

**PRESENT:** Select Board Members Margaret Scarsdale, Tony Beattie and Mark Mathews; Town Administrator, Andrew MacLean; Executive Assistant, Tracie Looney

This meeting was remote participation only. The meeting was called to order at 7:00 PM. Pledge of Allegiance was said. Ms. Scarsdale announced that the meeting is being recorded for re-broadcast by Pepperell Community Media and is being remotely attended by audience members via GoTo Meeting.

**1. AGENDA PACKET (Please see the following link to documents related to agenda items below.)**  
[https://town.pepperell.ma.us/AgendaCenter/ViewFile/Agenda/\\_05102021-2876?packet=true](https://town.pepperell.ma.us/AgendaCenter/ViewFile/Agenda/_05102021-2876?packet=true)

**2. ACCEPTANCE OF MINUTES**

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to accept and release the meeting minutes of March 22, 2021 as written.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to accept and release the meeting minutes of April 12, 2021 as written.

**3. BILL AND PAYROLL WARRANTS**

Since the last meeting the Select Board have approved the following payroll and bill warrants:

- April 28, 2021 payables warrant #43B was signed for \$196,257.86
- April 29, 2021 payroll warrant #44A was signed for \$268,758.23
- May 5, 2021 payables warrant #44B was signed for \$215,209.78

**4. APPOINTMENTS / RESIGNATIONS**

The Select Board has received an application from resident Laura Romano to fill a vacancy on the Disability Commission. Ms. Romano was in attendance to answer any questions from the Board.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to appoint Laura Romano to the Disability Commission with the term to expire June 30, 2023.

**5. PUBLIC COMMUNICATIONS**

**Written Submittals:** The TA reviewed the following submittals:

- Letter from Resident Virginia Malouin regarding Stormwater rates
- Nextera Energy Services Memo
- Charter Communication Memos
- Timothy Brothers Memo regarding Town Light survey

**Audience Comments:** None at this time.

**6. REPORTS**

**6.1 Town Administrator's Report**

Please see the following link to the Town Administrator's report.

<https://town.pepperell.ma.us/DocumentCenter/View/6261/TA-Report-2021-05-10>

**6.2 Select Board's Report**

Mr. Mathews has been studying the open meeting laws and meeting Town employees.

Ms. Scarsdale has been working on the One Stop grant application as well as preparing for the Citizen Engagement Night that will discuss the warrant articles on June 3<sup>rd</sup> at 7:00 PM.

Mr. Beattie had discussed the Mass Food System Collaborative.

North Middlesex Council of Governments requests support for being designated the regional economic development partner by the federal Department of Commerce.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to endorse the request and provide the letter of support requested.

**7. DISCUSSION / ACTION ITEMS**

**7.1 Department of Public Works Response to PFAS**

Water Department staff and MassDEP officials provided information about the required educational response to PFAS in the Town of Pepperell. Ken Kalinowski, Town Engineer, was in attendance to speak to the Board about PFAS and what it means to the Town's water quality. Two of the Town's wells, Jersey Street and Nashua Road, recently detected levels of PFAS. Mary Jude Pigsley, Regional Director from MassDEP gave a presentation regarding PFAS. The Town will be distributing information to the residents regarding PFAS. Discussion with audience regarding the safety of the Town's water. No action taken by the Board.

**7.2 Climate Change Regionalization Invitation**

Mr. Beattie requested endorsement of a draft letter intended to be sent to the Select Boards of towns throughout the region inviting them to a regional climate change meeting to be hosted by Pepperell's Climate Change Council.

**7.3 Mosquito Spraying Discussion**

At the April 27, 2021 Select Board Meeting the Board considered opting out of the 2021 State Reclamation and Mosquito Control Board (SRMCB) aerial mosquito spraying program. Opting out requires the approval of an alternate plan for mosquito management. The Pepperell Board of Health has begun developing the alternate plan. Board of Health member Renee D'Argento was in attendance to speak to the Board regarding the draft application for the Alternate Mosquito Management Plan and submitting it to the Executive Office of Energy and Environmental Affairs. Public comment was collected in both written form and by audience members participating remotely.

On a motion made by Ms. Scarsdale and seconded by Mr. Mathews, it was unanimously voted to have the Town of Pepperell opt-out of all aerial mosquito spraying for the 2021 State Reclamation Mosquito Control Board program. This motion was made on May 10, 2021, at a publicly posted meeting of the Pepperell Select Board. Public comment on mosquito spraying was solicited and received from throughout the community for tonight's meeting. The Town understands that this opt-out is conditioned on the state approving an alternate mosquito management plan.

**7.4 Annual Town Meeting Warrant Articles**

The Town Administrator reviewed with the Board the Annual Town Meeting Warrant Articles and will be asking for the Board's recommendation for each article. The articles will be approved once Town Council has reviewed the final wording.

**ARTICLE X - SCHOOL STABILIZATION FUND**

To see if the Town of Pepperell will approve the establishment of a stabilization fund by the North Middlesex School District commencing July 1, 2021, pursuant to G.L. c. 71, Sec. 16G1/2, or take any other action with respect thereto.

**Explanation:** *This article will create a stabilization fund for the regional school district. The district may add up to five percent of its annual budget into said fund. A two-thirds majority of the school committee is required to expend funds from the amount available. Earned interest is retained in the fund.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, School Stabilization Fund.

**ARTICLE X – FISCAL YEAR 2021 FREE CASH APPROPRIATION (FY2021 Deficits)**

To see if the Town will vote to appropriate \$167,428.00 from Free Cash certified as of July 1, 2020, or take any other action relative thereto.

Snow and Ice Removal		\$82,428.00	
Town Hall Waste Water repair		\$85,000.00	Includes lining and top coat paving

**Explanation:** *The following appropriation from free cash is needed to cover costs associated with Snow and Ice Removal and Sewer Line Repair at Town Hall.*

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to recommend appropriating \$167,428.00 from Free Cash to the FY2021 General Fund to fund the extraordinary costs of snow and ice removal and the emergency sewer line repair at Town Hall.

**ARTICLE X – FISCAL YEAR 2021 FREE CASH APPROPRIATION (New requests)**

To see if the Town will vote to appropriate \$430,000.00 from Free Cash certified as of July 1, 2020, or take any other action relative thereto.

OPEB Funding		\$50,000.00	
Master Plan		\$25,000.00	
Owner's Project Manager		\$180,000.00	For Public Safety building project
General Stabilization		\$125,000.00	Replacing the money used on the PF in 2019-2020
Conservation Land Trust		\$50,000.00	Set aside for future land purchases

**Explanation:** *The following appropriation from free cash is requested for the stabilization funds and project costs listed.*

*This recommendation will be voted as four separate articles at the Town Meeting and the Select Board recommendations may also be separate for each.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend appropriating \$50,000.00 from Free Cash and depositing it into the OPEB Trust.

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to recommend appropriating \$25,000.00 from Free Cash for the Master Plan Implementation.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend appropriating \$180,000.00 from Free Cash for the Safety Building Owner's Project Manager costs.

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to recommend appropriating \$125,000.00 from Free Cash and depositing it into the General Stabilization.

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to recommend appropriating \$50,000.00 from Free Cash and depositing it into the Conservation Trust.

**ARTICLE X - FISCAL YEAR 2022 TOWN GENERAL FUND BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds \$31,128,882.08 to defray the regular expenses of the Town for the Fiscal Year July 1, 2021 through June 30, 2022 for General Government, Public Safety, Nashoba Valley Technical High School, North Middlesex Regional School District, Public Works, Human Services, Culture & Recreation, Debt Service & State Assessments, Employee Benefits & Insurance, and Capital Outlay, or take any other action relative thereto.

**Explanation:** *The Town Administrator shall submit to the Select Board and Finance Committee a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message. The budget shall provide a financial plan for all general fund activities in such a format as the Finance Committee may suggest.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Town General Fund Budget.

**ARTICLE X - FISCAL YEAR 2022 SEWER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds \$2,777,890.00 to defray the regular expenses of the Sewer Enterprise Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2021 through June 30, 2022 or take any other action relative thereto.

**Explanation:** *This article is to comply with Massachusetts General Laws Chapter 44, Section 53 F1/2 Enterprise Funds which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Sewer Enterprise Fund.

**ARTICLE X - FISCAL YEAR 2022 WATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds \$2,301,200.00 to defray the regular expenses of the Water Enterprise Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2021 through June 30, 2022, or take any other action relative thereto.

**Explanation:** *This article is to comply with Massachusetts General Laws Chapter 44, Section 53 F1/2 Enterprise Funds which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Water Enterprise Fund.

**ARTICLE X – FISCAL YEAR 2022 TRANSFER STATION ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds \$370,097.00 to defray the regular expenses of the Transfer Station Enterprise Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2021 through June 30, 2022, or take any other action relative thereto.

**Explanation:** *This article is to comply with Massachusetts General Laws Chapter 44, Section 53 F1/2 Enterprise Funds which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Transfer Station Enterprise Fund.

**ARTICLE X - FISCAL YEAR 2022 STORM WATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds \$259,272.00 to defray the regular expenses of the Storm Water Enterprise Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2021 through June 30, 2022, or take any other action relative thereto.

**Explanation:** *This article is to comply with Massachusetts General Laws Chapter 44, Section 53 F1/2 Enterprise Funds which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Storm Water Enterprise Fund.

**ARTICLE X – STORM WATER BYLAW**

To see if the Town will vote to accept a Storm Water By Law under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statute, and the regulations under the Federal Clean Water Act including 40 CFR 122.34.

**Explanation:** *The purpose of this bylaw is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the municipal storm drain system, as well as to control the adverse effects of construction site stormwater runoff and post-construction stormwater runoff.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Storm Water Bylaw.

**ARTICLE X – AFFORDABLE HOUSING TRUST**

To see if the Town will vote to accept Massachusetts General Law Chapter 44, Section 55C and to authorize the Select Board to establish a Trust, to be known as the Pepperell Affordable Housing Trust Fund, for the purpose of creating and preserving affordable housing in Pepperell for the benefit of low- and moderate-income households or take any other action relative thereto.

**Explanation:** *Acceptance of an Affordable Housing Trust is a recommendation in both Pepperell's Master Plan and Certified Housing Production Plan. Adoption of GL 44, section 55C is required before creating the Trust.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Affordable Housing Trust.

**ARTICLE X - OUTDOOR LIGHTING BYLAW**

To see if the Town will vote to adopt an Outdoor Lighting Bylaw, a copy of which is shown in Appendix A to this warrant, or take any other action relative thereto.

**Explanation:** *The Town of Pepperell Light, Air, and Noise Committee drafted this bylaw. The Town of Pepperell hereby finds and determines that the welfare and enjoyment of Pepperell is associated with its rural character, including its nighttime ambience. It is recognized that light pollution, as defined in this Bylaw, is a nuisance to the residents of Pepperell as it negatively impacts human health and contributes to the loss of our night-sky heritage. Preserving and protecting the night sky enhances the general well-being of residents, as well as the use and enjoyment of property, through the use of appropriate lighting practices.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was voted to recommend Article X, Outdoor Lighting Bylaw. Mr. Mathews voted nay.

**ARTICLE X – FISCAL YEAR 2022 STORM WATER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS**

To see if the Town will vote to authorize the use of retained earnings to fund a grant match for the Stormwater Enterprise Fund, in accordance, with the provisions of MA General Law Chapter 44, Section 53F1/2.

**Explanation:** *The Town of Pepperell has been placed on the MassDEP Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) for a \$150,000.00 Stormwater Asset Management Plan grant. This grant will defray the cost of a project that is necessary for the Town to achieve compliance with the federal Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System /Municipal Separate Storm Sewer System (NPDES / MS4) permit. Accepting this grant requires a \$45,000.00 cash match from the Town, which is proposed to be funded from the Stormwater Enterprise Fund's retained earnings. The state requires that the matching funds be appropriated by June 30, 2021.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, Fiscal Year 2022 Storm Water Enterprise Fund Retained Earnings Appropriations.

**ARTICLE X – ESTABLISHMENT OF AN AGRICULTURAL COMMISSION**

To see if the Town will vote to amend the Right to Farm Bylaw, removing Section III(B) and Section IV and adopting Massachusetts General Laws Part 1, Title VII, Chapter 40, Section 8L: Municipal Agricultural Commission.

**Explanation:** The Agricultural Advisory Board has requested that the AAB be converted to an Agricultural Commission.

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to recommend Article 16, Establishment of an Agricultural Commission.

**ARTICLE X – SALARY ADMINISTRATIVE PLAN**

To see if the Town will vote to amend its Non-Union Compensation Plan established pursuant to Chapter 41, Section 108A, of the Massachusetts General Laws, and Pursuant to Chapter 31 of the Code of the Town of Pepperell, by increasing the current table to reflect a 1.3% cost of living increase effective July 1, 2021.

**Explanation:** The existing non-union salary table does not have a cost of living increase built into it.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to amend the Non-Union Compensation Plan of the Code of the Town of Pepperell, by increasing the current table to reflect a 1.3% cost of living increase effective July 1, 2021.

**7.5 Community Discussion Meeting Schedule**

The Select Board is planning to hold meetings on selected topics to garner community input. These meetings may be workshop style and not general business meetings. The Board discussed times and dates for a future PFAS meeting.

**7.6 Non- Union Wage COLA**

The Town Administrator requested a review of and support for a modest Cost of Living Adjustment (COLA) for the non-union employee wage table. The current step table, developed in 2018, does not have a set COLA included. The Board discussed the range of % increases that they felt appropriate.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to amend the Non-Union Compensation Plan of the Code of the Town of Pepperell, by increasing the current table to reflect a 1.3% cost of living increase effective July 1, 2021.

**8. ADJOURNMENT**

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to adjourn the meeting at 11:07 PM.

Respectfully submitted,

Tracie Looney, Executive Assistant

**APPROVED:**

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Margaret Scarsdale, Chair

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Tony Beattie, Clerk

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Mark Mathews, Member

Approved: