

## 2015 ANNUAL TOWN MEETING – May 4, 2015

*The Annual Town Meeting was called to order at 7:30 p.m. by Scott N. Blackburn, Moderator.*

*The Meeting said the Pledge of Allegiance.*

*The Town Clerk, Lisa M. Ferolito, read the notice of the posting of the warrant.*

*Registrars checking voters in were Jane E. Eshleman, Kathryn P. Pries, and Sharon T. Tetreault.*

*Counters were Christopher F. DeSimone and Debbie J. Nutter.*

*The Moderator announced that a quorum was present and announced the location of exits.*

### 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 4<sup>th</sup> of May, A.D. 2015 at 7:30 PM to act on the following articles:

### ANNUAL TOWN MEETING May 4, 2015

#### PRELIMINARY MOTION:

#### **Motion by: Stephen C. Themelis, Board of Selectmen**

I move that the Moderator may allow non-voters or non-residents to speak on issues related to Town Meeting warrant articles where appropriate.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

#### ARTICLE 1

#### FY 2015 FREE CASH APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from Free Cash certified as of 7/1/14, or take any other action relative thereto.

*This article is necessary to cover the FY2015 Snow & Ice expenditures in excess of the appropriated amount of \$180,000 which is allowed according to MA General Law Chapter 44 Section 31D Snow and Ice Removal, with the approval of the Selectmen and the Finance Committee, and must be covered by available funds or raised in the FY2016 tax rate. The recommendation is to use Free Cash to cover the deficit in order to use all monies raised within the FY2016 tax rate for the General Fund Operating Budget. Recommended by Finance Committee.*

**Motion by: Stephen C. Themelis, Board of Selectmen**

I move that the Town vote to transfer and appropriate \$236,798.52 from Free Cash certified as of 7/1/14 to the following FY15 accounts:

<u>From</u>	<u>To</u>	<u>Amount</u>
Free Cash	FY15 Snow & Ice – Wages	\$ 23,313.14
Free Cash	FY15 Snow & Ice – Expenses	\$213,485.38
<b>TOTAL</b>		<b>\$236,798.52</b>

*Motion required a majority and passed by unanimous voice vote.*

*Motion Carried*

## **ARTICLE 2 RESCIND AUTHORIZED BORROWINGS**

To see if the Town will vote to rescind the following borrowings which were authorized at Town meeting as listed below, but remain unissued, or take any other action relative thereto:

\$ 1,700,000 – Article 33 ATM 5/4/98 Sewer Extension – Nashua Road  
\$ 300,000 – Article 25 STM 10/19/98 Sewer Extension – Lowell Road  
\$ 54,000 – Article 18 STM 10/28/02 Sewer Extension – Park Street  
\$ 20,000 – Article 24 ATM 5/3/04 Water Mains – Lowell Road  
**\$ 2,074,000 – TOTAL**

*The projects listed are complete and no longer in need of these borrowing authorizations. This is a long overdue housekeeping article which, if approved, will remove these authorized debts from the Town's records and improve the Town's bond rating for future projects. The Nashua Road project was re-voted at the May 2008 Special Town Meeting under Article 5 for \$1,322,000 and was financed with an MWPAT loan. The Lowell Road Sewer Extension project had an original authorization of \$1,970,000 under Article 10 of the May 1995 Annual Town Meeting, as well as an additional authorization of \$600,000 under Article 25 of the October 1998 Special Town Meeting of which only \$300,000 was needed. The amounts listed for the Park Street project and the Lowell Road Water Mains project were also more than needed and require a vote to rescind. Recommended by Finance Committee.*

**Motion by: Gregory J. Rice, Board of Public Works**

I move that the Town vote to rescind the unissued borrowing amounts listed above which were authorized at prior Town Meetings (1998 to 2004) for projects that are now complete.

*Motion required a majority and passed by unanimous voice vote.*

*Motion Carried*

## **ARTICLE 3 TOWN OFFICERS AND COMMITTEES**

To choose all Town Officers and Committees for the ensuing year (July 1, 2015 - June 30, 2016) not required to be elected by ballot.

*Recommended by Finance Committee.*

**Motion by: Michelle R. Gallagher, Board of Selectmen**

I move that the Town vote to choose all Town Officers and Committees for the ensuing year (July 1, 2015- June 30, 2016) not required to be elected by ballot.

*Motion required a majority and passed by unanimous voice vote.*

*Motion Carried*

**ARTICLE 4  
ELECTED OFFICIALS COMPENSATION**

To see if the Town will vote to fix the salary and compensation of Elected Officers of the Town for the Fiscal Year July 1, 2015 - June 30, 2016, as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; or take any other action relative thereto.

Salaries of the Elected Officers are included in the Departmental Appropriations.

<b>Elected Official</b>	<b>Voted Salaries 7/1/14-6/30/15</b>	<b>Requested Salaries 7/1/15-6/30/16</b>	<b>Recommended Salaries 7/1/15-6/30/16</b>
Town Clerk Range \$53,008*-\$59,610	\$54,762	\$55,857	\$55,857

\* Shall be the minimum pay for anyone who is not the incumbent officeholder as of 7/1/15 and who is appointed or elected during the fiscal year. The above salary recommendations to become effective under the dates specified above.

*Recommended by Finance Committee.*

**Motion by: Melissa M. Tzanoudakis, Board of Selectmen**

I move that the Town vote to fix the salary and compensation of Elected Officers of the Town for the Fiscal Year July 1, 2015 – June 30, 2016, as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, as set forth in the official Warrant of the Annual Town Meeting.

*Motion required a majority and passed by unanimous voice vote.*

*Motion Carried*

**ARTICLE 5  
TOWN GENERAL FUND BUDGET FISCAL YEAR 2016**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to defray the regular expenses of the Town for the Fiscal Year July 1, 2015 through June 30, 2016 for General Government, Public Safety, Education, Public Works and Facilities, Human Services, Culture and Recreation, Debt Service, Employee Benefits & Insurance, and Capital Outlay, or take any other action relative thereto.

*Recommended by Finance Committee.*

**ANNUAL TOWN  
MEETING - 5/4/15**

<b>DEPT. NO.</b>	<b>DEPARTMENT/ ACCOUNT NAME</b>	<b>BUDGET FY2015</b>	<b>DEPARTMENT REQUEST FY2016</b>	<b>BOS/TOWN ADMIN RECOMMEND FY2016</b>
<b>PART I</b>	<b>GENERAL GOVERNMENT</b>			
<b>12200</b>	<b>SELECTMEN</b>			
	Salaries, Elected Officials	0	0	0
	Other Charges and Expenses	\$1,400	\$1,400	\$1,400
		<hr/> \$1,400	<hr/> \$1,400	<hr/> \$1,400
<b>12900</b>	<b>TOWN ADMINISTRATOR</b>			
	Labor and Related	\$143,044	\$159,661	\$159,661
	Services and Supplies	\$2,550	\$2,700	\$6,250
		<hr/> \$145,594	<hr/> \$162,361	<hr/> \$165,911
<b>13100</b>	<b>FINANCE COMMITTEE</b>			
	Wages, Hourly	\$0	\$300	\$0
	Supplies	\$0	\$0	\$0
	Other Charges and Expenses	\$0	\$0	\$0
		<hr/> \$0	<hr/> \$300	<hr/> \$0
<b>13200</b>	<b>RESERVE FUND</b>			
	Other Charges and Expenses	\$79,074	\$99,700	\$80,011
		<hr/> \$79,074	<hr/> \$99,700	<hr/> \$80,011
<b>13500</b>	<b>ACCOUNTANT</b>			
	Labor and Related	\$107,925	\$109,399	\$109,401
	Services and Supplies	\$28,700	\$29,607	\$28,700
		<hr/> \$136,625	<hr/> \$139,006	<hr/> \$138,101
<b>13600</b>	<b>AUDIT</b>			
	Services and Supplies	\$25,000	\$20,625	\$20,625
		<hr/> \$25,000	<hr/> \$20,625	<hr/> \$20,625

<b>14100</b>	<b>ASSESSORS</b>			
	Labor and Related	\$82,052	\$83,619	\$83,620
	Services and Supplies	\$26,864	\$27,700	\$23,650
		<hr/>	<hr/>	<hr/>
		\$108,916	\$111,319	\$107,270
<b>14200</b>	<b>GIS</b>			
	Services and Supplies	\$6,850	\$10,350	\$10,350
		<hr/>	<hr/>	<hr/>
		\$6,850	\$10,350	\$10,350
<b>14500</b>	<b>TREASURER COLLECTOR</b>			
	Labor and Related	\$136,830	\$133,494	\$133,495
	Services and Supplies	\$17,635	\$17,635	\$17,635
		<hr/>	<hr/>	<hr/>
		\$154,465	\$151,129	\$151,130
<b>15100</b>	<b>LAW DEPARTMENT</b>			
	Services and Supplies	\$22,000	\$22,000	\$15,500
		<hr/>	<hr/>	<hr/>
		\$22,000	\$22,000	\$15,500
<b>15200</b>	<b>PERSONNEL BOARD</b>			
	Services and Supplies	\$1,300	\$1,300	\$1,300
		<hr/>	<hr/>	<hr/>
		\$1,300	\$1,300	\$1,300
<b>15500</b>	<b>INFORMATION SYSTEMS TECH</b>			
	Labor and Related	\$58,500	\$78,952	\$78,953
	Services and Supplies	\$11,375	\$28,010	\$10,375
		<hr/>	<hr/>	<hr/>
		\$69,875	\$106,963	\$89,328
<b>15700</b>	<b>CENTRAL TELEPHONE</b>			
	Services and Supplies	\$33,600	\$29,253	\$27,253
		<hr/>	<hr/>	<hr/>
		\$33,600	\$29,253	\$27,253
<b>15800</b>	<b>TAX TITLE / FORECLOSURE</b>			
	Services and Supplies	\$9,000	\$9,000	\$4,500
		<hr/>	<hr/>	<hr/>
		\$9,000	\$9,000	\$4,500
<b>15900</b>	<b>POSTAGE METER</b>			
	Services and Supplies	\$31,500	\$31,600	\$31,500
		<hr/>	<hr/>	<hr/>

		\$31,500	\$31,600	\$31,500
<b>16100</b>	<b>TOWN CLERK</b>			
	Labor and Related	\$85,083	\$83,484	\$75,723
	Services and Supplies	\$2,274	\$3,874	\$3,080
		<hr/>	<hr/>	<hr/>
		\$87,357	\$87,358	\$78,803
<b>16200</b>	<b>ELECTIONS</b>			
	Labor and Related	\$6,000	\$6,000	\$6,000
	Services and Supplies	\$7,950	\$7,950	\$7,950
		<hr/>	<hr/>	<hr/>
		\$13,950	\$13,950	\$13,950
<b>16300</b>	<b>REGISTRATION</b>			
	Labor and Related	\$2,290	\$2,290	\$2,290
	Services and Supplies	\$4,000	\$4,000	\$4,000
		<hr/>	<hr/>	<hr/>
		\$6,290	\$6,290	\$6,290
<b>17100</b>	<b>CONSERVATION COMMISSION</b>			
	Labor and Related	\$35,079	\$40,814	\$40,814
		<hr/>	<hr/>	<hr/>
		\$35,079	\$40,814	\$40,814
<b>17500</b>	<b>PLANNING BOARD</b>			
	Labor and Related	\$39,394	\$46,096	\$46,097
	Services and Supplies	\$4,329	\$4,409	\$4,409
		<hr/>	<hr/>	<hr/>
		\$43,723	\$50,505	\$50,506
<b>17600</b>	<b>BOARD OF APPEALS</b>			
	Labor and Related	\$8,824	\$9,194	\$9,194
	Services and Supplies	\$250	\$250	\$250
		<hr/>	<hr/>	<hr/>
		\$9,074	\$9,444	\$9,444
<b>19200</b>	<b>TOWN HALL</b>			
	Labor and Related	\$42,000	\$44,982	\$44,983
	Services and Supplies	\$42,278	\$32,850	\$29,850
		<hr/>	<hr/>	<hr/>
		\$84,278	\$77,832	\$74,833
<b>TOTAL PART I - GENERAL GOVERNMENT</b>		<b>\$1,104,950</b>	<b>\$1,182,499</b>	<b>\$1,118,819</b>

**PART II****PUBLIC SAFETY**

<b>21100</b>	<b>POLICE DEPARTMENT</b>			
	Labor and Related	\$1,390,512	\$1,558,151	\$1,430,405
	Services and Supplies	\$186,703	\$197,853	\$190,853
	Capital Outlay	\$44,000	\$0	\$0
		<hr/>	<hr/>	<hr/>
		\$1,621,215	\$1,756,004	\$1,621,258
<b>22100</b>	<b>FIRE DEPARTMENT</b>			
	Labor and Related	\$172,132	\$195,077	\$195,079
	Services and Supplies	\$73,275	\$82,435	\$73,275
	Capital Outlay	\$15,000	\$0	\$0
		<hr/>	<hr/>	<hr/>
		\$260,407	\$277,512	\$268,354
<b>23100</b>	<b>AMBULANCE</b>			
	Labor and Related	\$207,918	\$330,032	\$303,199
	Services and Supplies	\$67,345	\$75,745	\$66,345
		<hr/>	<hr/>	<hr/>
		\$275,263	\$405,777	\$369,544
<b>24100</b>	<b>BUILDING AND ZONING OFFICER</b>			
	Labor and Related	\$63,449	\$70,296	\$70,296
	Services and Supplies	\$2,281	\$2,350	\$2,350
		<hr/>	<hr/>	<hr/>
		\$65,730	\$72,646	\$72,646
<b>24200</b>	<b>GAS INSPECTOR</b>			
	Labor and Related	\$6,361	\$7,581	\$7,581
	Services and Supplies	\$0	\$300	\$250
		<hr/>	<hr/>	<hr/>
		\$6,361	\$7,881	\$7,831
<b>24300</b>	<b>PLUMBING INSPECTOR</b>			
	Labor and Related	\$6,811	\$7,519	\$7,519
	Services and Supplies	\$0	\$300	\$250
		<hr/>	<hr/>	<hr/>
		\$6,811	\$7,819	\$7,769
<b>24400</b>	<b>SEALER OF WEIGHTS AND MEASURES</b>			
	Labor and Related	\$4,730	\$4,825	\$4,825
	Services and Supplies	\$175	\$175	\$125
		<hr/>	<hr/>	<hr/>

		\$4,905	\$5,000	\$4,950
<b>24500</b>	<b>WIRING INSPECTOR</b>			
	Labor and Related	\$11,890	\$12,347	\$11,890
	Services and Supplies	\$0	\$300	\$250
		<u>\$11,890</u>	<u>\$12,647</u>	<u>\$12,140</u>
<b>25100</b>	<b>COMMUNICATIONS CENTER</b>			
	Labor and Related	\$304,156	\$289,073	\$289,074
	Services and Supplies	\$16,765	\$17,815	\$16,765
		<u>\$320,921</u>	<u>\$306,888</u>	<u>\$305,839</u>
<b>29100</b>	<b>EMERGENCY MANAGEMENT</b>			
	Services and Supplies	\$6,680	\$8,975	\$8,225
		<u>\$6,680</u>	<u>\$8,975</u>	<u>\$8,225</u>
<b>29200</b>	<b>ANIMAL CONTROL OFFICER</b>			
	Labor and Related	\$22,359	\$22,964	\$17,934
	Services and Supplies	\$7,050	\$6,150	\$6,150
		<u>\$29,409</u>	<u>\$29,114</u>	<u>\$24,084</u>
<b>29300</b>	<b>SAFETY AND TRAFFIC SIGNS</b>			
	Services and Supplies	\$3,838	\$4,000	\$3,838
		<u>\$3,838</u>	<u>\$4,000</u>	<u>\$3,838</u>
<b>29400</b>	<b>FOREST WARDEN</b>			
	Capital Outlay	\$2,000	\$0	\$0
		<u>\$2,000</u>	<u>\$0</u>	<u>\$0</u>
<b>29600</b>	<b>CONSTABLES</b>			
	Services and Supplies	\$350	\$350	\$350
		<u>\$350</u>	<u>\$350</u>	<u>\$350</u>
<b>TOTAL PART II - PUBLIC SAFETY</b>		<b>\$2,615,780</b>	<b>\$2,894,612</b>	<b>\$2,706,828</b>

**PART III**

**EDUCATION - NASHOBA VALLEY TECHNICAL HIGH SCHOOL**



<b>31100</b>	<b>NASHOBA VALLEY TEC HIGH SCHOOL</b>			
	Intergovernmental	\$1,412,198	\$1,698,445	\$1,698,445
		<hr/>	<hr/>	<hr/>
		\$1,412,198	\$1,698,445	\$1,698,445
<b>TOTAL PART III - EDUCATION - NVTHS</b>		<b>\$1,412,198</b>	<b>\$1,698,445</b>	<b>\$1,698,445</b>
<hr/>				
<b>PART IV</b>	<b>EDUCATION - NORTH MIDDLESEX REGIONAL SCHOOL DISTRICT</b>			
<b>32100</b>	<b>N. MIDDLESEX REG SCH DISTRICT</b>			
	Intergovernmental	\$11,841,531	\$12,732,106	\$12,732,106
		<hr/>	<hr/>	<hr/>
		\$11,841,531	\$12,732,106	\$12,732,106
<b>TOTAL PART IV - EDUCATION - NMRSD</b>		<b>\$11,841,531</b>	<b>\$12,732,106</b>	<b>\$12,732,106</b>
<hr/>				
<b>PART V</b>	<b>PUBLIC WORKS</b>			
<b>41100</b>	<b>TOWN ENGINEER</b>			
	Labor and Related	\$45,214	\$69,390	\$69,391
	Services and Supplies	\$2,395	\$59,340	\$2,435
		<hr/>	<hr/>	<hr/>
		\$47,609	\$128,730	\$71,826
<b>42200</b>	<b>HIGHWAYS-CONST &amp; MAINTENANCE</b>			
	Labor and Related	\$430,714	\$476,253	\$433,607
	Services and Supplies	\$195,688	\$202,975	\$194,438
	Capital	\$25,000	\$0	\$0
		<hr/>	<hr/>	<hr/>
		\$651,402	\$679,228	\$628,045
<b>42300</b>	<b>SNOW &amp; ICE</b>			
	Labor and Related	\$66,600	\$66,600	\$66,600
	Services and Supplies	\$113,400	\$113,400	\$113,400
		<hr/>	<hr/>	<hr/>
		\$180,000	\$180,000	\$180,000
<b>42400</b>	<b>STREET LIGHTING</b>			
	Services and Supplies	\$45,000	\$45,000	\$45,000
		<hr/>	<hr/>	<hr/>
		\$45,000	\$45,000	\$45,000

<b>42700</b>	<b>TREE CARE AND PLANTING</b>			
	Labor and Related	\$0	\$100	\$100
	Services and Supplies	\$11,130	\$16,285	\$11,130
		<hr/>	<hr/>	<hr/>
		\$11,130	\$16,385	\$11,230
<b>49100</b>	<b>CEMETERY / PARKS</b>			
	Labor and Related	\$86,114	\$84,712	\$84,712
	Services and Supplies	\$16,796	\$16,796	\$16,796
		<hr/>	<hr/>	<hr/>
		\$102,910	\$101,508	\$101,508
<b>TOTAL PART V - PUBLIC WORKS</b>		<b>\$1,038,051</b>	<b>\$1,150,851</b>	<b>\$1,037,609</b>

<b>PART VI</b>	<b>HUMAN SERVICES</b>			
<b>51100</b>	<b>BOARD OF HEALTH</b>			
	Labor and Related	\$24,982	\$23,637	\$23,638
	Services and Supplies	\$42,445	\$41,257	\$41,257
		<hr/>	<hr/>	<hr/>
		\$67,427	\$64,894	\$64,895
<b>54100</b>	<b>COUNCIL ON AGING</b>			
	Labor and Related	\$128,411	\$125,310	\$125,310
	Services and Supplies	\$36,310	\$38,855	\$35,665
		<hr/>	<hr/>	<hr/>
		\$164,721	\$164,165	\$160,975
<b>54300</b>	<b>VETERANS' SERVICES</b>			
	Labor and Related	\$7,170	\$7,323	\$7,323
	Services and Supplies	\$155,550	\$165,600	\$165,600
		<hr/>	<hr/>	<hr/>
		\$162,720	\$172,923	\$172,923
<b>TOTAL PART VI - HUMAN SERVICES</b>		<b>\$394,868</b>	<b>\$401,982</b>	<b>\$398,793</b>

<b>PART VII</b>	<b>CULTURE &amp; RECREATION</b>			
<b>61100</b>	<b>LAWRENCE LIBRARY</b>			
	Labor and Related	\$302,687	\$332,358	\$322,878
	Services and Supplies	\$114,915	\$137,751	\$119,715
	Capital	\$900	\$0	\$0

		\$418,502	\$470,109	\$442,593
<b>63100</b>	<b>SUMMER PLAYGROUND</b>			
	Labor and Related	\$0	\$2,850	\$2,850
		\$0	\$2,850	\$2,850
<b>63200</b>	<b>COMMUNITY CENTER</b>			
	Labor and Related	\$20,366	\$18,471	\$18,471
	Services and Supplies	\$7,212	\$9,107	\$7,012
		\$27,578	\$27,578	\$25,483
<b>69200</b>	<b>MEMORIAL DAY CELEBRATION</b>			
	Services and Supplies	\$0	\$3,000	\$3,000
		\$0	\$3,000	\$3,000
<b>TOTAL PART VII - CULTURE &amp; RECREATION</b>		<b>\$446,080</b>	<b>\$503,537</b>	<b>\$473,926</b>
<b>PART VIII</b>	<b>DEBT SERVICE</b>			
<b>71700</b>	<b>DEBT - PARKS &amp; REC BUILDING</b>			
	Long-Term Debt	\$5,198	\$4,710	\$4,710
		\$5,198	\$4,710	\$4,710
<b>71710</b>	<b>DEBT - SENIOR CENTER</b>			
	Long-Term Debt	\$79,153	\$73,303	\$73,303
		\$79,153	\$73,303	\$73,303
<b>71800</b>	<b>DEBT-PEPP SPRINGS LAND ACQ</b>			
	Long-Term Debt	\$58,874	\$57,299	\$57,299
		\$58,874	\$57,299	\$57,299
<b>71900</b>	<b>DEBT-COMPUTER HARDWARE</b>			
	Long-Term Debt	\$4,460	\$4,260	\$4,260
		\$4,460	\$4,260	\$4,260
<b>71910</b>	<b>DEBT-FIRE DEPT RADIO</b>			

	Long-Term Debt	\$10,065	\$9,585	\$9,585
		<u>\$10,065</u>	<u>\$9,585</u>	<u>\$9,585</u>
<b>75200</b>	<b>INTEREST SHORT-TERM DEBT</b>			
	Interest on Temporary Loans	\$2,500	\$2,500	\$2,000
	Principle - Fire Truck	\$35,000	\$35,000	\$35,000
	Principle - Ambulance	\$33,000	\$33,000	\$33,000
		<u>\$70,500</u>	<u>\$70,500</u>	<u>\$70,000</u>
<b>TOTAL PART VIII - DEBT SERVICE</b>		<b>\$228,250</b>	<b>\$219,656</b>	<b>\$219,157</b>
<b>PART IX</b>	<b>EMPLOYEE BENEFITS &amp; INSURANCE</b>			
<b>91100</b>	<b>RETIREMENT ASSESSMENT</b>	\$775,000	\$801,127	\$801,127
<b>91300</b>	<b>UNEMPLOYMENT INSURANCE</b>	\$69,000	\$69,000	\$25,000
<b>91400</b>	<b>HEALTH INSURANCE</b>	\$660,000	\$707,455	\$636,865
<b>91500</b>	<b>LIFE INSURANCE</b>	\$2,000	\$2,000	\$2,000
<b>91600</b>	<b>TOWN SHARE MEDICARE</b>	\$60,000	\$60,000	\$55,000
		<u>\$1,566,000</u>	<u>\$1,639,582</u>	<u>\$1,519,992</u>
<b>94500</b>	<b>GENERAL INSURANCE</b>	\$152,335	\$152,335	\$152,335
<b>TOTAL PART IX - EMPLOYEE BENEFITS &amp; INS</b>		<b>\$1,718,335</b>	<b>\$1,791,917</b>	<b>\$1,672,327</b>
<b>PART X</b>	<b>CAPITAL OUTLAY</b>			
<b>93000</b>	<b>CAPITAL OUTLAY</b>			
	Capital Expense	\$0	\$23,237,154	\$221,000
		<u>\$0</u>	<u>\$23,237,154</u>	<u>\$221,000</u>
<b>TOTAL PART X - CAPITAL OUTLAY</b>		<b>\$0</b>	<b>\$23,237,154</b>	<b>\$221,000</b>

**SUMMARY - GENERAL FUND**

<b>PART I</b>	<b>GENERAL GOVERNMENT</b>	<b>\$1,104,950</b>	<b>\$1,182,499</b>	<b>\$1,118,819</b>
<b>PART II</b>	<b>PUBLIC SAFETY</b>	<b>\$2,615,780</b>	<b>\$2,894,612</b>	<b>\$2,706,828</b>
<b>PART III</b>	<b>EDUCATION - NASHOBA VALLEY</b>	<b>\$1,412,198</b>	<b>\$1,698,445</b>	<b>\$1,698,445</b>
<b>PART IV</b>	<b>EDUCATION - NORTH MIDDLESEX</b>	<b>\$11,841,531</b>	<b>\$12,732,106</b>	<b>\$12,732,106</b>

PART V	PUBLIC WORKS	\$1,038,051	\$1,150,851	\$1,037,609
PART VI	HUMAN SERVICES	\$394,868	\$401,982	\$398,793
PART VII	CULTURE & RECREATION	\$446,080	\$503,537	\$473,926
PART VIII	DEBT SERVICE	\$228,250	\$219,656	\$219,157
PART IX	EMPLOYEE BENEFITS & INSUR	\$1,718,335	\$1,791,917	\$1,672,327
PART X	CAPITAL OUTLAY	\$0	\$23,237,154	\$221,000
	<b>TOTAL GENERAL FUND</b>	<b>\$20,800,043</b>	<b>\$45,812,758</b>	<b>\$22,279,010</b>

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**SEWER ENTERPRISE FUND - FUND 600**

**Salary & Wages**

Salaries, Appointed Positions	\$77,000	\$77,000	\$77,000
Wages, Hourly	\$419,000	\$436,085	\$436,085
Overtime	\$59,000	\$45,000	\$45,000
Longevity	\$7,000	\$5,180	\$5,180
<b>Total Salary &amp; Wages</b>	<b>\$562,000</b>	<b>\$563,265</b>	<b>\$563,265</b>

<b>Expenses</b>	<b>\$413,550</b>	<b>\$415,250</b>	<b>\$415,250</b>
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<b>Capital Outlay</b>	<b>\$191,000</b>	<b>\$110,000</b>	<b>\$110,000</b>
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<b>Debt Service</b>	<b>\$889,525</b>	<b>\$864,688</b>	<b>\$864,688</b>
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<b>Indirect Costs</b>	<b>\$36,877</b>	<b>\$43,615</b>	<b>\$43,615</b>
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**Employee Benefits & Insurance**

Retirement	\$100,392	\$107,419	\$107,419
Unemployment	\$1,000	\$3,000	\$3,000
Health Insurance	\$72,000	\$67,151	\$67,151
Life Insurance	\$300	\$300	\$300
Medicare	\$14,000	\$10,000	\$10,000
<b>Total Employee Benefits &amp; Insur</b>	<b>\$187,692</b>	<b>\$187,870</b>	<b>\$187,870</b>

**General Liability Insurance**

Package Policy	\$21,000	\$18,000	\$18,000
Worker's Comp	\$7,000	\$6,500	\$6,500
Special Coverages	\$1,000	\$1,000	\$1,000
Deductibles	\$1,000	\$1,000	\$1,000

Total General Liability Insurance	\$30,000	\$26,500	\$26,500
Reserve Fund	\$0	\$150,813	\$150,813
<hr/>			
<b>TOTAL - SEWER ENTERPRISE FUND</b>	<b>\$2,310,644</b>	<b>\$2,362,001</b>	<b>\$2,362,001</b>
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**WATER ENTERPRISE FUND - FUND 610**

<b>Salary &amp; Wages</b>			
Salaries, Appointed Positions	\$77,000	\$77,000	\$77,000
Wages, Hourly	\$304,500	\$332,581	\$332,581
Overtime	\$64,000	\$40,000	\$40,000
Longevity	\$3,200	\$2,025	\$2,025
<b>Total Salary &amp; Wages</b>	<b>\$448,700</b>	<b>\$451,606</b>	<b>\$451,606</b>
<b>Expenses</b>	<b>\$448,015</b>	<b>\$518,000</b>	<b>\$518,000</b>
<b>Capital Outlay</b>	<b>\$185,200</b>	<b>\$90,000</b>	<b>\$90,000</b>
<b>Debt Service</b>	<b>\$322,286</b>	<b>\$296,883</b>	<b>\$296,883</b>
<b>Indirect Costs</b>	<b>\$34,659</b>	<b>\$42,000</b>	<b>\$42,000</b>
<b>Employee Benefits &amp; Insurance</b>			
Retirement	\$70,655	\$75,600	\$75,600
Unemployment	\$1,000	\$5,000	\$5,000
Health Insurance	\$55,000	\$50,000	\$50,000
Life Insurance	\$200	\$200	\$200
Medicare	\$9,200	\$9,000	\$9,000
<b>Total Employee Benefits &amp; Insur</b>	<b>\$136,055</b>	<b>\$139,800</b>	<b>\$139,800</b>
<b>General Liability Insurance</b>			
Package Policy	\$21,000	\$20,000	\$20,000
Worker's Comp	\$5,400	\$6,500	\$6,500
Special Coverages	\$5,500	\$3,000	\$3,000
Deductibles	\$1,000	\$1,000	\$1,000
<b>Total General Liability Insurance</b>	<b>\$32,900</b>	<b>\$30,500</b>	<b>\$30,500</b>
<b>Reserve Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>TOTAL - WATER ENTERPRISE FUND</b>	<b>\$1,607,815</b>	<b>\$1,568,789</b>	<b>\$1,568,789</b>
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**TRANSFER STATION ENTERPRISE FUND 620**

<b>Salary &amp; Wages</b>			
Salaries, Appointed Positions	\$17,251	\$17,504	\$17,504
Wages, Hourly	\$117,943	\$108,727	\$108,727
Overtime	\$2,500	\$2,500	\$2,500
Longevity	\$500	\$1,542	\$1,542
<b>Total Salary &amp; Wages</b>	<b>\$138,194</b>	<b>\$130,273</b>	<b>\$130,273</b>
<b>Expenses</b>	<b>\$128,850</b>	<b>\$132,450</b>	<b>\$132,450</b>
<b>Capital Outlay</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Debt Service</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Indirect Costs</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Employee Benefits &amp; Insurance</b>			
Retirement	\$25,000	\$25,000	\$25,000
Unemployment	\$0	\$0	\$0
Health Insurance	\$12,500	\$12,500	\$12,500
Life Insurance	\$0	\$100	\$100
Medicare	\$2,000	\$2,000	\$2,000
<b>Total Employee Benefits &amp; Insur</b>	<b>\$39,500</b>	<b>\$39,600</b>	<b>\$39,600</b>
<b>General Liability Insurance</b>			
Package Policy	\$6,000	\$6,000	\$6,000
Worker's Comp	\$3,000	\$3,000	\$3,000
Special Coverages	\$0	\$0	\$0
Deductibles	\$0	\$0	\$0
<b>Total General Liability Insurance</b>	<b>\$9,000</b>	<b>\$9,000</b>	<b>\$9,000</b>
<b>Reserve Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Motion by: Melissa M. Tzanoudakis, Board of Selectmen**

I move that the Town vote to appropriate \$280,135 from Free Cash and to raise and appropriate \$21,998,875 for the purpose of funding the Town General Fund Budget for the period July 1, 2015 to June 30, 2016 in accordance with the recommendation of the Town Administrator and Board of Selectmen, with each numbered Part below to be considered a separate appropriation:

Part I	General Government	\$ 1,118,819
Part II	Public Safety	\$ 2,706,828
Part III	Nashoba Valley Technical High School	\$ 1,698,445
Part IV	North Middlesex Regional School District	\$12,732,106
Part V	Public Works	\$ 1,037,609
Part VI	Human Services	\$ 398,793
Part VII	Culture & Recreation	\$ 473,926
Part VIII	Debt Service	\$ 219,157
Part IX	Employee Benefits & Insurance	\$ 1,672,327
Part X	Capital Outlay	\$ 221,000
<b>TOTAL FY2016 TOWN GENERAL FUND BUDGET</b>		<b>\$22,279,010</b>

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

*Parts I, II, III, IV, V, VI, VII, VIII, IX and X were each voted on separately, each required a majority, and each passed by majority voice vote.*

**ARTICLE 6****SEWER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to defray the regular expenses of the Sewer Enterprise Fund, in accordance, with the provisions of MA General Law Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2015 through June 30, 2016, or take any other action relative thereto.

*Recommended by Finance Committee.*

**Motion by: Gregory J. Rice, Board of Public Works**

I move that the Town vote to appropriate the following sums of money to operate the Sewer Enterprise Fund for the period July 1, 2015 to June 30, 2016 with \$2,318,386 appropriated from Enterprise Fund revenues and \$43,615 appropriated in the General Fund operating budget:

**REVENUES**

User Charges	\$1,948,620
Connection Fees	\$ 60,000
Other Departmental Revenue	\$ 18,000
Betterments	\$ 335,281
Investment Income	\$ 100
<b>TOTAL REVENUE</b>	<b>\$2,362,001</b>



**EXPENSES**

**Direct**

Salary & Wages	\$ 563,265
Expenses	\$ 415,250
Capital Outlay	\$ 110,000
Debt Service	\$ 864,688
Employee Benefits & Insurance	\$ 187,870
General Liability Insurance	\$ 26,500
Reserve Fund	\$ 150,813
<b>SUBTOTAL</b>	<b>\$2,318,386</b>

**Indirect**

Shared Employees – Town Administrator	\$ 4,059
Shared Employees – Town Accountant	\$ 18,071
Shared Employees – Assessors	\$ 1,674
Shared Employees – Treasurer/Collector	\$ 10,408
Shared Employees – Info System Tech	\$ 6,000
Other – Annual Audit of Town Books	\$ 3,403
<b>SUBTOTAL</b>	<b>\$ 43,615</b>

**TOTAL EXPENSES** **\$2,362,001**

*Motion required a majority and passed by unanimous voice vote.*

*Motion Carried*

**ARTICLE 7**

**WATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to defray the regular expenses of the Water Enterprise Fund, in accordance, with the provisions of MA General Law Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2015 through June 30, 2016, or take any other action relative thereto.

*Recommended by Finance Committee.*

**Motion by: Lewis L. Lunn, Board of Public Works**

I move that the Town vote to appropriate the following sums of money to operate the Water Enterprise Fund for the period July 1, 2015 to June 30, 2016 with \$1,577,455 appropriated from Enterprise Fund revenues and \$42,000 appropriated in the General Fund operating budget:

**REVENUES**

User Charges	\$1,421,689
Connection Fees	\$ 30,000
Other Departmental Revenue	\$ 17,000
Retained Earnings	\$ 100,000
Investment Income	\$ 100
<b>TOTAL REVENUE</b>	<b>\$1,568,789</b>

**EXPENSES**

	<b><u>Direct</u></b>	
Salary & Wages		\$ 451,606
Expenses		\$ 518,000
Capital Outlay		\$ 90,000
Debt Service		\$ 296,883
Employee Benefits & Insurance		\$ 139,800
General Liability Insurance		\$ 30,500
<b>SUBTOTAL</b>		<b>\$1,526,789</b>

	<b><u>Indirect</u></b>	
Shared Employees – Town Administrator		\$ 4,059
Shared Employees – Town Accountant		\$ 18,766
Shared Employees – Assessors		\$ 1,396
Shared Employees – Treasurer/Collector		\$ 8,407
Shared Employees – Info System Tech		\$ 6,000
Other-Annual Audit of Town Books		\$ 3,372
<b>SUBTOTAL</b>		<b>\$ 42,000</b>

**TOTAL EXPENSES** **\$1,568,789**

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 8**

**TRANSFER STATION ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to defray the regular expenses of the Transfer Station Enterprise Fund, in accordance, with the provisions of MA General Law Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2015 through June 30, 2016, or take any other action relative thereto.

*Recommended by Finance Committee.*

**Motion by: William M. Kenison, Board of Public Works**

I move that the Town vote to appropriate the following sums of money to operate the Transfer Station Enterprise Fund for the period July 1, 2015 to June 30, 2016 with \$311,323 appropriated from Enterprise Fund revenues:

**REVENUES**

User Charges	\$304,923
Other Departmental Revenue	\$ 6,300
Investment Income	\$ 100
<b>TOTAL REVENUE</b>	<b>\$311,323</b>

**EXPENSES**

	<b><u>Direct</u></b>	
Salary & Wages		\$130,273
Expenses		\$132,450

Employee Benefits & Insurance	\$ 39,600
General Liability Insurance	\$ 9,000
<b>SUBTOTAL</b>	<b>\$311,323</b>

**Indirect**

Shared Employees – Town Administrator	\$ -
Shared Employees – Town Accountant	\$ -
Shared Employees – Assessors	\$ -
Shared Employees – Treasurer/Collector	\$ -
Shared Employees – Info System Tech	\$ -
Other – Annual Audit of Town Books	\$ -
<b>SUBTOTAL</b>	<b>\$ -</b>

**TOTAL EXPENSES** **\$311,323**

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 9**

**REVOLVING FUND REPORTS – MGL CHAPTER 44, SECTION 53E1/2**

To see if the Town will vote to accept the following revolving fund reports in accordance with MA General Law Chapter 44, Section 53E1/2 or take any other action relative thereto:

**L.R.T.A. TRANSPORTATION REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY2014	\$ 5,000.00	\$ 16,289.86	\$ (21,289.86)	\$ 0.00
FY2015 – 6 months	\$ 0.00	\$ 14,155.50	\$ (13,767.36)	\$ 388.14

**SENIOR CENTER MEALS REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY2014	\$ 0.00	\$ 15,376.77	\$ (15,205.77)	\$ 171.00
FY2015 – 6 months	\$ 171.00	\$ 9,108.38	\$ ( 6,085.84)	\$ 3,193.54

*This article is to comply with MA General Law Chapter 44 Section 53E1/2 Revolving Funds which requires a report of the revolving funds be made to the annual town meeting that includes the total amount of receipts and expenditures for each revolving fund for the prior fiscal year and for the current fiscal year through December 31<sup>st</sup>. The approval of this article accepts the reports and meets the requirements of the law. Recommended by Finance Committee.*

**Motion by: Melissa M. Tzanoudakis, Board of Selectmen**

I move that the Town vote to accept the Revolving Fund reports as presented above in accordance with MA General Law Chapter 44, Section 53E1/2.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 10**

**RECREATION REVOLVING FUND – MGL CHAPTER 44, SECTION 53D**

To see if the Town will vote, upon recommendation of the Board of Selectmen, to change the Recreation Revolving Fund operating in FY2015 under MA General Law Chapter 44, Section 53D (as voted in Article 19 of the April 24, 1991 Annual Town Meeting) to operate in FY 2016 under MA General Law Chapter 44,

Section 53E1/2 with the fund balance as of 6/30/15 to be carried forward as the starting balance in the new fund on 7/1/15, or take any other action relative thereto.

*This article will change the requirements of the Town's Recreation Revolving Fund in a way that will meet the needs of the Recreation Department with less restrictions regarding the fund balance at year end. Currently, under MGL chapter 44, section 53D the fund balance cannot exceed \$10,000 at the close of each fiscal year or the excess balance closes to the General Fund, but under section 53E1/2 there is no fund balance limit as of June 30, which will benefit the department financially. Recommended by Finance Committee.*

**Motion by: Melissa M. Tzanoudakis, Board of Selectmen**

I move that the Town vote to change the Recreation Revolving Fund operating in FY2015 under MA General Law Chapter 44, Section 53D (as voted in Article 19 of the April 24, 1991 Annual Town Meeting) to operate in FY2016 under MA General Law Chapter 44, Section 53E1/2 with the fund balance as of 6/30/15 to be carried forward as the starting balance in the new fund on 7/1/15.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 11**

**REVOLVING FUNDS – MGL CHAPTER 44, SECTION 53E1/2**

To see if the Town will vote, upon recommendation of the Board of Selectmen, to authorize the following revolving funds for certain Town departments under MA General Law Chapter 44, Section 53E1/2 for the Fiscal Year July 1, 2015 through June 30, 2016, or take any other action relative thereto:

<b>Revolving Fund</b>	<b>**Authorized To Spend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY2016 Spending Limit</b>
L.R.T.A. Transportation	Council on Aging Director	L.R.T.A. Van Transportation Revenue	Part-time wages & Operational Expenses	\$ 35,000
Senior Center Meals	Council on Aging Director	Donations for Meals	Part-time wages & Operational Expenses	\$ 25,000
Recreation	Recreation Director	Revenue from Recreation Dept. Activities	Part-time wages & Operational Expenses	\$ 80,000
	**Single Dept. Authorization May Not Exceed 1% of Tax Levy		<b>TOTAL OF REVOLVING FUNDS</b>	<b><u>\$ 140,000</u></b>
			Limit 10% of FY15 Tax Levy	<u>\$ 1,756,720</u>
			<u>\$17,567,196.60</u>	<u>\$ 175,672</u>

			1% Limit – Authorized to Spend**	
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*MA General Law Chapter 44 Section 53E1/2 Revolving Funds requires that revolving funds established under this section must be authorized annually before the start of the new fiscal year. Each authorization must specify the purposes for which the fund may be expended, the receipts that will be credited to the fund, the board, department or officer authorized to expend from the fund, and the limit on the total amount which may be expended in the fiscal year. For example, fees collected for an instructional class to be held at the Recreation Center would be used to cover the costs for the class including the instructor’s charge and program supplies. Fees and donations collected for the Council on Aging van transportation would be used to cover the costs of running the van, just as the fees and donations received for meals at the Senior Center would be used to pay for costs related to the preparation of meals. The revenue collected for each revolving fund is used to pay for the costs directly related to the service being provided. (NOTE: If Article 10 above is not approved, the Recreation Revolving Fund as listed in this article must be removed before voting.) Recommended by Finance Committee.*

**Motion by: Melissa M. Tzanoudakis, Board of Selectmen**

I move that the Town vote to authorize the revolving funds as listed above for certain Town departments under MA General Law Chapter 44, Section 53E1/2 for the period July 1, 2015 to June 30, 2016.

*Motion required a majority and passed by unanimous voice vote. **Motion Carried***

**ARTICLE 12**

By: Board of Selectmen

**STRETCH ENERGY CODE**

To see if the Town will vote to enact Chapter 62-2 of the Code of the Town of Pepperell, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments and modifications thereto, which is on file with the Town Clerk; or take any other action relative thereto.

*Adoption of the “Stretch Energy Code” is the first step in the process of being designated by the State as a Green Community, which will allow the town to receive grants for energy conservation efforts and realize significant savings. Recommended by Finance Committee.*

**Background Information for Article 12 and the Green Communities Designation and Grant Program**

There is one by-law on tonight’s warrant that must be adopted by Pepperell so we can qualify for designation as a Green Community under the Green Communities Act. The purpose of the Green Communities Act is to assist towns in becoming more energy efficient. It is also part of the state’s effort to address climate change by reducing greenhouse gas emissions. To become a Green Community, the town must meet the following five criteria:

#	Criterion	Action Needed by Pepperell to Meet Criterion
1	Provide as-of-right siting in designated locations for renewable/alternative energy generation, research & development, or manufacturing facilities.	The town’s existing zoning regulations meets this criterion. To demonstrate that we meet it, Town Counsel must prepare a confirmation letter.

<p><b>2</b> Adopt an expedited application and permitting process for the solar installations that shall not exceed 1 year from initial application to final approval.</p>	<p>The town’s existing application and permitting process meets this criterion. To demonstrate that we meet it, Town Counsel must prepare a confirmation letter.</p>
<p><b>3</b> Establish a baseline energy use inventory for municipal buildings, vehicles and street and traffic lighting, and put in place a comprehensive program to reduce energy use by 20% within 5 years.</p>	<p>Work with the Northern Middlesex Council of Governments (NMCOG) in completing the baseline energy use inventory and in creating the 5-year/20% energy use reduction program. NMCOG is providing technical assistance under a grant program.</p>
<p><b>4</b> Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.</p>	<p>The Board of Selectmen must adopt a Fuel Efficient Vehicle Policy for the town. (Note: Police cruisers and heavy-duty vehicles (over 8,500 pounds gross vehicle weight) are exempted.)</p>
<p><b>5</b> Adopt the Stretch Energy Code.</p>	<p><b>Article 12 - Adopt the Stretch Energy Code general bylaw at tonight’s Town Meeting.</b> There is more information on the stretch energy code on the other side of this page.</p>

The value to Pepperell of becoming a Green Community is that we will receive a designation grant of approximately \$150,000 for energy efficiency measures. We will also be eligible for competitive grants of up to \$250,000 for energy efficiency measures in the future.

Townsend was designated a Green Community in July 2012 and was awarded a designation grant of \$156,925. The town of Westford was designated as a Green Community in December of 2013 and qualified for a base grant of \$156,025. They used their grant funds, combined with \$44,831.50 in incentives from National Grid, to complete nine projects with a total value of \$200,854.50. The projects are expected to save approximately \$29,000 per year in utility expenses and additional savings in maintenance costs.

One of the significant benefits of participating in the Green Communities program is that progress is measured, which ensures goals are accomplished. The town is required to regularly report its progress in meeting the 20%/5-year energy use reduction goal, as well as report on its compliance with the other criteria. 136 communities have been designated as Green Communities and close to 40 million dollars in grants have been awarded.

The next deadline for submitting an application for designation is October, 2015. Adopting the stretch Energy Code bylaw tonight will help ensure that the town can meet the deadline and reap the benefits of becoming a Green Community as soon as possible.

## Stretch Energy Code

Massachusetts has two energy codes – a base energy code and an optional stretch energy code. Communities can adopt the stretch energy code by Town Meeting vote and it can be rescinded by Town Meeting vote.

The stretch energy code applies to new homes, residential additions and renovations, many new commercial buildings, and additions to commercial buildings. The provisions for renovations and additions apply only to the areas affected. Both the base and stretch energy codes require that the portions of a building modified by renovation be brought up to code. Additions must be constructed to code. The Stretch Energy Code further requires that doors, windows or skylights meet Energy Star 5.0 standards and builders must complete the relevant portions of the Energy Star Thermal Bypass Inspection Checklist.

A feature of the Stretch Energy Code is that it is performance based. It requires new homes to meet a HERS (Home Energy Rating System) index rating target, rather than requiring the installation of specific energy efficiency measures. The HERS rating is a measure of a home’s efficiency. It is calculated by a certified HERS rater using accredited software, which uses information on the design of the energy systems in a home to calculate the energy needs of the home and give it a rating score.

One benefit of using HERS ratings for compliance with the Stretch Energy Code is that builders do not have to install



specific energy efficiency measures, they have the flexibility to choose energy efficiency measures that meet the HERS rating target. It is also a way to ensure that homes are well built. As part of the HERS rating, the HERS rater tests the home for air leakage and completes the EPA thermal checklist, which helps ensure that the home performs as designed.

Since the base energy code is updated every 3-4 years, the Stretch Energy Code must be updated periodically in order to maintain the “stretch.” When the stretch energy code was first adopted, it was characterized as adopting the next version of the base energy code early, which is how it turned out. A new version of the base energy code when into effect on July 1, 2014 and buildings built to the new base energy code and the existing stretch energy code have roughly the same efficiency.

The Bureau of Building Regulations and Standards (BBRS) and the Department of Energy Resources (DOER), two state entities responsible for the building energy codes, are working on a new stretch energy code. DOER has presented to the BBRS draft language for a new Stretch Code. Basically, it would require that the performance path of the standard building code be followed in Stretch Code municipalities. If the draft proposal is accepted, the additional cost will be primarily for the HERS Rater. This is generally in the \$900 - \$1500 range for residences.

Once adopted, the stretch energy code can only go into effect on January or July 1<sup>st</sup> and there must be at least six months between the effective date and when the stretch energy code becomes mandatory. The proposed bylaw has an effective date of July 1, 2015 with a six-month transition/concurrency period that ends December 30, 2015. The stretch energy code will become the town’s sole energy code on January 1, 2016.

147 communities, representing more than half of the state’s population, have adopted the Stretch Energy Code. Nearby communities that have adopted it include Ashby, Ayer, Chelmsford, Lowell, Lunenburg, Shirley, Townsend, Tyngsborough and Westford. Most builders in the area are likely familiar with the stretch energy code.

**Motion by: Stephen C. Themelis, Board of Selectmen**

I move that the Town vote to enact Chapter 62-2 of the Code of the Town of Pepperell, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments and modifications thereto, which is on file with the Town Clerk.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 13**

By: Board of Selectmen

**TIF AGREEMENT – 1A AUTO**

To see if the Town will vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, to:

- (a) approve a Tax Increment Financing Agreement between the Town and 1A Auto, Inc. and Green 1A Investments, LLC (Collectively the “Company”), in the form substantially as on file with the Town Clerk, for property shown on Assessors Map 26, Parcel 32, and Map 26, Parcel 206 (the “TIF Agreement”), which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein and approve a Certified Project application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”);
- (b) authorize the Board of Selectmen to execute the TIF Agreement, and approve submission to the EACC of the TIF Agreement and Certified Project application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and Certified Project application, and related submissions and to take such other actions as necessary or appropriate to implement those documents;
- (c) Proposed Tax Increment Financing (TIF) Agreement substantially as printed below:

TAX INCREMENT FINANCING (TIF) AGREEMENT

(Alternatively, the “Agreement”)  
BETWEEN

TOWN OF PEPPERELL

(Alternatively, the "Town")

AND

1A AUTO, INC. (Alternatively, the "Company") and GREEN 1A INVESTMENTS, LLC  
(Alternatively, the "Owner")

This AGREEMENT is made as of this \_\_\_ day of \_\_\_\_\_, 2015 by and between the Town, the Owner and the Company.

**WHEREAS** the Town is a Massachusetts municipal corporation acting through its Board of Selectmen having its principal office at One Main Street, Pepperell, MA 01463; and

**WHEREAS** the Owner is a Massachusetts limited liability company and the Company is a Massachusetts corporation, each having its principal office at 8 Chapel Place, Pepperell, MA 01463, and each is authorized to do business in Massachusetts; and

**WHEREAS** the Owner owns the parcels shown on the Town Assessors Map 26 as Parcels 32 and 206 (the "Parcel"), which contain an estimated 12.059 of land (the "Property") and is shown on the map attached to this Agreement; and

**WHEREAS**, the Owner has or will cause the Property to be leased to the Company; and

**WHEREAS**, the Owner and the Company plan to construct an approximately 100,000 square foot building with parking, landscaping and other appurtenance on the Property (the "Project") to serve as the corporate headquarters and a call center for the Company, provided that the Town enters in to this Agreement; and

**WHEREAS** the construction of the Project is intended to result in a capital investment of an estimated \$26.8 million, including \$25 million for soft and hard construction costs and related site development costs, and \$1.8 million for personal property at the Property; and

**WHEREAS** the Company plans to retain 95 full-time jobs and create 150 new, permanent full-time jobs at the Property; and

**WHEREAS** the Town is located within the boundaries of the Pepperell Economic Target Area (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "ETA"); and

**WHEREAS** the Company intends to apply for status as a Certified Project under the Massachusetts Economic Development Incentive Program; and

**WHEREAS** the Town strongly supports increased economic development to provide additional jobs, expand business within the community, and to develop a healthy economy and stronger tax base; and

**WHEREAS** the Project will further the economic development goals and the criteria established for the ETA; and

**WHEREAS**, on March 30, 2015, the Pepperell Board of Selectmen recommended approval of the TIF Agreement to Town Meeting; and

**WHEREAS**, the Town, acting by and through its Board of Selectmen, subject to approval by Pepperell Town Meeting, hereby enters into this TIF Agreement with the Owner and the Company.

**NOW, THEREFORE**, in consideration of the mutual promises of the parties' contained herein and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

**I. TOWN'S OBLIGATIONS**

1. A Tax Increment Financing ("TIF") exemption (the "Exemption") is hereby granted to the Owner and the Company by the Town in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5 of the Massachusetts General Laws. The Exemption shall be for a period of fifteen (15) years (the "Exemption Term"), commencing in the fiscal year following the date that the Project is placed into service (i.e., pursuant to a Certificate of Occupancy, and shall provide an exemption from taxation of the new incremental value of the Property resulting from the project as follows:

Fiscal Year	Exemption Percentage
1	90%
2	90%



3	90%
4	90%
5	90%
6	85%
7	80%
8	75%
9	70%
10	60%
11	55%
12	50%
13	40%
14	40%
15	40%

2. The base valuation for the Property shall be the assessed value of the Property for the base year. The base year for purposes of this Agreement is Fiscal Year 2015. The Fiscal Year 2015 assessed valuation for the Parcels are \$430,600 and \$271,100 and shall be the base valuation for this Agreement. The parties agree that there will be no exemption from taxes on personal property pursuant to this Agreement.
3. The base valuation shall be adjusted annually by an adjustment factor which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59, of the Massachusetts General Laws.

**II. THE OWNER’S AND THE COMPANY’S OBLIGATIONS**

The Town grants the Exemption to the Company in consideration of, and commitment by, the Owner and the Company to the following:

1. The Company plans to retain 95 full-time jobs and create 150 new permanent full-time jobs to be located at the Property.
2. The Company will use reasonable efforts to utilize workforce development programs included but not limited to public institutions of higher education locally such as Middlesex Community College and the University of Massachusetts at Lowell to assist in the promotion of new permanent full-time jobs to be located at the Property for potential applicants from the Town of Pepperell.
3. The Company’s job retention plans are outlined in the Employment and Job Creation section of the Certified Project application submitted to the State by the Company in connection with the Company’s requests for a TIF Exemption (the “Application”).
4. The Owner and the Company, as the case may be, plan to construct an approximately 100,000 square foot building on the Property for use as a corporate headquarters and call center.
5. The Owner and the Company, as the case may be, plan to invest an estimated \$26.8 million in the Project, including \$25 million for soft and hard construction costs including but not limited to plumbing, electrical, HVAC, fire protection and related site development costs, and \$1.8 million for personal property.
6. The Owner and the Company shall submit annual on-line reports to the Massachusetts Economic Assistance Coordinating Council (“EACC”) on job retention and new investments at the Property for each year of the Application designation. The annual report shall include the number of permanent full-time jobs retained and created, and the value of Project capital investments with respect to the Property annually and on a cumulative basis. The annual report shall be submitted by the end of February of each year with respect to the immediately preceding fiscal year during which this Agreement is in effect.
7. The Company plans to use reasonable efforts, to the extent permitted by law and assuming equal qualifications, to give priority to qualified Pepperell residents in its hiring of new employees for the Project. The Company plans to advertise in local newspapers and participate in local job fairs through local college and universities.
8. If the Owner and the Company fails to meet the obligations specified in Sections 1, 2, 4, 5, 6, or 7 the Town, acting by and through its Board of Selectman with the approval of Town Meeting, may take action to request

decertification of the Project by the EACC. Prior to taking any action to request decertification of the Project by the EACC, the Town shall give written notice of the alleged default to the Owner and the Company and provide an opportunity to meet with the Town officials to discuss a cure to the alleged default. The Owner and the Company shall have thirty (30) days from the receipt of such written notice to respond to the Town regarding any alleged default and one-hundred and twenty (120) days of the receipt of such written notice to remedy such default, or with respect to defaults which cannot be remedied within such one-hundred and twenty (120) day period, within such additional period of time as is required to reasonably remedy such default, provided the Owner and/or the Company exercises due diligence in the remedying of such default. The time within which the Owner and the Company shall be required to perform any of the respective acts or obligations under this Agreement shall be extended to the extent that the performance of such obligations shall be delayed by a Force Majeure Event. A "Force Majeure Event" means any events or occurrences (such as acts of God, earthquakes, fire, acts of terrorism, war, labor disputes, delays or restrictions by government bodies, or market-wide economic circumstances) that are beyond the reasonable control of the Owner and the Company.

9. If the Company plans to move business operations from the Property, the Town shall be given sixty (60) days advance written notice.

**III. OTHER CONSIDERATIONS**

1. Pursuant to 760 C.M.R. 22.05(8) (d), this Agreement shall be binding upon and inure to the benefit of the parties, their respective successors and assigns, and subsequent owners of the Property, so long as the Project has not been decertified by the EACC.
2. The matters described above as obligations of the Owner and the Company are only conditions to the eligibility for tax exemptions under this Agreement, and do not create any generally enforceable obligations or covenants of the Owner or the Company. The Town's sole remedies for failure by the Owner and the Company to satisfy any of its respective obligations and conditions are as set forth in Paragraph 7 under the Owner's and the Company's Obligations section. The Town may seek to enforce such remedies in a court of competent jurisdiction in Massachusetts.
3. This Agreement is subject to Massachusetts General Laws Chapter 23A, Section 3A-3F inclusive, Chapter 40, Section 59, and Chapter 59, Section 5, cl. 51 and applicable regulations.
4. Should any provision of the Agreement be declared or determined by a court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of the Agreement.

**WITNESSETH** the execution and delivery of this Agreement by the Town, the Owner and the Company as an instrument under seal as of the date first above written.

**AGREED TO:**

**1A Auto, Inc.**

**Town of Pepperell**

By: \_\_\_\_\_

\_\_\_\_\_

Board of Selectmen

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Board of Selectmen

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_

Board of Selectmen

**Green 1A Investments, LLC**

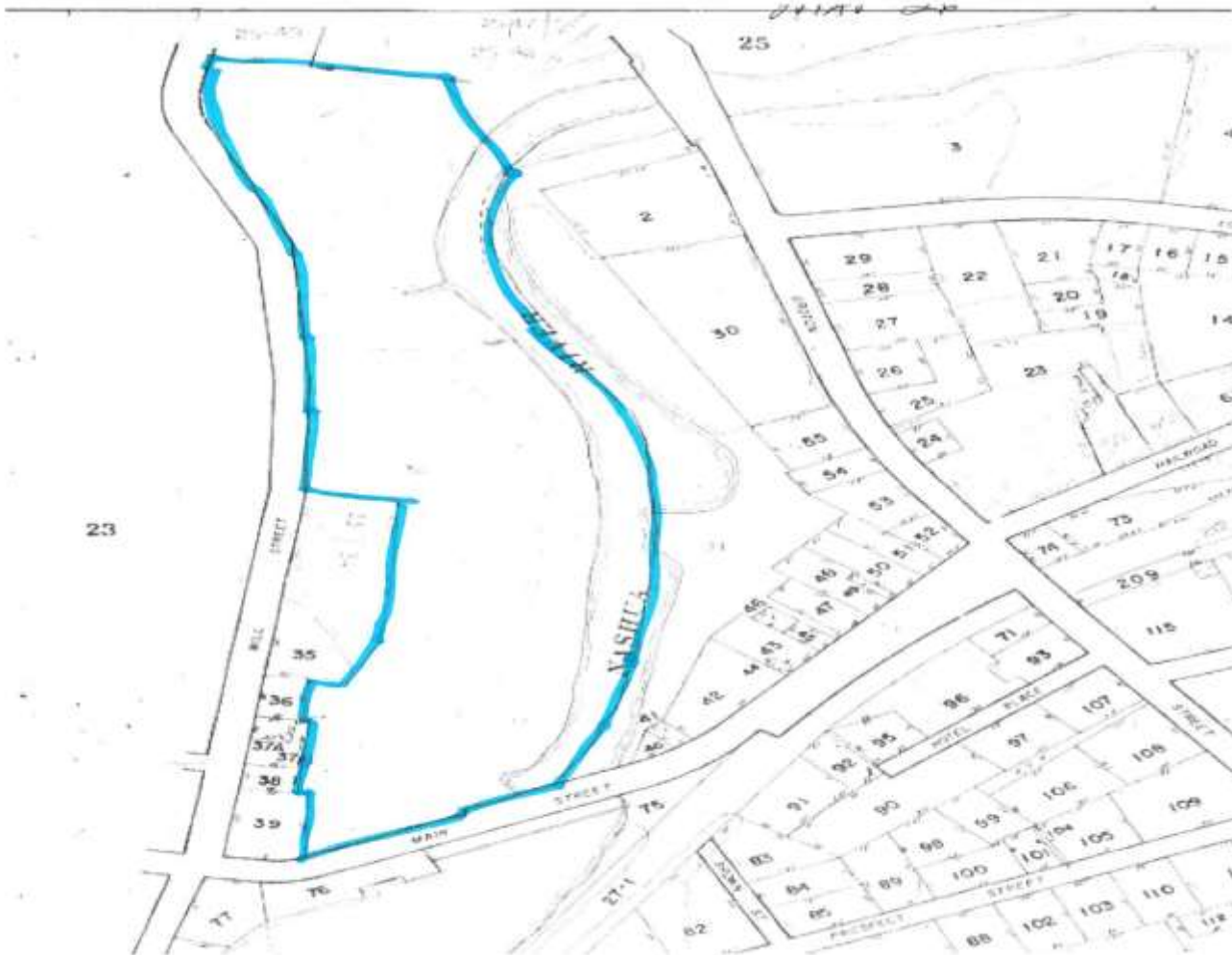
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Date of Signature

## Pepperell Assessor's Map



*This article would provide economic incentives to IA Auto to establish an estimated 100,000 square foot building on the former “Mill Site” as their international headquarters. Legislative changes to the Economic Development Incentive Program (EDIP) were passed by the State Legislature and signed into law by the Governor in August of 2014. The EDIP was established in 1993, and revised in 2014, to stimulate job creation, attract new businesses, encourage existing businesses to expand, and increase overall economic development readiness. Tax Increment Financing (TIF) is a tool in this program. The TIF Agreement, describes the obligations agreed upon by the municipality and all the applicant making the private investment and creating jobs. The municipality and the prospective Certified Project candidate agree to a property tax exemption based on a percentage of the value added through new construction or significant improvement for a period of no less than five and no more than twenty years.*

### **Company Background**

*IA Auto is a second-generation, family-owned business providing automotive parts and solutions. Headquartered in Pepperell, Massachusetts, with facilities in Arizona and Kansas, IA Auto has been operated by the Green family since 1990. In 1999, the Company expanded to sell aftermarket auto parts online and has grown into a national leader in this category since that time. IA offers a vast selection of brands and more than 100,000 consumer products, such as lights, mirrors, suspension parts, wheel hubs, window motors, door handles, and switches. IA Auto sends approximately 1.5 million shipments to customers annually.*

*As personal shopping time grows more limited, time-pressed consumers are increasingly turning to e-commerce solutions for their purchasing needs. In response, IA Auto has developed a digital library of more*

than 3,000 online instructional video tutorials, which have received over 100 million views. The Company also employs expert support technicians who provide customers with a positive auto repair experience. This advantage will ensure the Company remains a market leader and will be among the most competitive in the industry.

### **Expansion Project**

Due to increased customer demand and the need to attract and retain employees, 1A Auto has realized the need to expand and construct an attractive modern facility. A real estate site search has been conducted and a viable option has been identified in Pepperell.

### **What is a TIF?**

Tax Increment Financing (TIF) is a feature of the Commonwealth's Economic Development Incentive Program (EDIP). A TIF provides a company with a sliding scale property tax exemption of up to 20 years, based on the increased incremental assessed value of the project property due to on-site investments.

- The Town continues to receive 100% of the existing real estate taxes on the base value of the site.
- The tax incentive is a discount on the projected new taxes at the property during the life of the proposed TIF.
- The Town does not lose any existing tax revenue on the existing property.

It is essential that communities remain competitive in retaining and attracting businesses. A TIF is a useful economic development tool that provides both short- and long-term benefits to the town, region and Commonwealth of Massachusetts.

### **TIF Proposal Projections**

15-year TIF Exemption Percentage Terms

90-90-90-90-90-85-80-75-70-60-55-50-40-40-40

#### **Current Base Annual Real Estate Taxes to Pepperell**

Current annual taxes paid to Pepperell	\$11,192
Current taxes paid to Pepperell over a 15-year period	\$167,880

*Assessed value or tax rate may change annually*

#### **Estimated New Revenue to Pepperell**

Real estate tax revenue with TIF to Pepperell over a 15-year period	\$449,024
Permit fees	\$65,000

<b>Total Estimated New Revenue to Pepperell over 15-year period</b>	<b>\$514,024</b>
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#### **Combined Estimated Revenue to Pepperell**

<b>Combined Tax Revenue to Pepperell over a 15-year period</b>	<b>\$681,904</b>
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*Base plus new*

*Recommended by Finance Committee.*

### **Motion by: Stephen C. Themelis, Board of Selectmen**

I move that the Town vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, to:

approve a Tax Increment Financing Agreement between the Town and 1A Auto, Inc. and Green 1A Investments, LLC (Collectively the "Company"), in the form substantially as on file with the Town Clerk, for property shown on Assessors Map 26, Parcel 32, and Map 26, Parcel 206 (the "TIF Agreement"), which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein and approve a Certified Project application submission to the Massachusetts Economic Assistance Coordinating Council (the "EACC");

authorize the Board of Selectmen to execute the TIF Agreement, and approve submission to the EACC of the TIF Agreement and Certified Project application, all relating to the project as described in the TIF Agreement,

and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and Certified Project application, and related submissions and to take such other actions as necessary or appropriate to implement those documents.

*Motion to move the question made by Phillip D. Durno required a majority and passed by majority voice vote.*

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

## **ARTICLE 14**

By: Board of Selectmen

### **EMERGENCY SERVICE COST REIMBURSEMENT**

To see if the Town will vote to recover the costs of providing emergency Fire, Police and other Town Department response services for motor vehicle accident(s) and hazardous materials releases from the parties responsible; to authorize the Selectmen to adopt regulations to define the nature and method of assessment of such costs, including all direct and indirect costs associated with rendering and collecting for emergency services rendered, and establish fees therefore; and to authorize the Selectmen and Town Administrator in conjunction with the Pepperell Fire Department, directly or indirectly through a third party billing service, to demand, recoup and or collect such costs from responsible individuals, business entities and/or insurance carriers that have provided insurance coverage applicable to such emergency services, or take any other action relative thereto.

*This article would provide a financial mechanism for the Town to recoup costs associated with motor vehicle accidents and/or the release of hazardous materials from insurance companies. For example, this includes the recovery of costs associated with Town personnel, including Fire, Police and Town Departments that have responded to these emergencies. Additionally, this includes overtime, emergency response services and any other costs associated with the emergency. The Town is exploring various ways to recover its costs and be made whole for professionally responding to motor vehicle accidents and/or the release of hazardous materials. Recommended by Finance Committee.*

**Motion by: Michelle R. Gallagher, Board of Selectmen**

I move that the Town vote to recover the costs of providing emergency Fire, Police and other Town Department response services for motor vehicle accident(s) and hazardous materials releases from the parties responsible; to authorize the Selectmen to adopt regulations to define the nature and method of assessment of such costs, including all direct and indirect costs associated with rendering and collecting services rendered, and establish fees therefore; and to authorize the Selectmen and Town Administrator in conjunction with the Pepperell Fire Department, directly or indirectly through a third party billing service, to demand, recoup and/or collect such costs from responsible individuals, business entities and/or insurance carriers that have provided insurance coverage applicable to such emergency services.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

## **ARTICLE 15**

By: Planning Board

### **OPEN SPACE RESIDENTIAL DEVELOPMENT**

To see if the Town will vote to delete in its entirety Section 7100. Open Space Residential Development and replace it with the following, or take any other action thereto:

**7100. OPEN SPACE RESIDENTIAL DEVELOPMENT**

**7110. Purpose.** The primary purposes of this bylaw are to:

- Further the goals and policies of the Pepperell Master Plan and Open Space and Recreation Plan;
- Provide for the by-right construction of Open Space Residential Development (OSRD);
- Enhance protection of the priority parcels for conservation as identified in the current Pepperell Open Space Plan;
- Encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
- Enhance the protection of family farms in Pepperell; Enable landowners to realize equity from development of a small percentage of their land while current uses continue on the majority of the property;
- Connect open space created within OSRDs with existing conservation areas whenever possible;
- Encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features;
- Minimize the total amount of disturbance on sites undergoing development;
- Promote the incorporation of Low Impact Development and Green Infrastructure into development designs;
- Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- Reduce the construction and maintenance costs of town-owned infrastructure;
- Expedite the permitting of projects;
- Provide for a diversified housing stock including providing affordable housing to persons of low and moderate income; and
- Reduce energy consumption and greenhouse gas emissions;

**7120. Definitions.**

Homeowners Association (HOA) shall mean the corporation, trust, or association owned by the unit owners within an Open Space Residential Development and used by them to manage and regulate their affairs, including any commonly owned land or facilities.

Open Space Residential Development (OSRD) shall mean a process for the development of land that: (a) calculates the amount of development allowed up-front by formula; (b) requires an open space analysis to identify the significant natural, cultural, and historic features of the land; (c) concentrates development, through design flexibility and reduced dimensional requirements, in order to preserve those features; and (d) permanently preserves at least 50% percent of the land in a natural, scenic or open condition or in agricultural, farming or forest use.

Building Envelope shall mean the area, as shown on a subdivision or site plan, in which all homes and accessory buildings shall be built according to the setbacks of this section.

**7130. Applicability.** OSRD is allowed by right under zoning, subject to the procedural requirements of the OSRD regulations, as applicable, and any other generally applicable non-zoning land use regulations, and may be proposed within the Rural Residence, Recreation Residence, Town Residence, and Suburban Residence zoning districts in the Town of Pepperell. Single family and duplex housing developments (including residential subdivisions or residential developments where the property is held in condominium, cooperative ownership, or other form where the property is not subdivided) may be developed in compliance with the provisions of this section..

All proposed OSRDs must conduct an open space analysis as part of their application package. Open space analysis refers to the process by which the applicant and the Planning Board, in consultation with the Conservation Commission, determine which areas in a tract proposed for an OSRD qualify and are designated primary and secondary conservation areas as described in the OSRD Regulations, with the remaining land being the potentially developable area. The process of conducting an open space analysis is described in the OSRD regulations.

ANR applicants may voluntarily apply for an OSRD under this Section. The plan shall be subject to the Town of Pepperell Rules and Regulations governing the Subdivision of Land.

If the proposed OSRD proposes a use and/or dimensional regulations that require a special permit elsewhere in the Protective Zoning Bylaws, the regulations and requirements of this Section shall prevail.

**7140. Yield - Allowable Residential Units.** The base maximum number of residential units in an OSRD is calculated using a formula based on the net acreage of the property. This formula takes into account site-specific development limitations that

make some land less suitable for development than other land. This calculation involves two steps, calculating the net acreage and dividing by the allowed density.

7141. Net Acreage Calculation. The factors named below are included for net acreage calculation purposes only and do not address any regulatory constraints on development siting that are not contained in other applicable provisions of law, including this zoning bylaw. To determine net acreage, subtract the following from the total (gross) acreage of the site:

Half (50%) of the acreage of land with slopes of 20% or greater;

Half (50%) of the total area of land subject to easements or restrictions prohibiting development, lakes, ponds, vernal pools, 100-year floodplains as most recently delineated by FEMA, Zone I and A around public water supplies, and wetlands as defined in Chapter 131, Section 40 of the Massachusetts General Laws and any state or local regulations adopted there under, as delineated by an accredited wetlands specialist and approved by the Conservation Commission; and

Seven (7%) percent of the remaining site area after the areas of A and B are removed to account for subdivision roads and infrastructure.

7142. Unit Count Calculation. The base maximum number of allowable residential dwelling units on the site is determined by dividing the net acreage by the required area (allowed density) for a dwelling unit in the district under this bylaw. Fractional units of less than .5 shall be rounded down and .5 or more shall be rounded up. The required acreage for each district is:

District	Required Area per Unit
Rural Residence	80,000 sq.ft.
Recreation Residence	80,000 sq.ft.
Town Residence	80,000 sq.ft.
Suburban Residence	40,000 sq.ft.

Note: the above area requirements are used to determine the number of allowable units; they are not the minimum OSRD lot sizes for the applicable districts, which are found below in the Dimensional Requirements section of this bylaw.

The actual number of lots realized may vary from the amount calculated by the above method due to State and Local Health laws and regulations governing the placement of wells and septic systems on a building lot. In all cases, each proposed lot must meet State and Local Health laws and regulations, subject to the provisions of the Town of Pepperell OSRD bylaw and accompanying regulations.

Example Yield Calculation:

*This example supposes a 40 acre tract proposed for subdivision through application of this OSRD bylaw. This tract contains 4 acres of steep slopes and 8 acres of wetlands. To calculate the net developable area or net acreage, first subtract half the area in steep slopes (2 acres), as well as half the area in wetlands (4 acres), from the total area of the parent parcel (40 acres) to arrive at 34 acres. From this figure, subtract 7% of the area for roads and infrastructure (2.38 acres), to arrive at a net acreage of 31.6 acres.*

*This number is then converted to square feet (acres x 43,560) and the resulting number (1,377,367) divided by the minimum lot size in the underlying district, which, in this case, is the Rural Residence district with a minimum lot size of 80,000 square feet. The resulting figure is 17.2, which is rounded down to 17, which is the number of permissible units before the issuance of any bonus units pursuant to the provisions of this bylaw and any associated regulations. It should also that the required open space is 50% of the parent tract, which in this case is 50% of 40 equals 20 acres.*

7143. Lots in More than One District. For lots in more than one district, the allowable unit count (excluding bonuses) and required open space for each district shall be determined first. These totals shall be added together and then rounded as above. The allowable maximum bonus for the entire development shall be calculated based upon this combined total number of units.

**7150. General Requirements.** Single-family dwellings in Pepperell are permitted by right in residential zoning districts. Two-family (duplex) dwellings may be allowed provided that the overall density of the project is not compromised and it will not be detrimental to the surrounding area and adequate parking and traffic flow are available.

**7160. Dimensional Requirements.** Lot size and shape, placement, and other dimensional requirements within an OSRD are subject to the following limitations:



Objectives: Lots/dwellings shall be located and arranged to advance the resource conservation objectives of the Master Plan and the Open Space and Recreation Plan and to protect views from roads and other publicly accessible points; farmland; wildlife habitat; large intact forest areas; hilltops; ponds; steep slopes; and other sensitive environmental resources.

Monuments: Industry accepted monuments of a type consistent with the use of the open space should clearly delineate the boundaries of the protected open space in a manner that facilitates monitoring and enforcement.

Building Envelope: All plans submitted under this section shall show the building envelopes for each proposed house lot; which is the area within all front, side and rear yard setbacks as specified below.

Lot Sizes and Setbacks: Lot sizes within an OSRD may be reduced from those in the underlying zoning districts, provided that the following minimum lot sizes apply.

Zoning District	Minimum Lot Size	Minimum Frontage*	Front/Rear Setback**	Side Setback**
Rural Residence	20,000 sq.ft.	40 feet	20 feet	15 feet
Recreation Residence	20,000 sq.ft.	40 feet	20 feet	15 feet
Town Residence	20,000 sq.ft.	40 feet	20 feet	15 feet
Suburban Residence	8,000 sq.ft.	40 feet	20 feet	15 feet

\*Frontage: Building lots within an OSRD shall have a minimum of forty (40) feet of frontage. Each lot must have adequate access as determined by the Planning Board. A reduction in frontage to a minimum of twenty (20) feet may be allowed to access rear lots if the plan proposes use of a common driveway.

\*\*Setbacks: The minimum front yard and rear yard setbacks shall be 20 feet. Minimum side yard setbacks shall be 15 feet. In no event shall principal structures (whether single-family, two-family, or any other principal use) be closer than 30 feet to each other. However, any proposed lot that abuts existing residential property shall have a minimum side yard setback requirement equal to that of the existing side yard setback of the residential zoning district of the abutting property.

**7170. Open Space Requirements.**

7171. Minimum Percentage of Open Space. A minimum of 50% of the total land area of the OSRD shall be set aside as permanently conserved open space. A greater percentage may be set aside voluntarily or in exchange for additional housing units as authorized by the Planning Board.

Up to ten (10%) percent of the total land area within an OSRD may be used for water supply wells and associated infrastructure, subsurface leaching fields and other underground components of wastewater systems, rain gardens, constructed wetlands, and other decentralized storm water management systems consistent with Low Impact Development (LID) that serve the Open Space Design. Treated storm water may be discharged into the protected open space or land subject to a restrictive covenant.

This above described area can count towards the 50% protected open space requirement, and is subject to Restrictive Covenant pursuant to Article 97 of the of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts and M.G.L. Chapter 184, Sections 26-33, which shall be approved by the Planning Board and Board of Selectmen. All protected land is to be delineated on the approved plans.

7172. Contiguity of Open Space. Preserved open space shall be contiguous to the greatest extent practicable, with due consideration given to open space on abutting parcels. Where noncontiguous pockets of open space are preferable to protect conservation areas, applicants shall attempt to connect these resource areas to the greatest extent practicable with the use of trails and/or vegetated corridors. Open Space will still be considered contiguous if it is separated by a shared driveway, roadway or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

7173. Permanent Conservation of the Required Open Space. Any land required to be set aside as open space, voluntarily preserved in excess of that which is required, conserved as a condition of the approval, or protected in exchange for additional density, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts through a perpetual restriction under M.G.L. Chapter 184 Section 26-33 approved by the Commonwealth of Massachusetts, the Planning Board, and the Board of Selectmen and must be held by the Town of Pepperell.

Land conveyed to the Town of Pepperell shall be by a deed and the deed shall reference that the land is for the purpose of conservation or recreation uses as appropriate and as defined in the Conservation Restriction. Said deed

shall be duly recorded and indexed in the Registry of Deeds or registered in the Land Court for the County or District where the land lies and shall affect its title.

Any proposed open space that does not qualify for protection or that is rejected from inclusion in the Conservation Restriction shall be subject to a Restrictive Covenant in perpetuity pursuant to M.G.L. Chapter 184, Sections 26-30, and shall be approved by the Planning Board and Board of Selectmen and held by or for the benefit of the Town of Pepperell.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the open space. The restriction may permit public access or access by residents of the development to the protected land.

7174. Timing. Any restriction or other legal documentation necessary regarding the conservation of open space as required herein are to be recorded with the Middlesex South District Registry of Deeds before lots are released or building permits are issued, whichever comes first.

7175. Allowable and Prohibited Uses of the Open Space. The Conservation Restriction shall set forth the conservation, preservation, education, recreation, protection or any combination of allowed uses and/or prohibited uses of the open space pursuant to Article 97 and M.G.L. Chapter 184 Section 26-33.

The Conservation Restriction may allow for a small portion of the open space, not to exceed 5%, be paved or built upon to complement the specified use of the open space (i.e. barns, parking, kiosks, walkways, and bike paths) so long as the conservation values of the open space are not compromised.

The open space may be used as the land subject to a restriction for the purpose of an aggregate calculation under Title V.

7176. Ownership of the Open Space: At the applicant's discretion and with Planning Board approval, the open space may be owned and maintained by:

- (1) A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;
- (2) A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;
- (3) The Pepperell Conservation Commission or Parks and Recreation Commission; or
- (4) A homeowners association (HOA) as defined herein owned jointly or in common by the owners of the property within the project.

If option four is selected the following shall apply:

- a. The documents organizing the HOA shall be drafted and approved by the Planning Board before final approval of the OSRD development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.
- b. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- c. The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
- d. Property owners must pay their pro rata share of the costs in subsection c above, and the assessment levied by the HOA must be able to become a lien upon individual properties within the OSRD.
- e. The HOA must be able to adjust the assessment to meet changed needs.
- f. The applicant shall make a conditional grant to the Town of Pepperell, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the town, at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

- g. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.
- h. Town Counsel must find that the HOA documents presented satisfy the conditions in Subsections a through g above, and such other conditions as the Planning Board shall deem necessary.

Selection of ownership option one, two, or four requires:

- a. The conveyance of a conservation restriction as outlined herein; and
- b. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Pepperell may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the town shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58 the town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57 the town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

7177. Maintenance. The Planning Board shall require the establishment of ongoing maintenance standards as a condition of development approval to ensure that utilities are properly maintained and the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of open space land, including an HOA. If the Board of Selectmen finds that the maintenance provisions are being violated to the extent that the condition of the utilities or the open land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

**7180. Submission Requirements.** Applications for approval of an OSRD shall be submitted following the requirements of the Planning Board OSRD Regulations and the Town of Pepperell ‘Rules and Regulations Governing the Subdivision of Land’. The application for an OSRD shall follow the same review procedures and timelines as specified in the ‘Town of Pepperell ‘Rules and Regulations Governing the Subdivision of Land’.

7181. Application. An applicant for an OSRD shall submit to the Planning Board an Application for Approval of a Definitive Subdivision according to the procedures and provisions of the Town of Pepperell ‘Rules and Regulations Governing the Subdivision of Land’.

7182. Open Space Analysis. In order to enable the Planning Board to determine whether or not a proposed OSRD satisfies the purposes and standards of this Section, an applicant must present sufficient information on the environmental and open space resources for the Planning Board to make such determination. The required information shall be provided in the form of an open space analysis as described in the OSRD Regulations. In the case of an OSRD that is not a subdivision the Planning Board may require the submission of all or only part of an open space analysis as described in the OSRD regulations. Proposed use(s) of the open space consistent with this Section shall be specified in the application.

7183. Conditions of Approval. The Planning Board may place conditions upon the approval of an OSRD plan according to the procedures and provisions of the Town of Pepperell ‘Rules and Regulations Governing the Subdivision of Land’.

7191. Waiver from Compliance. The Applicant shall adhere to strict compliance with the requirements of this Section. If the Applicant seeks a waiver from the requirements of this Section, the request must be submitted in writing and must identify the specific relief being sought and must include evidence or statements that the granting of the waiver shall still maintain the intent and purpose of this Bylaw and shall still be consistent with the best interest of the Town of Pepperell.

**7190. Decision of the Planning Board.** If granted, a final decision, with conditions, if appropriate, shall be issued to the applicant. Such decision shall be recorded at the Middlesex South District Registry of Deeds and evidence of recording shall be presented to the Planning Board prior to the issuance of any building permits.

*Through a grant provided by the Mass Audubon, the Nashua River Watershed Association worked with the Planning Board to update the Open Space Residential Development (OSRD) bylaw utilizing the State’s new*

model bylaw. The Pepperell Zoning Bylaw currently has a section allowing OSRD, but for various reasons, including the need to obtain both special permit and subdivision approval; the bylaw has been infrequently used. An effective OSRD bylaw can help a town preserve its open spaces and scenic and cultural resources in the face of development pressure; but it must be user friendly and not time consuming for applicants and the Planning Board. The proposed revised OSRD bylaw preserves the most important features of the existing bylaw while making the process easier for applicants and the Planning Board.

**Motion by: Anna J. MacDonald, Planning Board**

I move that the Town vote to take no action on Article 15 and is recommended for further study.

*Motion required a majority and no action was taken.*

**ARTICLE 16**

By: Board of Health

**BOARD OF HEALTH FEES**

To see if the Town will vote to set the following fees for the Board of Health:

	Current Fee	Change
Campground/Recreational Camp	10.00	50.00
Manufactured Housing Community	10.00	50.00
Frozen Dessert License	25.00	50.00
Milk/cream license	2.00	10.00

Or take any other action relative thereto.

*The reason for the increase in these fees is due in part because the Board of Health determined it was time to restructure the fee schedule. In doing so it was apparent that the fee schedule had not been evaluated in approximately 10 years. The fee schedule requires a Town Meeting vote for approval. Recommended by Finance Committee.*

**Motion by: Phillip D. Durno, Board of Health**

I move that the Town vote to set the following fees for the Board of Health:

	Fee
Campground/Recreational Camp	50.00
Manufactured Housing Community	50.00
Frozen Dessert License	50.00
Milk/cream license	10.00

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

**ARTICLE 17**

By: Highway Superintendent

**REPLACEMENT OF DRAINAGE SYSTEMS**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$55,500 to replace two drainage systems, one on Herget Drive and one on Heald Street; said appropriation to be under the control of the Highway Superintendent, or take any other action relative thereto.

*The Highway Department is requesting \$55,000 to repair and replace 2 defunct drainage systems on Heald Street and Herget Drive. These systems are 50+ years old and have failed. Due to budget and staffing reductions, this work cannot be performed in-house and under the approved operating budget, and will need to be contracted. Recommended by Finance Committee.*

**Motion by: Peter J. Shattuck, Highway Superintendent**

I move that the Town vote to take no action on Article 17.

*Motion required a majority and no action was taken.*

## **ARTICLE 18**

By: Board of Selectmen

### **NMCOG STORMWATER COLLABORATIVE**

To see if the Town will vote to appropriate a sum not to exceed \$5,000 to fund the town's membership in the Stormwater Collaborative, a 13-community consortium duly organized by the North Middlesex Council of Governments; or take any other action relative thereto.

*The Town of Pepperell currently is a member of a 13-town storm water consortium organized through the North Middlesex Council of Governments (NMCOG). The purpose of this organization is to provide a forum to share information and ideas, to lobby for the member communities interests, and to leverage cost-effective procurement for storm water related services such as consulting, GIS applications, lab testing and CB cleaning. The collaborative had been funded through a Community Innovation Challenge (CIC) grant, but the funding was cut by the state. With the upcoming NPDES/MS4 Storm water permitting requirements facing the town, we are requesting the appropriation of a sum not to exceed \$5,000 to continue this mutually beneficial endeavor. Recommended by Finance Committee.*

**Motion by: Stephen C. Themelis, Board of Selectmen**

I move that the Town vote to appropriate \$5,000 from Free Cash to fund the town's membership in the Storm water Collaborative, a 13-community consortium duly organized by the North Middlesex Council of Governments.

*Motion required a majority and passed by unanimous voice vote.*

***Motion Carried***

*Motion to adjourn made and seconded and passed by unanimous voice vote.*

*The Meeting was adjourned at 9:39 p.m.*

And you will serve this warrant by posting a true and attested copy of same, in said Town, seven 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 17<sup>th</sup> day of April, A.D. 2015.

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Michael L. Green, Chairman

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Michelle R. Gallagher, Clerk

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Stephen C. Themelis

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL

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