

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 29<sup>th</sup> of October, A.D. 2007 at 7:30 PM to act on the following articles:

**SPECIAL TOWN MEETING**

**October 29, 2007**

**ARTICLE ONE**

**By: Board of Selectmen**

**Fourth of July Fireworks**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,000, for the purpose of providing fireworks for the Town's 2008 Fourth of July celebration, said appropriation to be under the control of the Town Administrator; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE TWO**

**By: Personnel Board**

**Personnel Bylaw Amendment**

To see if the Town will vote to amend Section 13 of the Personnel Bylaw by striking the existing section and replacing it with text as follows:

**13 Promotions**

13a An employee promoted to a higher graded position in the same department shall first be granted a one-step increase within the present grade, and then enter the higher grade either at Step 1 or the step rate in that grade immediately at or above the former rate, whichever is higher. The effective date in Step shall be the effective date of the promotion.

or take any other action relative thereto.

*This amendment addresses an inequity in the Personnel By-law, under which an individual hired off the street could start at higher compensation than an existing employee moving to a higher-graded position in another department. The actual revision is in the title and first line:*

13 ~~Transfers and~~ Promotions

13a An employee promoted to a higher graded position **in the same department** shall first...:

*Recommended by Finance Committee.*

**ARTICLE THREE**

**School Budget Amendment**

To see if the Town will vote to amend the prior appropriation for the FY '08 North Middlesex Regional School District budget to reflect the re-certified, final figure of \$9,621,724.50; or take any action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE FOUR**

**By: Communications Director**

**Communications Department Improvements**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$6,000 for the purpose of relocating the radio console in the Communications Center, with any related equipment and expenses, said appropriation to be under the control of the Communications Director; or take any other action relative thereto.

*Not recommended by Finance Committee.*

**ARTICLE FIVE**

**By: Communications Director**

**Transfer of Funds**

To see if the Town will vote to transfer the sum of \$4,000 from Communications Department, Wages Hourly to Communications Department, Overtime; or take any other action relative thereto

*Recommended by Finance Committee.*

**ARTICLE SIX**

**By: Library Trustees**

**Book Fine Monies**

To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$8,866 for the purchase of books; said appropriation to be under the control of the Library Board of Trustees; or take any other action relative thereto.

*Recommendation to be given at Town Meeting.*

**ARTICLE SEVEN**

**By: Library Trustees**

**Library Carpeting**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$12,000 for the purpose of replacing worn carpet in the Main Hall of the Lawrence Library; said appropriation to be under the control of the Board of Library Trustees; or take any other action relative thereto.

*Recommendation to be given at Town Meeting.*

**ARTICLE EIGHT**

**By: Board of Selectmen**

**Acceptance of Road Layout – Hadley Road**

To see if the Town will vote to accept and maintain as a public way the layout of Hadley Road, as shown on a plan entitled “Street Acceptance Plan/Hadley Estates prepared for Robert M. Hicks, Inc., 159 Main Dunstable Road Suite 211, Nashua, NH 03060” prepared by Meisner Brem Corporation, dated August 28, 2003, and on file with the Town Clerk; or take any other action relative thereto.

*Recommended by the Planning Board.*

**ARTICLE NINE**

**By: IST Committee**

**NEW HARDWARE, SOFTWARE**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$6,200 for the purpose of fully funding the FY 08 segment of the IST Committee’s multi-year plan for upgrade and replacement of software and hardware components; said appropriation to be under the control of the Town Accountant; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE TEN**

**By: Board of Selectmen**

**Keyes Land**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain, or otherwise:

- a Conservation Restriction over land totaling 101.16 acres +/-, now or formerly owned by the Keyes Realty Trust, Canal Street Realty Trust and/or other owners of record, constituting lots 4 and 5 (14.69 acres) on an unrecorded plan entitled “3 Lot Plan for River Road in the Town of Pepperell, Massachusetts, Exhibit Plan,” prepared by Beals Associates, Inc. for Keyes Realty Trust, dated July 13, 2007, *as well as* the unrestricted portion (86.47 acres +/-) of a parcel of land shown as Lot 4-A on an unrecorded plan entitled “Driveway Plan in Pepperell, Mass.,” prepared by David E. Ross Associates, Inc. for Keyes Realty Trust, dated September 24, 2007; *and*
- a restricted fee interest in land totaling 39.2 acres +/-, shown as the restricted portion of Lot 4-A noted above, and also shown on a plan entitled “Plan of Land George T. Keyes, Pepperell, Mass.” By Thomas F. Moran & Earle W. Soper, Jr., Surveyors, dated February 28, 1973 and revised July 3, 1973, a metes and bounds description of which is on file at the Office of the Board of Selectmen

The subject restricted fee title shall be acquired for conservation purposes, said property to be held in the care and custody of the Pepperell Conservation Commission, pursuant to MGL, Ch. 40, s. 8C, or any other enabling authority.

And further, in order to fund such acquisition, to raise and appropriate, appropriate from available funds, or borrow a sum not to exceed \$499,000, and to authorize the Treasurer, subject to the approval of the Board of Selectmen, to issue, pursuant to MGL, Ch. 44, sections 7 and 8C, as well as Ch. 40, s. 8C (if applicable), or any other enabling authority, bonds or notes of the Town therefore, in an amount not to exceed \$499,000.

And, further, to authorize the Conservation Commission to file, on behalf of the Town, applications for grants and/or reimbursements from the Commonwealth of Massachusetts under Ch. 132A, s. 11 (the “Self Help Act”) and/or any other source(s) which might provide funding for activities falling within the scope and intent of this article; and to authorize the Board of Selectmen and Conservation Commission to enter into all such contracts, and execute all such agreements as may be necessary on the part of the Town to effect such acquisition and/or reimbursement;

or take any other action relative thereto.

*Recommendation to be given at Town Meeting.*

**ARTICLE ELEVEN**

**By: Board of Public Works**

**Intermunicipal Agreement with Town of Groton – Water Division**

To see if the Town will vote, under the provisions of MGL Ch 40, s. 4A to authorize the Board of Public Works to enter into one or more intermunicipal agreements with the Town of Groton, relative to allowing the Pepperell Water Division to install and/or maintain water lines and provide water service within the boundaries of the Town of Groton, specifically at 465 Nashua Road, 473 Nashua Road, 174 North Street, 184 North Street, 208 North Street, 1 Yvonne Drive, and 1-01 Yvonne Drive, as well as that portion of the proposed Reedy Meadow Estates that extends into Groton (approximately 11 houses); or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE TWELVE**

**By: Board of Public Works**

**Suburban Village Pumping Station – Heald Street – Water Division**

To see if the Town will vote to accept ownership of a certain parcel of land located on Heald St., now or formerly the property of Fairlane Realty Trust, containing 200 square feet more or less, shown as Parcel 3-B1 on a plan by Cornerstone Land Consultants, Inc., entitled “Plan of Land...Heald Street, Pepperell, Massachusetts” dated September 20, 2007, said parcel constituting the location of a sewer pumping station integral to the sewer line privately installed in Heald Street; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE THIRTEEN**

**By: Board of Public Works**

**Parker Hill Way Road Acceptance**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$2,500 for preparation of documents and field work preliminary to presentation of an article to the FY08 Annual Town Meeting for acquisition of (apparently ownerless) land and acceptance of the street thereupon, on upper Parker Hill Way, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE FOURTEEN**

**By: Board of Public Works**

**Engineering Services - Sewer Division**

To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow the sum of \$101,850 for engineering services for the design of long-planned, but still un-constructed sewer extensions, said costs to be reimbursed by betterments; this appropriation under the control of the Board of Public Works; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE FIFTEEN**

**By: Board of Public Works**

**Rescission of Bond Authorization**

To see if the Town will vote to rescind the bond authorization in the amount of \$152,000, approved under Article 13 of the October 30, 2006 Special Town Meeting for purposes of site testing for a possible water well; and, further, to appropriate from available funds the sum of \$3,800 to cover payments made from temporary borrowing against the subject bond issue; or take any other action relative thereto.

*Recommended by Finance Committee.*

**ARTICLE SIXTEEN**

**By: Board of Public Works**

**Asbestos Removal – Pepperell Springs**

To see if the Town will vote to appropriate from available funds the sum of \$16,000, for unanticipated expenses related to asbestos removal at the Pepperell Springs building; said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*Not recommended by Finance Committee.*

**ARTICLE SEVENTEEN**

**By: Council on Aging**

To see if the Town will vote to raise and appropriate the sum of \$7,000 to fund a 15-hour per week position for an Assistant Director for the Council on Aging; or take any other action relative thereto.

*Not recommended by Finance Committee.*

**ARTICLE EIGHTEEN**

**By: Finance Committee**

**Tax Levy Offset**

To see what sum of money the Town will vote to direct the Assessors to take from available funds to reduce the net amount to be raised for FY '08; or take any other action relative thereto.

And you will serve this warrant by posting a true and attested copy of same, in said Town, fourteen days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 12<sup>th</sup> day of October, A.D. 2007.

Darrell Gilmore, Chairman  
Lyndon B. Johnson, Clerk  
Joseph A. Sergi

PEPPERELL BOARD OF SELECTMEN

# Pepperell Town Meeting

## Introduction

Open Town Meeting is the form of municipal government for Pepperell. In the Commonwealth of Massachusetts, this is the basic form of governance for most small municipalities. The town is the basic unit, and Town Meeting is the method provided by the Constitution and the State legislature for the governance of towns. Property ownership is not a requirement for voting at Town Meeting. Renters as well as owners, *if registered to vote*, may attend and vote at Town Meeting.

In the Open Town Meeting form of government, any registered voter may attend, speak and vote. Attendance must be in person; there is no absentee voting in a Massachusetts Town Meeting. State law requires the town to hold at least one Town Meeting each year in the early spring. This is an Annual Town Meeting and the principal business of the Meeting is to appropriate money to fund the Town's expenses for the fiscal year which commences the following July 1<sup>st</sup>. Money may be provided by appropriation directly against the municipal tax rate, which is levied on real and personal property, or money may be borrowed within limits set by the Commonwealth. The Annual Town Meeting allows for action on other subjects also. If additional matters come up at a later time, they may become the subjects of a Special Town Meeting which may be called by the Selectmen or by citizens' petition.

## The Warrant

The Warrant is the notice to the voters of matters to be considered and acted on at an Annual or Special Town Meeting. Sometimes the articles in the Warrant are quite general and sometimes they are very detailed and specific. Town departments and officials may request of the Board of Selectmen the insertion of articles in the Warrant during the period in which the Selectmen publicly declare that the Warrant is "open." Citizens may also petition to place articles on an "Annual Town Meeting" Warrant. Petitions require 10 signatures of registered voters for an Annual Town Meeting Warrant or 100 signatures of voters for a Special Town Meeting. A copy of the Warrant is posted by a Constable at the Town Hall, Post Office, Police Station, McNabb's Pharmacy, and Mel's Barber Shop at least 14 days before any Town Meeting.

In the Warrant, the Selectmen call the Meeting to convene at a certain time and place within Pepperell, usually at the Varnum Brook Middle School. If the Meeting does not complete its business in its first session, the Meeting will decide to what date and time it wishes to adjourn. However, the Selectmen generally have suggested additional dates, reserved the facilities and made arrangements for public address systems and the like so the Meeting usually decides to reconvene on the dates suggested by the Selectmen.

## Annual Town Meeting

Pepperell holds one Annual Town Meeting (ATM) the first Monday in May, primarily consisting of financial articles and the budget. The meeting usually adjourns to a Special Town Meeting, called for by the Board of Selectmen to take care of any financial matters from the previous fiscal year. The ATM is called to order at 7:30 PM. There is a quorum requirement of 75 for Town Meetings, which means the meeting can not begin until there are 75 registered voters in attendance.

## Special Town Meeting

Special Town Meetings (STM) may be called by the Board of Selectmen or by any person by petition to the Selectmen. Petitions require 200 signatures, or 20% of the registered voters, whichever is less. These meetings usually reflect the specific need of a group or committee; however, once the Warrant is opened, other business may be added to this meeting by a vote of the Board of Selectmen or by a petition with 100 signatures of registered voters. The Board of Selectmen must call the meeting for a date no later than 45 days after the petition is filed. STM must be publicized and announced early enough to alert all citizens. There is a quorum requirement of 75 needed to open a Special Town Meeting.

## Rules and Procedures of Town Meeting

Pepperell's rules are those established in the book Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Both books are available for reference at the Lawrence Library.

## The Moderator

Town Meeting is conducted by the Moderator, an elected position with a term of three years. The Moderator serves as the presiding officer, regulating the proceedings, deciding all questions of order and making public declaration of all votes. The vote recorded by the Town Clerk is the official vote. The Moderator's goal is to conduct the Town Meeting in a fair yet expeditious manner, allowing all points of view a fair hearing while still keeping the process moving.

## Town Meeting Agenda

The voter should take a copy of the Warrant, as well as separate copies of information regarding each article, available in the lobby at the entrance to the auditorium. The Warrant is the official agenda for the ATM. A copy of the Warrant is given to all committee members, and is available for the public at the Town Hall prior to the Town Meeting.

The printed Warrant contains all the articles for consideration, together with such recommendations to the Town as were available from the Capital Program Committee, Finance Committee and the Selectmen. The voter needs the Finance Committee Report and the handouts since the Moderator generally refers to articles by subject matter only, and frequently will not read the full text of motions to be made under the articles, but may refer instead to the Warrant.

Articles are usually considered in the order in which they appear in the Warrant. The articles appear in the Warrant in no particular order, randomly placed by the Selectmen. The Selectmen determine the order in which articles are placed on the Warrant taking into consideration appropriateness of subject matter, the need for professional support personnel, such as engineering consultants, to be present, and other relevant interests. Articles dealing with similar subject matter are often grouped together: financial, school, planning and zoning, etc.

There are occasions when common sense or expediency dictates that articles should be considered in a different order from that in the Warrant and the Meeting has the power to change the order. If the desired change is to defer consideration of an article, it may be accomplished by a "motion to postpone action" until after a specified article. If the desired change is advancement of a later article, it may be presented as a main motion if, and only if, no other motion is pending. Votes to change the order of consideration normally require majority vote for passage, but if the motion is mere jockeying for position, the Moderator may, under his power to regulate the proceedings, require a two-thirds vote. A motion "to postpone *indefinitely*" or a motion to "take no action" effectively kills action on an article.

## Articles and Motions

To vote effectively at Town Meeting requires both understanding the issues and understanding the wording of the motion on which one is voting. An *article* (as printed in the Warrant and Capital Program Committee & Finance Committee Report) describes the subject under discussion, while a *motion* made under the article describes the specific action on which one is voting. In some cases the article fully and accurately describes the action, and the motion may simply be "to take affirmative action under article \_\_\_\_." Motions must be seconded before discussion may begin or a vote taken. The group or groups submitting the motion for consideration may make a presentation of the article.

Frequently it happens that the wording of a *motion* differs from the wording of an *article*. The wording of the article must be settled prior to the close of the Warrant. The Moderator will not allow any expansion of the intent of the article since the voters must be properly warned in advance of actions they will be asked to approve. Great efforts are made to have the wording of motions in hand a few days before ATM in order to permit review by the Moderator and Town Counsel.

## Speaking on a Motion

When speaking on a motion, a voter must be recognized by the Moderator and go to the microphone, if one is available, and give name and address and committee association (if speaking on behalf of a committee). All remarks and questions should be addressed to the Moderator. When it is apparent that several people wish to be heard, lining up expedites the proceedings. In recognizing persons who wish to speak, the Moderator gives preference to those who have not already spoken on the article currently under discussion.

Within the general framework of parliamentary procedures, as presented in ATM, the goal of the Moderator is basic fairness in the consideration of issues before the ATM. This does not mean that everyone who wishes to speak will be heard. The Meeting decides that it has heard enough discussion and is ready to vote.

A motion may be made from the floor to "move the question." Such a motion must be seconded, there is no further debate, and must be voted on immediately. The Moderator will not hear a motion to move the question if it is presented at the end of a statement or opinion.

## Amendments

If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must present exactly how the voter wishes to change the motion so that the Moderator can know exactly what it is the voter wants to move before ruling on the motion. A voter who wishes to amend a *main motion* must have the amendment in writing and available to hand to the Moderator *before* rising to be recognized and offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - the Moderator may rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" of the article.

An amendment may consist of adding, deleting or substituting words in the motion. It may take the form of a "motion to substitute" a different motion. Sometimes a speaker tries to amend "the article," but this is improper language. It is the motion on the floor, not the article on the Warrant, that is to be amended.

A motion to amend requires only a majority vote, even though the motion to be amended may require two-thirds or more for final passage.

## Size of Vote

A majority vote is required for passage of a motion unless otherwise specified. Most votes are voice votes, the results determined by the Moderator.

Any seven voters who doubt a voice vote result as announced by the Moderator have the right to require a division of the Meeting with a standing vote. This action must be taken immediately after the Moderator declares the vote result. A standing vote simply means a visual counting of "yes" or "no" votes by raised hands, or members asked to vote by standing. These votes are counted by Tellers, registered voters in attendance who come forward and are sworn in by the Town Clerk to count the vote.

Some motions require a two-thirds vote for passage. Included in this category are votes which authorize borrowing, property transfers, and zoning bylaw changes. A few motions require even higher levels of affirmative vote for passage.

## Ballot Voting

While most voting on government matters takes place at Town Meeting, ballot voting does exist in Pepperell for these occasions:

- \* Local, State, National elections
- \* Funding for expenditures approved at Annual or Special Town Meeting that go beyond the *levy limit*; these require an *override*, a *capital outlay exclusion* or a *debt exclusion*.
- \* The *levy limit* is a restriction on the amount of property tax a community may levy. Under state law (Proposition 2½), a community may not increase taxes more than 2½% over the previous year's levy (plus the value of any new growth that has occurred in the Town) and may not levy more than 2½% of the total full and fair cash value of all taxable real and personal property in the community.
- \* An *override* seeks a permanent increase in the levy limit of a community.
- \* A *capital outlay exclusion* seeks a temporary increase over the levy limit to raise funds for the cost of a specific capital project
- \* A *debt exclusion* seeks to add to the levy limit an amount equal to the annual debt service for a specific project; the increase continues only for the life of the debt.
- \* Certain other main issues.

For local elections, the ballot vote is held on the fourth Monday of April. The polling center is open from 7 a.m. to 8 p.m.

## Voter Registration

Residents may register to vote at the Town Clerk's office in Town Hall in Pepperell or at any other Town Hall in the State. You may only vote in the town you choose to register to vote in. Voters must be registered to vote for Town Meetings 20 days before the Annual Town Meeting and 10 days before the Special Town Meeting. On the last day, the registrars of voters must hold a registration. Once registered, voters are always registered unless you move to another

town. However, failure to respond to the Census could cause your name to be placed on the inactive voting list by requirement of the office of Secretary of State. Special registration dates are announced by the Town Clerk.

### Miscellaneous Matters

The tables in the lobby are reserved for materials voters will need for the Meeting such as copies of motions, the Finance Committee Report and Recommendations, Capital Program Committee Report and Recommendations and similar materials. Within the limits of available space, persons wishing to distribute materials relating to matters to be considered at the Meeting may place copies on the tables. People wishing to distribute information usually contact the Selectmen's office first; such materials must be cleared in advance by the Moderator. Sufficient copies must be provided for all voters who attend the Meeting. Individual distribution of materials, signing of petitions and similar activities must be done outside the lobby space, in order to permit orderly check-in by voters and efficient distribution of materials needed for the Meeting.

In addition to Town Meeting, Pepperell's municipal government is made up of many officials and committees, of which approximately 75% are appointed by the Board of Selectmen. A few positions are appointed by the Moderator. Together, these officials conduct the business of the Town, providing administrative, public health and safety, financial, utility, recreation and other services.

### Broadcast

ATM and STM are taped for broadcast on local Pepperell access cable channel 15.

### Refreshments

Refreshments are made available at Town Meetings by various civic groups in town as a fundraising event for that group. Those interested in providing refreshments should contact the Board of Selectmen's office prior to a Town Meeting.