

# 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 7th of May, A.D. 2018 at 7:30 PM to act on the following articles:

## ANNUAL TOWN MEETING May 7, 2018

**Balance of "Free Cash" Certified by the Department of Revenue on 7/1/17 for the Town of Pepperell is:**

<b>General Fund</b>	<b>\$ 1,808,434.00</b>
<b>Sewer Enterprise Fund</b>	<b>\$ 1,137,052.00</b>
<b>Water Enterprise Fund</b>	<b>\$ 642,251.00</b>
<b>Transfer Station Enterprise Fund</b>	<b>\$ 90,862.00</b>

**Stabilization Fund Balance as of 3/31/18**                      **\$ 661,756.91**

### ARTICLE 1 - FY2018 AND FY2019 FUNDING FOR POLICE COLLECTIVE BARGAINING

To see if the Town will vote to raise and appropriate or transfer from available funds for the Patrol Officers MCOP Local 288 and the Police Superior Officers MCOP Local 288A contracts that have been duly ratified under the existing contracts and under Massachusetts General Laws and approved by the Board of Selectmen in the sum of money, or take any other action relative thereto.

I move that the Town vote to appropriate \$108,586 from Free Cash for FY18 Police Wages in the amount of \$30,000 and FY19 Police Wages in the amount of \$75,203 and FY19 Police Expense in the amount of \$3,383 for the Patrol Officers MCOP Local 288 and the Police Superior Officers MCOP Local 288A contracts that have been duly ratified under the existing contracts and under Massachusetts General Laws and approved by the Board of Selectmen.

*General Fund Free Cash balance is \$1,808,434 less \$108,586 above = \$1,699,848*

*Recommended by Finance Committee 4-0-0*

**ARTICLE 2 - FY2018 FREE CASH APPROPRIATIONS**

To see if the Town will vote to appropriate sums of money from Free Cash certified as of 7/1/17, or take any other action relative thereto.

I move that the Town vote to appropriate the following sums of money from Free Cash certified on 7/1/17:

<u>Amount</u>	<u>To</u>	<u>Reason</u>
\$169,022	FY18 Public Works	Highway - Snow & Ice Deficit
\$ 27,000	FY18 Gen Gov't	Legal Costs
\$ 60,000	FY18 Public Safety	Police - Overtime Wages
<b>\$256,022</b>	<b>TOTAL FREE CASH APPROPRIATIONS</b>	

*General Fund Free Cash balance after Article 1 is \$1,699,848 less \$256,022 above = \$1,443,826*

*Recommended by Finance Committee 4-0-0*

**ARTICLE 3 - FY2018 SEWER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS**

To see if the Town will vote to appropriate sums of money from Sewer Enterprise Fund Retained Earnings certified as of 7/1/17, or take any other action relative thereto.

I move that the Town vote to “Take No Action”

*Recommended by Finance Committee 4-0-0*

**ARTICLE 4 - FY2018 WATER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS**

To see if the Town will vote to appropriate sums of money from Water Enterprise Fund Retained Earnings certified as of 7/1/17, or take any other action relative thereto.

I move that the Town vote to “Take No Action”

*Recommended by Finance Committee 4-0-0*

## **ARTICLE 5 - FY2018 TRANSFER STATION ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS**

To see if the Town will vote to appropriate sums of money from Transfer Station Enterprise Fund Retained Earnings certified as of 7/1/17, or take any other action relative thereto.

I move that the Town vote to appropriate \$10,000 from Transfer Station Enterprise Fund Retained Earnings certified on 7/1/17, for an FY18 Transfer Station Enterprise Fund Reserve account to cover unexpected shortages in revenues and expenses.

*Transfer Station Enterprise Fund Retained Earnings balance is \$90,862 less \$10,000 above = \$80,862*

*Recommended by Finance Committee 4-0-0*

## **ARTICLE 6 - RESCIND AUTHORIZED BORROWING – SEWER ENTERPRISE FUND**

To see if the Town will vote to rescind the \$800,000 borrowing approved for the Sewer Upgrade Design Plan under Article 8 of the 10/24/16 Special Town Meeting, or take any other action relative thereto.

I move that the Town vote to rescind the \$800,000 borrowing approved for the Sewer Upgrade Design Plan under Article 8 of the 10/24/16 Special Town Meeting.

***2/3 VOTE REQUIRED***

*Recommended by Finance Committee 4-0-0*

**ARTICLE 7 - FISCAL YEAR 2019 TOWN GENERAL FUND BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds, to defray the regular expenses of the Town for the Fiscal Year July 1, 2018 through June 30, 2019 for General Government, Public Safety, Nashoba Valley Technical High School, North Middlesex Regional School District, Public Works, Human Services, Culture & Recreation, Debt Service, Employee Benefits & Insurance, and Capital Outlay, or take any other action relative thereto.

I move that the Town vote to appropriate \$620,378 from Free Cash, \$25,632 from Overlay Surplus and to raise and appropriate \$26,315,731 for the purpose of funding the Town General Fund Budget for the period July 1, 2018 to June 30, 2019 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	\$ 1,186,776
Part II	Public Safety	\$ 3,063,249
Part III	Nashoba Valley Technical High School	\$ 1,610,908
Part IV	North Middlesex Regional School District	\$ 15,997,678
Part V	Public Works	\$ 1,254,743
Part VI	Human Services	\$ 435,151
Part VII	Culture & Recreation	\$ 537,317
Part VIII	Debt Service	\$ 154,477
Part IX	Employee Benefits & Insurance	\$ 2,232,630
Part X	Capital Outlay	\$ 488,812

**TOTAL FY2019 TOWN GENERAL FUND BUDGET \$ 26,961,741**

*General Fund Free Cash balance after Articles 1 & 2 is \$1,443,826 less \$620,378 above = \$823,448*

*No Recommendation, Finance Committee voted 2-2-0*

**ARTICLE 8 - FISCAL YEAR 2019 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, 2018 through June 30, 2019, or take any other action relative thereto.

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of MA General Law Chapter 44, Section 53F1/2 to operate the Sewer Enterprise Fund for the period July 1, 2018 to June 30, 2019 with \$2,412,895 appropriated from Enterprise Fund revenues and \$113,858 appropriated in the General Fund operating budget:

**REVENUES**

User Charges	\$ 1,988,776
Connection Fees	\$ 100,000
Other Departmental Revenue	\$ 10,000
Retained Earnings	\$ 128,920
Betterments	\$ 284,057
Investment Income	\$ 15,000

<b>TOTAL REVENUE</b>	<b>\$ 2,526,753</b>
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**EXPENSES**

**Direct**

Salary & Wages	\$ 663,842
Expenses	\$ 462,500
Capital Outlay	\$ 100,000
Debt Service	\$ 819,223
Employee Benefits & Insurance	\$ 279,830
General Liability Insurance	\$ 37,500
Reserve Fund	\$ 50,000
<b>SUBTOTAL</b>	<b>\$ 2,412,895</b>

**Indirect**

Shared Employees – Town Engineer	\$ 48,788
Shared Employees – Town Administrator	\$ 11,625
Shared Employees – Town Accountant	\$ 15,666
Shared Employees – Assessors	\$ 11,305
Shared Employees – Treasurer/Collector	\$ 16,257
Shared Employees – Info System Tech	\$ 8,243
Other - Annual Audit of Town Books	\$ 1,974
<b>SUBTOTAL</b>	<b>\$ 113,858</b>

<b>TOTAL EXPENSES</b>	<b>\$ 2,526,753</b>
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*Sewer Enterprise Retained Earnings balance after Article 3 is \$1,137,052 less \$128,920 above = \$1,008,132*  
*Recommended by Finance Committee 4-0-0*

**ARTICLE 9 - FISCAL YEAR 2019 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, 2018 through June 30, 2019, or take any other action relative thereto.

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of MA General Law Chapter 44, Section 53F1/2 to operate the Water Enterprise Fund for the period July 1, 2018 to June 30, 2019 with \$1,651,352 appropriated from Enterprise Fund revenues and \$96,378 appropriated in the General Fund operating budget:

**REVENUES**

User Charges	\$ 1,426,230
Connection Fees	\$ 30,000
Other Departmental Revenue	\$ 16,500
Retained Earnings	\$ 270,000
Investment Income	\$ 5,000

<b>TOTAL REVENUE</b>	<b>\$ 1,747,730</b>
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**EXPENSES**

**Direct**

Salary & Wages	\$ 483,944
Expenses	\$ 470,000
Capital Outlay	\$ 110,000
Debt Service	\$ 262,489
Employee Benefits & Insurance	\$ 236,919
General Liability Insurance	\$ 38,000
Reserve Fund	\$ 50,000
<b>SUBTOTAL</b>	<b>\$ 1,651,352</b>

**Indirect**

Shared Employees – Town Engineer	\$ 48,788
Shared Employees – Town Administrator	\$ 11,626
Shared Employees – Town Accountant	\$ 10,542
Shared Employees – Assessors	\$ 7,607
Shared Employees – Treasurer/Collector	\$ 10,940
Shared Employees – Info System Tech	\$ 5,547
Other - Annual Audit of Town Books	\$ 1,328
<b>SUBTOTAL</b>	<b>\$ 96,378</b>

<b>TOTAL EXPENSES</b>	<b>\$ 1,747,730</b>
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*Water Enterprise Fund Retained Earnings balance is \$642,251 less \$270,000 above = \$372,251*

*Recommended by Finance Committee 4-0-0*

**ARTICLE 10 - FISCAL YEAR 2019 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, 2018 through June 30, 2019, or take any other action relative thereto.

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of MA General Law Chapter 44, Section 53F1/2 to operate the Transfer Station Enterprise Fund for the period July 1, 2018 to June 30, 2019 with \$325,930 appropriated from Enterprise Fund revenues and \$38,112 appropriated in the General Fund operating budget:

**REVENUES**

User Charges	\$ 310,000
Other Departmental Revenue	\$ 9,792
Retained Earnings	\$ 44,000
Investment Income	\$ 250

<b>TOTAL REVENUE</b>	<b>\$ 364,042</b>
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**EXPENSES**

**Direct**

Salary & Wages	\$ 113,980
Expenses	\$ 137,700
Capital Outlay	\$ -0-
Debt Service	\$ -0-
Employee Benefits & Insurance	\$ 53,900
General Liability Insurance	\$ 10,350
Reserve Fund	\$ 10,000
<b>SUBTOTAL</b>	<b>\$ 325,930</b>

**Indirect**

Shared Employees – Town Engineer	\$ 14,521
Shared Employees – Highway Dept	\$ 15,085
Shared Employees – Town Administrator	\$ 2,473
Shared Employees – Town Accountant	\$ 2,243
Shared Employees – Assessors	\$ -0-
Shared Employees – Treasurer/Collector	\$ 2,327
Shared Employees – Info System Tech	\$ 1,180
Other - Annual Audit of Town Books	\$ 283
<b>SUBTOTAL</b>	<b>\$ 38,112</b>

<b>TOTAL EXPENSES</b>	<b>\$ 364,042</b>
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*Transfer Station Enterprise Fund Retained Earnings balance after Article 5 is \$80,862 less \$44,000 above = \$36,862*  
*Recommended by Finance Committee 4-0-0*

**ARTICLE 11 - REVOLVING FUNDS – MGL CHAPTER 44, SECTION 53E1/2**

To see if the Town will vote according to MA General Law Chapter 44, Section 53E1/2 to set expenditure limits for the Fiscal Year July 1, 2018 through June 30, 2019 for the Town’s revolving funds established by by-law vote under Article 12 of the May 1, 2017 Town Meeting, or take any other action relative thereto.

I move that the Town vote according to MA General Law Chapter 44, Section 53E1/2 to set expenditure limits for the Fiscal Year July 1, 2018 to June 30, 2019 for the Town’s revolving funds established by by-law vote under Article 12 of the May 1, 2017 Town Meeting:

<b>Revolving Fund</b>	<b>Authorized To Spend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY2019 Spending Limit</b>
L.R.T.A. Van 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

*Recommended by Finance Committee 4-0-0*

**ARTICLE 12 - RECEIPTS RESERVED FOR APPROPRIATION – CEMETERY SALE OF LOTS**

To see if the Town will vote to appropriate from the Cemetery Sale of Lots account, a sum of money for the purchase of a trailer, or take any other action relative thereto.

I move that the Town vote to appropriate from the Cemetery Sale of Lots accounts \$2,500 for the purchase of a trailer.

*Cemetery Sale of Lots balance is \$47,133 less \$2,500 above = \$44,633*

*Recommended by Finance Committee 4-0-0*



## **ARTICLE 13 - RECEIPTS RESERVED FOR APPROPRIATION – CEMETERY SALE OF LOTS**

To see if the Town will vote to appropriate from the Cemetery Sale of Lots account, a sum of money for the purchase of a mower, or take any other action relative thereto.

I move that the Town vote to appropriate from the Cemetery Sale of Lots accounts \$7,500 for the purchase of a mower.

*Cemetery Sale of Lots balance after Article 12 is \$44,633 less \$7,500 above = \$37,133*

*Recommended by Finance Committee 4-0-0*

## **ARTICLE 14 - SEWER ENTERPRISE FUND – AUTHORIZATION TO BORROW FOR TREATMENT PLANT UPGRADES**

To see if the Town will vote to appropriate Five Million Dollars (\$5,000,000) for the Construction of Waste Water Treatment Facility Upgrade as required to comply with the recently issued USEPA / NPDES Discharge Permit, and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project, or take any other action relative thereto.

In order for the Wastewater Treatment Facility (WWTF) to comply with the recently issued EPA / NPDES Discharge Permit, the WWTF requires significant upgrades. A study was performed to identify the necessary upgrades including treatment processes, structural repairs to the buildings, enhanced process controls (SCADA) Articles 7 and 8 of the 2016 Fall STM repurposed prior Wastewater Treatment Plant borrowings for the upgrades and authorized funding for the design of these upgrades respectively, and final plans, specifications and bid documents are being prepared.

I move that the Town vote to appropriate \$5,000,000 (Five Million Dollars) for the Construction of the Waste Water Treatment Facility Upgrade and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project.

***2/3 VOTE REQUIRED***

*Recommended by Finance Committee 4-0-0*

**ARTICLE 15 - DISPOSAL OF TOWN OWNED SURPLUS LAND**

To see if the Town will vote to authorize the Town Administrator to sell surplus property shown on Pepperell Assessors maps parcels 23-147, 23-148, 23-149, 23-150, & 20-48 also known as the Peter Fitzpatrick School, owned by the Town, including: 1) hiring land surveyor to conduct surveys that are necessary for the sale of the property, 2) selling the properties at a public auction pursuant to the Town Agreement with an auctioneer approved by the Town Administrator or by way of Request for Proposals from the Town Administrator, 3) paying from the Town budget for the costs of the engineering surveys and any potential required attorney fees, an amount not to exceed \$10,000.00 prior to the auction sale or Request for Proposals, and 4) reserving the right for the Town at its discretion to reject any purchase proposals, or take any other action relative thereto.

I move that the Town vote to approve Article 15 as written.

*No Recommendation, Finance Committee voted 2-2-0*

**ARTICLE 16 - RECREATIONAL MARIJUANA**

To see if the Town shall adopt the following By-laws

Amend the Zoning By-law:

Insert in Section 10000, Definitions, in the appropriate alphabetic order, the following new definition:

MARIJUANA ESTABLISHMENTS

All types of non-medical “marijuana establishments” as defined in G.L. c. 94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed, marijuana-related businesses, operation of which establishments shall not be commenced prior to December 31, 2018 and, thereafter, shall be governed by any vote of the Town made pursuant to G.L. c. 94G, § 3(a)(2).

Insert in Appendix A, Table of Principal Uses, at the end of Section D, Commercial Uses, a new line reading as follows:

	RR	TR	RCR	SR	UR	C	I
Marijuana Establishments	N	N	N	N	N	BOS	N

And, further, to direct the Selectmen to place a question on the next available ballot for a general or special election to read as follows:

Shall the Town of Pepperell prohibit Marijuana Establishments from operating in the Town of Pepperell

Yes \_\_\_\_\_

No \_\_\_\_\_

I move that the Town vote to amend the Protective Zoning Bylaw Section 10000 DEFINITIONS by adding the above changes.

*Finance Committee Voted to Take No Action*

**Article 17 - NASHUA RIVER WILD AND SCENIC DESIGNATION**

To see if the Town of Pepperell will accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan developed by the Nashua River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designations.

I move that the Town vote to accept the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan as developed by the Nashua River Wild and Scenic River Study Committee together with its recommendation to seek Wild and Scenic River designation.

*No Action by Finance Committee*

**ARTICLE 18 - CITIZENS’ PETITION - PROPOSED AMENDMENT TO THE TOWN OF PEPPERELL ZONING MAP AS IT RELATES TO THE LAND WITH THE FOLLOWING TOWN OF PEPPERELL PARCEL ID NUMBERS: PARCEL ID 24-61-0 (MAP24, PARCEL 61) (15 CANAL STREET)**

To see if the Town will vote to change the Zoning District of parcel 24-61-0 from Town Residence to Commercial, and to further amend the Official Zoning Map and its written addendum to reflect this change.

*No Action by Finance Committee*

**ARTICLE 19 - CITIZENS’ PETITION**

To see if the Town will appropriate the sum of money not to exceed \$400,000 using a Debt Exclusion to be expended by the Fire Chief for the purchase of a replacement ladder truck, including related incidental costs, or take any other action relative thereto.

*Recommended by Finance Committee 3-1-0*

**ARTICLE 20 - CITIZENS’ PETITION**

To see if the Town will vote to raise and appropriate, transfer or borrow a sufficient sum of money to fund the hiring of two full-time police officers or act on anything relative thereto.

*No Recommendation, Finance Committee voted 2-2-0*

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 19<sup>th</sup> day of April, A.D. 2018.

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Melissa M. Tzanoudakis, Chairman

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Roland Nutter, Clerk

\_\_\_\_\_  
Lisa Ferolito

PEPPERELL BOARD OF SELECTMEN

\_\_\_\_\_  
CONSTABLE OF PEPPERELL

