

PROCEEDINGS OF ANNUAL TOWN MEETING
HELD ON MAY 8, 2010

PURSUANT TO THE FOREGOING WARRANT THE LEGAL VOTERS OF THE TOWN OF ASHBURNHAM MET AT OAKMONT REGIONAL HIGH SCHOOL AUDITORIUM, 9 OAKMONT DRIVE, ASHBURNHAM ON MAY 8, 2010. MODERATOR, DONALD “JEFF” LAWRENCE PRESIDED AT THE MEETING WHICH WAS CALLED TO ORDER AT 10:14 A.M. WITH A QUORUM PRESENT. THE VETERANS PRESENT WERE RECOGNIZED. A MOMENT OF SILENCE WAS HELD FOR ALL SERVICE MEN AND WOMEN WHO ARE PROTECTING OUR COUNTRY. VETERANS, BOB MCGOWAN AND DENNIS DRISCOLL LED THE PLEDGE OF ALLEGIANCE.

ARTICLE 1: To accept the reports of several town officers and all outstanding committees, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 1 VOTED: On motion of Edward Vitone, it was voted to accept the reports of several town officers and all outstanding committees.

Unanimous “YES”

ARTICLE 2: To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the fiscal year commencing July 1, 2010 and to set the salaries of elected officials; or act in relation thereto. *(Requested by the Board of Selectmen and Advisory Board)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$15.85

LINE	DEPARTMENT	FY09 ACTUAL	FY10 BUDGET	FY11 TOWN ADMINISTRATOR RECOMMEND	FY11 ADVISORY BOARD RECOMMEND
1	Moderator	100	100	100	100
2	Board of Selectmen	9,261	6,000	5,765	5,765
3	Town Administrator	150,953	138,500	164,105	164,105
4	Advisory Board	51,455	149,500	86,500	86,500
5	Town Accountant	56,278	74,750	76,622	76,622
6	Board of Assessors	68,059	65,000	97,344	97,344
7	Treasurer	146,641	83,000	85,589	85,589
8	Tax Collector	64,937	65,045	65,107	65,107
9	Town Clerk	52,599	44,500	48,590	48,590
10	Land Use	87,040	19,600	19,786	19,786
11	Town Hall	51,825	55,000	57,393	57,393
12	VMS Bldg.	11,000	13,650	13,650	13,650
13	Non-Departmental	148,083	140,313	161,867	161,867
14	Police, Emergency Dispatch & Public Safety	1,197,364	1,135,590	1,113,936	1,113,936
15	Fire	523,411	471,000	478,199	478,199
16	Inspections	33,588	39,000	40,337	40,337
17	Dog Officer	24,851	29,290	32,832	32,832
18	Monty Tech	387,776	327,607	333,715	333,715
19	Ash-West Regional School District	6,483,185	6,521,291	6,668,639	6,668,639
20	DPW	645,076	586,950	569,714	569,714
21	Snow and Ice	180,000	175,000	180,000	180,000
22	Board of Health	18,545	18,000	17,050	17,050
23	Conservation Commission	50,487	17,000	18,765	18,765
24	Council on Aging	44,318	30,000	22,084	22,084
25	Veterans’ Services	10,687	10,600	12,687	12,687
26	Library	194,197	176,540	173,530	173,530
27	Historical Commission	500	100	100	100
28	Debt Service	691,122	979,635	942,493	942,493
29	Employee Ins. Benefits	948,823	1,021,000	1,064,880	1,064,880
	ARTICLE 2 TOTAL	\$14,010,698	\$12,392,561	\$12,551,379	\$12,551,379

Setting of Elected Salaries under Article 2:

- a. Town Moderator: \$100
- b. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- c. Town Clerk: \$38,835 (Includes \$1,000 Longevity)
- d. Board of Health: \$140 per member

ARTICLE 2 VOTED: On motion of Bill Johnson, it was voted to raise and appropriate the sum of \$12,550,379 for the departments and purposes noted in the warrant and to set the salary for all Elected Officials.

LINE	DEPARTMENT	FY11 TOWN ADMINISTRATOR RECOMMEND	FY11 ADVISORY BOARD RECOMMEND
1	Moderator	100	100
2	Board of Selectmen	5,765	5,765
3	Town Administrator	164,105	164,105
4	Advisory Board	86,500	86,500
5	Town Accountant	76,622	76,622
6	Board of Assessors	97,344	97,344
7	Treasurer	85,589	85,589
8	Tax Collector	65,107	65,107
9	Town Clerk	48,590	47,590
10	Land Use	19,786	19,786
11	Town Hall	57,393	57,393
12	VMS Bldg.	13,650	13,650
13	Non-Departmental	161,867	161,867
14	Police, Emergency Dispatch & Public Safety	1,113,936	1,113,936
15	Fire	478,199	478,199
16	Inspections	40,337	40,337
17	Dog Officer	32,832	32,832
18	Monty Tech	333,715	333,715
19	Ash-West Regional School District	6,668,639	6,668,639
20	DPW	569,714	569,714
21	Snow and Ice	180,000	180,000
22	Board of Health	17,050	17,050
23	Conservation Commission	18,765	18,765
24	Council on Aging	22,084	22,084
25	Veterans' Services	12,687	12,687
26	Library	173,530	173,530
27	Historical Commission	100	100
28	Debt Service	942,493	942,493
29	Employee Ins. Benefits	1,064,880	1,064,880
	ARTICLE 2 TOTAL	\$12,551,379	\$12,550,379

Setting of Elected Salaries under Article 2:

- e. Town Moderator: \$100
- f. Board of Selectmen: Chairman - \$1,300; Clerk - \$1,100; Member - \$1,100
- g. Town Clerk: \$37,835
- h. Board of Health: \$140 per member

Unanimous “YES”

ARTICLE 3: To see if the Town will vote to raise and appropriate a sum of money to operate the Water Department for the fiscal year beginning July 1, 2010 , or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 3 VOTED: On motion of Bill Johnson it was voted to raise and appropriate a sum of \$499,002 to operate the Water Department for the fiscal year beginning July 1, 2010, and that \$499,002 be raised from Water Enterprises revenues.

Unanimous “YES”

ARTICLE 4: To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer Department for fiscal year beginning July 1, 2010, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 4 VOTED: On motion of Bill Johnson, it was voted to raise and appropriate the sum of \$799,460 to operate the Sewer Department for fiscal year beginning July 1, 2010, and that \$799,460 be raised as follows:

Sewer Enterprise revenues:	\$629,460
Retained earnings	\$170,000

Unanimous “YES”

ARTICLE 5: To see if the Town will vote to raise and appropriate, or transfer, from available funds, a sum of money for the operating budget of the Ashburnham-Westminster Regional School District, in addition to the sum voted under Article 2 for said operating budget, provided that no funds shall be expended and no bonds shall be issued unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Westminster also votes to approve and fund its proportional share of such additional appropriations, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: \$.61

ARTICLE 5 VOTED: On motion of Ed Vitone, it was voted to raise and appropriate, the sum of \$155,388 to be added to the sum in line 19 of the budget approved under Article 2 for the Ashburnham-Westminster Regional School District, provided that no funds shall be spend and no bonds shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, and further provided that the Town of Westminster also votes to approve and fund its proportional share of such additional appropriations.

Majority “YES”

ARTICLE 6: To see if the Town will vote to authorize the transfer of \$40,000 from any excess in the Municipal Light Plant Funds to the town treasury, as authorized by its Light Board in accordance with Chapter 164 of the General Laws of the Commonwealth, or act in relation thereto. *(Requested by the Municipal Light Department)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 6 VOTED: On motion of Richard Ahlin, it was voted to authorize the transfer of \$40,000 from any excess in the Municipal Light Plant Funds to the Town Treasury, as authorized by its Light Board in accordance with Chapter 164 of the General Laws of the Commonwealth.

Unanimous “YES”

ARTICLE 7: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2010, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 7 VOTED: On motion of Ron Reed, it was voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2010, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17.

Unanimous “YES”

ARTICLE 8: To see if the Town will vote to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2011 pursuant to Chapter 44, Section 53F of the General Laws, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 8 VOTED: On motion of Edward Vitone, it was voted to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2011 pursuant to Chapter 44, Section 53F of the General Laws.

Unanimous “YES”

ARTICLE 9: To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 9 VOTED: On motion of Margaret Whitney, it was voted to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws.

Unanimous “YES”

ARTICLE 10: To see if the Town will vote to appropriate all funds which become available in the Fiscal Year 2011 from the Commonwealth of Massachusetts Department of Highways, Chapter 90 Bond Issue proceeds, to be used by the DPW for the repair and maintenance of town roads in conformance with Massachusetts General Laws, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 10 VOTED: On motion of Ron Reed, it was voted to appropriate the sum of \$269,946 from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads and for the purchase of qualifying equipment or vehicles, and to authorize the use of leasing for a period of three years, in connection with the purposes of this article, all in conformance with the Massachusetts General Laws.

Unanimous “YES”

ARTICLE 11: To see if the Town will vote to authorize the transfer of trust fund income in the amount of \$3,000 from the Cushing Academy Trust Fund to pay for the fiscal year 2011 secondary school expenses, or act in relation thereto. *(Requested by Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 11 VOTED: On motion of Edward Vitone, it was voted to authorize the transfer of trust fund income in the amount of \$3,000 from the Cushing Academy Trust Fund to pay for the fiscal year 2011 secondary school expenses.

Unanimous “YES”

ARTICLE 12: To see if the Town will vote to authorize a revolving fund, in accordance with M.G.L. c. 44, 53E½, to be expended by the DPW Superintendent, for the purpose of trash removal, (MSW) from the transfer station; said fund to be established from trash tag receipts; said expenditures not to exceed \$50,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 12 VOTED: On motion of Margaret Whitney, it was voted to authorize a revolving fund, in accordance with M.G.L. c. 44, 53E½, to be expended by the DPW Superintendent, for the purpose of trash removal, (MSW) from the transfer station; said fund to be established from trash tag receipts; said expenditures not to exceed \$50,000 unless an increase in such limitation is approved by the Board of Selectmen.

Unanimous “YES”

ARTICLE 13: To see if the Town will vote to authorize a revolving fund, in accordance with M.G.L. c. 44, Sec. 53E½, to be expended by the Agricultural Committee, for the purpose of a Farmer’s Market, said fund to be established from administrative and event fees, said expenditures not to exceed \$1,500 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Agricultural Commission)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 13 VOTED: On motion of Ron Reed, it was voted to authorize a revolving fund, in accordance with M.G.L. c. 44, Sec. 53E½, to be expended by the Agricultural Commission, for the purpose of a Farmer’s Market, said fund to be established from administrative and event fees, said expenditures not to exceed \$1,500 unless an increase in such limitation is approved by the Board of Selectmen.

Unanimous “YES”

ARTICLE 14: To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to purchase testing and maintenance equipment for the operation of the Fire Alarm system and any other related equipment, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 14 VOTED: On motion of Edward Vitone, it was voted to raise and appropriate or appropriate from available funds the sum of \$10,350 for the purchase testing and maintenance equipment for the operation of the Fire Alarm system and any other related equipment.

Unanimous “YES”

ARTICLE 15: To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to purchase a cruiser for the police department and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced, or act in relation thereto. *(Requested by the Capital Planning Committee)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 15 VOTED: On motion of Edward Vitone, it was voted to raise and appropriate the sum of \$35,000 to purchase a cruiser for the police department and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced.

Unanimous “YES”

ARTICLE 16: To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to purchase an F550 one-ton truck for the Department of Public Works and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced, or act in relation thereto. *(Requested by the Capital Planning Committee)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 16 VOTED: On motion of Ron Reed, it was voted to raise and appropriate the sum of \$54,000 to purchase an F550 one-ton truck for the Department of Public Works and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced.

Unanimous “YES”

ARTICLE 17: To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to purchase an F550 one-ton truck for the Municipal Grounds Department and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced, or act in relation thereto. *(Requested by the Capital Planning Committee)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 17 VOTED: On motion of Margaret Whitney, it was voted to raise and appropriate the sum of \$54,000 to purchase an F550 one-ton truck for the Municipal Grounds Department and to authorize the Board of Selectmen to dispose of or trade in any vehicle being replaced.

Unanimous “YES”

ARTICLE 18: To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money to purchase “Turn-out Gear” for the Fire Department, or act in relation thereto. *(Requested by the Capital Planning Committee)*

SELECTMEN RECOMMEND: YES **ADVISORY RECOMMEND:** YES **TAX RATE IMPACT:** N/A

ARTICLE 18 VOTED: On motion of Margaret Whitney it was voted to raise and appropriate or appropriate the sum \$6,000 to purchase “Turn-out Gear” for the Fire Department.

Unanimous “YES”

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$18,420 to be used to fund the following items in the Ashburnham-Westminster Regional School District Five Year Capital Plan:

Elevator repair at Overlook	\$ 4,830
Servers & Switches at Oakmont	\$ 7,701
Turf Field Groomer	<u>\$ 5,889</u>
Total	\$18,420

Further, that said appropriation be subject to the Town of Westminster also voting to fund its share of the cost of this article, or act in relation thereto. *(Requested by the Capital Planning Committee)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 19 VOTED: On motion of Ron Reed, it was voted to raise and appropriate the sum of \$18,420 to be used to fund the following items in the Ashburnham-Westminster Regional School District Five Year Capital Plan:

Elevator repair at Overlook	\$ 4,830
Servers & Switches at Oakmont	\$ 7,701
Turf Field Groomer	<u>\$ 5,889</u>
Total	\$18,420

Further, that said appropriation be subject to the Town of Westminster also voting to fund its share of the cost of this article.

Majority “YES”

ARTICLE 20: To see if the Town will vote to transfer available funds to the Capital Improvement Fund, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 20 VOTED: On motion of Edward Vitone, it was voted to raise and appropriate the sum of \$82,580 to the Capital Improvement Fund.

Unanimous “YES”

ARTICLE 21: To see if the Town will vote to transfer land shown on Assessor’s maps ; Map 58 Parcel 25 Center Street, 7,500 SF and Map 17 Parcel 12; 130,567 SF off Center Street, to the Board of Selectmen for the purpose of lease to a lawfully constituted non-profit entity that will construct a new community use facility, and further to authorize the Board of Selectmen to so convey or lease said land on such terms and conditions as are in the best interest of the Town, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 21 VOTED: On motion of Edward Vitone it was voted to transfer land shown on Assessor’s maps; Map 58 Parcel 25 Center Street, 7,500 SF and Map 17 Parcel 12; 130,567 SF off Center Street, to the Board of Selectmen for the purpose of lease to a lawfully constituted non-profit entity that will construct a new community use facility, and further to authorize the Board of Selectmen to so convey or lease said land on such terms and conditions as are in the best interest of the Town.

Majority “YES”

ARTICLE 22: To see if the Town will vote to transfer the sum of \$3,500 from the Waterways Improvement Fund for the purpose of waterway improvement maintenance and safety, or act in relation thereto. *(Requested by the Ashburnham Lakes Coalition)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 22 VOTED: On motion of Edward Vitone, it was voted to transfer the sum of \$3,500 from the Waterways Improvement Fund for the purpose of waterway improvement maintenance and safety.

Unanimous “YES”

ARTICLE 23: To see if the Town will vote to approve a Right to Farm Bylaw as listed below:
Right to Farm Bylaw for Ashburnham, Massachusetts
Section 1 – Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section 1A. We the citizens of Ashburnham restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculturally based economic opportunities, and protects farmlands within the Town of Ashburnham. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2 – Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing, and harvesting or any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- The maintenance, collection and processing of maple sugar operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, sheep, goats, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organism or plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- On-farm relocation of earth and the clearing of ground for farming operations;
- Operation of log trucks on or off Town roads;
- Stacking or storage of processed or unprocessed wood products;
- Operation of timber harvest machinery, including chain saw, skidder, forwarder, processor, bulldozer, or other equipment used to fell, process, and transport wood products;
- Cultivation, harvest, processing, storage and transportation of non-timber forest products such as mushrooms, medicinal plants, ornamental plants;
- Cultivation, harvest, processing, storage and transportation of Christmas trees.

Section 3 – Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Ashburnham. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general.

The benefits and protections of this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

The Right to Manage and Harvest Forest and Farm Products is hereby recognized to exist within the Town of Ashburnham. The above-described activities may include the attendant incidental noise, odors, dust, and fumes associated with normally accepted harvesting and management practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture and forestry is more than offset by the benefits of forestry, and farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those reasonable forestry, agricultural, and farming operation and activities conducted in accordance with generally accepted forestry and agricultural practices that are not injurious to

environmental quality and public health safety. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Section 4 – Precedence

In the event of conflict between this bylaw and all other town regulations, this Bylaw shall take precedence. In the event of conflict between this Bylaw and federal or state law, federal or state law shall take precedence, respectfully.

Section 5 – Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board,, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon timeframe.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within an agreed upon timeframe.

Section 6 – Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Ashburnham hereby declares the provisions of this Bylaw to be severable.

or act in relation thereto. (*Requested by the Agricultural Commission*)

SELECTMEN RECOMMEND: YES

ADVISORY RECOMMEND: YES

TAX RATE IMPACT: N/A

ARTICLE 23 VOTED: On motion of Pat Stewart it was voted to approve a Right to Farm Bylaw as listed below:

Right to Farm Bylaw for Ashburnham, Massachusetts

Section 1 – Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section 1A. We the citizens of Ashburnham restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

This General Bylaw encourages the pursuit of agriculture, promotes agriculturally based economic opportunities, and protects farmlands within the Town of Ashburnham. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2 – Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing, and harvesting or any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- The maintenance, collection and processing of maple sugar operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, sheep, goats, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organism or plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;

- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- On-farm relocation of earth and the clearing of ground for farming operations;
- Operation of log trucks on or off Town roads;
- Stacking or storage of processed or unprocessed wood products;
- Operation of timber harvest machinery, including chain saw, skidder, forwarder, processor, bulldozer, or other equipment used to fell, process, and transport wood products;
- Cultivation, harvest, processing, storage and transportation of non-timber forest products such as mushrooms, medicinal plants, ornamental plants;
- Cultivation, harvest, processing, storage and transportation of Christmas trees.

Section 3 – Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Ashburnham. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general.

The benefits and protections of this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

The Right to Manage and Harvest Forest and Farm Products is hereby recognized to exist within the Town of Ashburnham. The above-described activities may include the attendant incidental noise, odors, dust, and fumes associated with normally accepted harvesting and management practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture and forestry is more than offset by the benefits of forestry, and farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those reasonable forestry, agricultural, and farming operation and activities conducted in accordance with generally accepted forestry and agricultural practices that are not injurious to environmental quality and public health safety. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Section 4 – Precedence

In the event of conflict between this bylaw and all other town regulations, this Bylaw shall take precedence. In the event of conflict between this Bylaw and federal or state law, federal or state law shall take precedence, respectfully.

Section 5 – Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board,, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon timeframe.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within an agreed upon timeframe.

Section 6 – Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Ashburnham hereby declares the provisions of this Bylaw to be severable.

Majority “YES”

ARTICLE 24 : To see if the Town will vote to borrow a sum of money for up to 40 years for the purpose of financing the design, construction, and system upgrades and maintenance as recommended by the “ Engineering Report” prepared by Tighe & Bond dated January 2010 including, without limitation, all costs associated with:

- Construction of a new 1,000,000 gallon pre-stressed concrete water storage tank near the intersection of Hastings Road and Cushing Street.
- Demolition of the existing 420,000 gallon High Street Tank

- Installation of approximately 1,000 linear feet of 12- inch diameter water main on Hastings Road to service the new water storage tank
- Modifications to Water Treatment Plant pumps
- Paint and refurbishing the existing 510,000 gallon Gardner Hill tank.

And that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow a sum of money and to issue bonds or notes thereof under Chapter 44, Section 8, of the General Laws, or general authority; that such bonds or notes shall be general obligations of the Town and notes and charges shall be so established as to provide sufficient funds to ensure that the entire principal and interest payable on any borrowing associated with this project will be assessed to the users of the system; that the Board of Selectmen be authorized to apply for , accept and expend, federal or state aid for the project, that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the United States Department of Agriculture (USDA), and otherwise to contract with the USDA with respect to any such loan; and that the Board of Selectmen is authorized to expend all funds available from the project and to take other action necessary to carry out this project; including but not limited to entering into any and all contracts on such terms and conditions as are in the best interest of the Town; provided, however, that the Board of Selectmen has determined that grants or other financial assistance are available from the Federal Government, the Commonwealth or any other source, which in the aggregate, will provide at least 30% of the project costs, or act in relation thereto.

(Requested by the Town Administrator)

SELECTMEN RECOMMEND: YES

ADVISORY RECOMMEND: YES

TAX RATE IMPACT: N/A

ARTICLE 24 VOTED: On motion of Margaret Whitney it was voted to borrow a sum of \$2.64m for up to 40 years for the purpose of financing the design, construction, and system upgrades and maintenance as recommended by the “Engineering Report” prepared by Tighe & Bond dated January 2010 including, without limitation, all costs associated with:

- Construction of a new 1,000,000 gallon pre-stressed concrete water storage tank near the intersection of Hastings Road and Cushing Street.
- Demolition of the existing 420,000 gallon High Street Tank
- Installation of approximately 1,000 linear feet of 12- inch diameter water main on Hastings Road to service the new water storage tank
- Modifications to Water Treatment Plant pumps
- Paint and refurbishing the existing 510,000 gallon Gardner Hill tank.

And that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow a sum of money and to issue bonds or notes thereof under Chapter 44, Section 8, of the General Laws, or general authority; that such bonds or notes shall be general obligations of the Town and notes and charges shall be so established as to provide sufficient funds to ensure that the entire principal and interest payable on any borrowing associated with this project will be assessed to the users of the system; that the Board of Selectmen be authorized to apply for, accept and expend, federal or state aid for the project, that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the United States Department of Agriculture (USDA), and otherwise to contract with the USDA with respect to any such loan; and that the Board of Selectmen is authorized to expend all funds available from the project and to take other action necessary to carry out this project; including but not limited to entering into any and all contracts on such terms and conditions as are in the best interest of the Town; provided, however, that the Board of Selectmen has determined that grants or other financial assistance are available from the Federal Government, the Commonwealth or any other source, which in the aggregate, will provide at least 30% of the project costs.

Unanimous “YES”

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to dispose of a 2001 Ford Crown Victoria, and 2003 Ford Crown Victoria as excess vehicles, or act in relation thereto.
(Requested by the Town Administrator)

SELECTMEN RECOMMEND: YES

ADVISORY RECOMMEND: YES

TAX RATE IMPACT: N/A

ARTICLE 25 VOTED: On motion of Ron Reed, it was voted to authorize the Board of Selectmen to dispose of a 2001 Ford Crown Victoria, and 2003 Ford Crown Victoria as excess vehicles.

Unanimous “YES”

ARTICLE 26: To see if the Town will vote transfer the following eight parcels, totaling approximately 8 acres, and currently held by the Selectmen, as conservation land and in to the care and custody of the Conservation Commission in accordance with M.G.L. Chapter 40, Section 8C. The parcels are located on Lakeshore Drive and are identified on Town Assessor maps as Map 56, Parcels 42, 43, 44, 46, 47, 48, 49 and 52. *(Requested by Citizens Petition.)*

SELECTMEN RECOMMEND: YES

ADVISORY RECOMMEND: YES

TAX RATE IMPACT: N/A

ARTICLE 26 VOTED: On motion of Gary Howland, it was voted transfer the following seven parcels, totaling approximately 7 acres, and currently held by the Selectmen, as conservation land and in to the care and custody of the Conservation Commission in accordance with M.G.L. Chapter 40, Section 8C. The parcels are located on Lakeshore Drive and are identified on Town Assessor maps as Map 56, Parcels 42, 43, 44, 46, 47, a portion of 48, and 49.

Unanimous “YES”

ARTICLE 27:	To see if the Town will vote to transfer land identified on the Assessor’s Map		
Map 20 Parcel 96	Williams Road	22,216 SF	
Map 38 Parcel 28	Gibson Road	235,111 SF	
Map 44 Parcel 22	Holiday Road	15,014 SF	
Map 49 Parcel 8	Dunn Road	43,560 SF	
Map 21 Parcel 120	Old Reservoir	16,552 SF	
Map 56 Parcel 52	Lakeshore Drive	82,663 SF	

to the Board of Selectmen as surplus property for the purpose of sale and further to authorize the Board of Selectmen to so convey said land on such terms and conditions as are in the best interest of the Town, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 27 VOTED: On motion of Margaret Whitney, it was voted to transfer land identified on the Assessor’s Map as printed in the warrant to the Board of Selectmen to so convey said land on such terms and conditions as are in the best interest of the Town.

Map 20 Parcel 96	Williams Road	22,216 SF
Map 38 Parcel 28	Gibson Road	235,111 SF
Map 44 Parcel 22	Holiday Road	15,014 SF
Map 49 Parcel 8	Dunn Road	43,560 SF
Map 21 Parcel 120	Old Reservoir	16,552 SF
Map 56 Parcel 52	Lakeshore Drive	82,663 SF

2/3 Majority “YES”

ARTICLE 28: To see if the Town will vote to amend Sections 5.4 and 5.5 of the Town of Ashburnham Wetland Protection Bylaw as passed at the 2006 Annual Town Meeting in the following manner:

Section 5.4: By deleting “The fee shall be deposited in a special account established pursuant to G.L. Ch. 44 §53G, from which the Commission may withdraw funds without further appropriation for use only for wetland protection activities.” and replacing it with “These fees shall be made available to and used by the Commission only for the administration and enforcement of the Town of Ashburnham Wetlands Protection Bylaw.”

Section 5.5: By adding to the beginning of the Section the words “Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission”.

or act in relation thereto. *(Requested by the Conservation Commission)*

SELECTMEN RECOMMEND: YES ADVISORY RECOMMEND: YES TAX RATE IMPACT: N/A

ARTICLE 28 VOTED: On motion of Marshall Dennis, it was voted to amend Sections 5.4 and 5.5 of the Town of Ashburnham Wetland Protection Bylaw as passed at the 2006 Annual Town Meeting in the following manner:

Section 5.4: By deleting “The fee shall be deposited in a special account established pursuant to G.L. Ch. 44 §53G, from which the Commission may withdraw funds without further appropriation for use only for wetland protection activities.” and replacing it with “These fees shall be made available to and used by the Commission only for the administration and enforcement of the Town of Ashburnham Wetlands Protection Bylaw.”

Section 5.5: By adding to the beginning of the Section the words “Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission”.

Unanimous “YES”

ARTICLE 29: To see if the Town will vote to rescind the following excess debt authorizations, said amounts being no longer needed, or act in relation thereto. *(Requested by the Town Treasurer)*

- Annual Town Meeting 5/1/04, Public Safety Building, \$ 34,000
- Annual Town Meeting 5/1/04, Septic Repair Program, \$ 80,000
- Annual Town Meeting 5/7/05, Septic Repair Program, \$200,000
- Annual Town Meeting 5/5/07, Public Safety Building, \$ 54,000

SELECTMEN RECOMMEND: YES

ADVISORY RECOMMEND: YES

TAX RATE IMPACT: N/A

ARTICLE 29 VOTED: On motion of Edward Vitone it was voted to rescind the following excess debt authorizations, said amounts being no longer needed.

- Annual Town Meeting 5/1/04, Public Safety Building, \$ 34,000
- Annual Town Meeting 5/1/04, Septic Repair Program, \$ 80,000
- Annual Town Meeting 5/7/05, Septic Repair Program, \$200,000
- Annual Town Meeting 5/5/07, Public Safety Building, \$ 54,000

Unanimous “YES”

Meeting adjourned at 1:25 P.M.

Respectfully submitted,
Linda A. Ramsdell, CMMC