will vote to accept the roads known as, Tydeman Road and further if the Town will accept said easements shown as Drainage Easement and Open Space Parcel show as "Open Space Parcel Lot 7" on the Plan titled "Plan of Land Street Acceptance Tydeman Road Extension" on the Plan which is on file with the Town Clerk's Office and dated October 11, 2018, and further that the Board be authorized to enter into any and all documents and agreements necessary to effectuate same, or pass any vote or take any action relative thereto.

B. Royal Colony

To see if the Town will vote to accept the road known as Royal Colony Circle and further if the Town will accept said easements shown as 30' Wide Utility Easement, Utility Easement Area = 7,358± SF, Existing 25' Wide Grading Easement Area = 5,741± SF, Existing 25' Wide Grading Easement Area = 6,151± SF, Rounding Easement Area = 99± SF, Rounding Easement Area = 357± SF, and Parcel A shown as "Parcel A" on the Plans titled "Street Acceptance Plan of Royal Colony Circle" Revised on October 9, 2018, which is on file with the Town Clerk's Office, and further that the Board be authorized to enter into any and all documents and agreements necessary to effectuate same, or take any action relative thereto.

C. Hillcrest Estates

To see if the Town will vote to accept the Open Space Parcels shown on a "Definitive Cluster Subdivision Plan "Hillcrest Estates" Ashland, Massachusetts", by GLM Engineering Consultants, Inc. 19 Exchange Street, Holliston, Massachusetts, 01746 (508)429-1100 Fax: (508)429-7160 dated January 30, 2004 revised through August 26, 2004 and recorded in plan Book 2004 Plan 1294 in the Middlesex South Registry of Deeds on sheet 3 of 40 sheets, which are shown as "Open Space Parcel A" and "Open Space Parcel B" on the Plan which is on file with the Town Clerk's Office, and further that the Board be authorized to enter into any and all documents and agreements necessary to effectuate same, or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee defers to Town Meeting.

MOTION: That the Town votes to accept the roads and property as presented in Article 18 of the Warrant.

Article 19: Amend Zoning Bylaw Wildwood Mixed Use District
Sponsor: Board of Selectmen

To see if the Town will vote to amend the Town of Ashland Zoning Bylaw Chapter 282 as follows (~~cross-out~~ are eliminations and **bold underline** is new language):

8.6 Wildwood Mixed Use Special District.

Item 1.

8.6.6 Dimensional Requirements.

- ~~2. In "Area A" only, non-senior residential dwellings will require a minimum lot area not less than 5,000 square feet per dwelling unit, plus one thousand square feet per bedroom for a maximum of two (2) bedrooms under the following percentages of development area of that which is buildable in "Area "A" only: maximum of 75% "multifamily dwelling" uses (just residential) and or open space and minimum of 25% mixed uses with commercial (nonresidential use on first floor of the mixed use buildings) and/or commercial. Computations for additional housing units in mixed use structures on the second floor or higher shall be calculated at 600 sq. ft. per unit with a maximum of two bedrooms.~~
2. **In Area A only, non-senior residential multifamily dwelling units with a maximum of two bedrooms may be developed. The total number of such dwelling units in Area "A" shall not exceed three hundred ninety two (392) dwelling units. In "Area A" only, there shall be at least 27,000 square feet of contiguous open space within approximately 450 feet of**

Chestnut Street and extending from Chestnut Street, without road or driveway crossings, and with a dedicated pathway connecting Chestnut Street to the existing open space. Road or driveway crossings in the contiguous open space shall only be allowed by Special Permit from the Planning Board. Curb cuts into Chestnut Street shall be prohibited apart from the existing streets.

Item 2

8.6.7 Buffering and Landscaping. For the purposes of this section, the term "buffer zone" shall be defined as a no-disturb zone. No headstones or burial plots are to be allowed in the buffer zone. There shall be no cutting of vegetation in the buffer zone without the express written approval of the Planning Board. Underground public utilities shall be allowed in the buffer zone.

1. There shall be at least a one hundred foot buffer zone along the eastern and southern perimeter of the Wildwood Mixed Use Special District as depicted on the Design Concept Plan. There shall be a 50 foot buffer zone for any commercial, mixed use, or municipal use abutting a residential property along the south side of East Union Street. ~~Only commercial and/or mixed uses with commercial and residential components shall be constructed within three hundred (300) feet from the easterly right-of-way line of Chestnut Street, except that multifamily dwelling buildings shall be allowed within the area between the southern boundary of the Property and the road shown as Great Bend Circle on the subdivision plans endorsed by the Planning Board on July 13, 2000 and recorded with the Middlesex County (Southern District) Registry of Deeds as Plan 1187 of 2000.~~

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee defers toTown Meeting

MOTION: That the Town amend section 8.6 Wildwood Mixed Use Special District in the Zoning Bylaw as printed in Article 19 of the Warrant.

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.