

SPECIAL TOWN MEETING
November 14, 2020
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 Saturday, the 14th of November, A.D. 2020 at 9:00 AM to act on the following articles:

PRELIMINARY MOTIONS

Majority vote required for passage

Motion: William Greathead, Select Board Chair

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

Majority vote required for passage

Motion: William Greathead, Select Board Chair

I move that for any matters on the warrant for this Town Meeting which, by statute, require a two-thirds majority vote, that the Moderator be authorized to take the vote in the same manner in which the Moderator takes a vote when a simple majority vote is required, without a count.

WARRANT MOTIONS

ARTICLE 1 - FY2021 GENERAL FUND BUDGET AMENDMENT - REDUCTIONS

To see if the Town will vote to amend the Fiscal Year 2021 budget, as adopted under Article 5 of the warrant for the 2020 Annual Town Meeting, by reducing the total appropriation by \$133,000.00, or take any other action relative thereto.

Explanation: Revenue is estimated to be lower than expected for the budget approved at the Annual Town Meeting in June 2020. Since the article was first proposed, a revised revenue figure indicates that only \$50,006.00 needs to be removed from the FY2021 expenditure budget.

Recommendation: The Finance Committee will announce a recommendation at the Town Meeting.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

Motion Made: Margaret Scarsdale, Select Board Clerk

I move that the Town vote to reduce the total appropriation for the Fiscal year 2021 budget by \$50,006.00 as follows:

<u>General Fund Line Item</u>	<u>By</u>	<u>Reason</u>	
100-91100-51172 deferred.		Retirement	assessment
	-	\$50,006.00	

ARTICLE 2 - FY2021 FREE CASH REQUEST FOR GENERAL FUND BUDGET

To see if the Town will vote to appropriate a sum of money from Free Cash as certified on 07/01/2020, or other available funds, for the purpose of supplementing or otherwise modifying the Fiscal Year 2021 budget as may be necessary to balance the budget or take any other action relative thereto.

Explanation: If Article 1 reductions do not pass, an appropriation from available funds will be needed for necessary expenses in Fiscal Year 2021.

Recommendation: The Finance Committee will announce a recommendation at the Town Meeting.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage if using overlay surplus .
Two-thirds vote required if Stabilization funds used.

Motion Made: Tony Beattie, Select Board Member

I move that the Town vote to appropriate \$50,006.00 from Overlay Surplus or General Stabilization to supplement the amount appropriated for the FY2021 budget as follows:

<u>General Fund Line Item</u>	<u>By</u>	<u>Reason</u>	
100-91100-51172 assessment.		\$50,006.00	To fully fund

There is \$88,000.00 available in the Overlay Surplus released by the Board of Assessors. These funds will be returned to the undesignated fund balance if not otherwise appropriated. There is \$559,657.59 available in General Stabilization. If used for this purpose, the remaining balance would be \$509,651.59.

ARTICLE 3 - NISSITISSIT MIDDLE SCHOOL GROUND LEASE

To see if the Town will vote to approve a ground lease with the North Middlesex Regional School District, as lessee, for the Town-owned property known as the Nissitissit Middle School located at 33 Chace Avenue, or take any other action relative thereto.

Explanation: When the school was built, a lease on the land should have been executed. NMRSD noticed in reviewing paperwork on a school in Townsend that this property was also without a lease. The agreement, which is shown as Appendix D, has been recommended by legal counsel.

Recommendation: The Finance Committee took no action on this article.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

Motion Made: William Greathead, Select Board Chair

I move that the Town vote to approve a ground lease with the North Middlesex Regional School District for the property known as the Nissitissit Middle School and authorize the Select Board to take all actions and execute all documents necessary in connection therewith.

ARTICLE 4 - ZONING BYLAW AMENDMENT, ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana Establishments, as follows, or take any other action relative thereto:

- a) In subsection 6640.5, revise clause a) to read as follows, with deletions shown by ~~strikethrough~~ and additions shown by underlining:

The maximum number of Marijuana Establishments in the Town of Pepperell shall be limited as follows:

- a) ~~The number of Marijuana Retailers shall not exceed twenty percent (20%) of the number of alcohol licenses issued pursuant to M.G.L. c. 138, §15 for retail sale of alcohol not to be drunk on the premises in the Town of Pepperell, said 20% figure to be rounded up to the next whole number.~~ The number of Marijuana Retailers shall not exceed two.
- b) In Section 6650 revise the third sentence to read as follows, with deletions shown by ~~strikethrough~~ and additions shown by underlining:

While the Special Permit Granting Authority (SPGA) is authorized to approve Special Permits for Marijuana Retailers in an amount up to, but not exceeding ~~20% of the number of licenses issued within the Town pursuant to M.G.L. c. 138, §15 for the retail sale of alcoholic beverages not to be drunk on the premises~~ two, the Zoning Bylaw shall not be construed to obligate the SPGA to approve any particular application for a Special Permit just because the maximum number of Special Permits has not been approved.

Explanation: At the November 2016 general election, the Town of Pepperell voted in favor of allowing retail marijuana and cultivation enterprises. The state law approved by that ballot measure left details to the Commonwealth of Massachusetts, which then established a Cannabis Control Commission (CCC) to adopt regulations for licensing of marijuana establishments. The law also allows for cities and towns to adopt local regulations for such establishments. This local regulation is optional but requires a by-law to set specific limits or requirements that may differ from what would otherwise be allowed under the state law.

The existing by-law language uses the minimum statutory requirement and effectively restricts the number of retail marijuana shops that may be permitted to one (1). This amendment increases the allowed number of retail marijuana shops to two (2), which exceeds the required minimum, while removing the variable limit language. This limit could only be changed by another vote of Town Meeting.

Report of the Planning Board: Casey Campetti, Planning Board Chair

Recommendation: The Finance Committee recommends the passage of this article by a vote of 4 to 0.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

2/3 vote required for passage.

Motion Made: Margaret Scarsdale, Select Board Clerk

I move that the Town vote to amend Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana Establishments as shown in the warrant for this Town Meeting.

ARTICLE 5 - ACCEPTANCE OF CRAWFORD WAY AND RED PEPPER LANE AS A PUBLIC WAY

To see if the Town will vote to accept as Town public ways, Crawford Way and Red Pepper Lane, in the Town of Pepperell, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid out by the Select Board, and as shown on a plan entitled "Street Acceptance Plan in Pepperell, Massachusetts Crawford Way" dated May 20, 2020, revised August 28, 2020 by Land Engineering & Environmental Services, Inc.," a copy of which is on file with the Town Clerk, and to authorize the Select Board to acquire by eminent domain, purchase, gift or otherwise, the fee simple interest, or easements, in said ways for the purpose for which public ways are used in the Town, together with all related drainage, utility and other easements, or take any other action relative thereto.

Explanation: The Select Board held a public hearing to adopt the Order of Layout for Crawford Way and Red Pepper Lane. The Town may accept Crawford Way and Red Pepper Lane as public ways and authorize the Town to acquire public way rights or easements in Crawford Way and Red Pepper Lane from those persons owning or having rights therein. A map showing Crawford Way and Red Pepper Lane is in Appendix C.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 4 to 0.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

Motion Made: Tony Beattie, Select Board Member

I move that the Town vote to accept as Town public ways, Crawford Way and Red Pepper Lane, in the Town of Pepperell, County of Middlesex, Commonwealth of Massachusetts as heretofore laid out by the Select Board, and as shown on a plan entitled "Street Acceptance Plan in Pepperell, Massachusetts Crawford Way" dated May 20, 2020, revised August 28, 2020 by Land Engineering & Environmental Services, Inc.," a copy of which is on file with the Town Clerk, and to authorize the Select Board to acquire, by eminent domain, purchase, gift or otherwise, the fee simple interest and/or easements in said ways for the purpose for which public ways are used in the Town, together with all related drainage, utility and other easements.

ARTICLE 6 - GRANT OF EASEMENT / BEMIS ROAD

To see if the Town will vote: (a) to authorize the Select Board, for and on behalf of the Town and upon such terms and conditions as the Board deems to be in the best interest of the Town, to convey to the Massachusetts Electric Company, and to Verizon New England, a perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, utility service lines to consist of, but not limited to, five (5) poles, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances over, across, under and upon the land in which the Town has or may have an interest, being known as Bemis Road, to serve property located on the westerly end of Bemis Road and shown as "Town of Pepperell" on a plan of land recorded with the Middlesex South District Registry of Deeds as Plan #921 of 1968; and (b) to authorize the Select Board to take any and all action necessary for the purpose of accomplishing such easement conveyance, or take any other action relative thereto.

Explanation: This article seeks to authorize the grant of a permanent utility easement on land known as 'Bemis Road.' The easement provides for utility service across town land to a town facility. This easement replaces a temporary license from the Select Board. A map showing the proposed easement is in Appendix B.

Recommendation: The Finance Committee took no action on this article.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

ARTICLE 6 - GRANT OF EASEMENT / BEMIS ROAD continued

Motion Made: Margaret Scarsdale, Select Board Clerk

I move that the Town vote (a) to authorize the Select Board, for and on behalf of the Town and upon such terms and conditions as the Board deems to be in the best interest of the Town,, to convey to the Massachusetts Electric Company, and to Verizon New England, a perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, utility service lines to consist of, but not limited to, five (5) poles, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances over, across, under and upon the land in which the Town has or may have an interest, being known as Bemis Road, to serve property located on the westerly end of Bemis Road and shown as "Town of Pepperell" on a plan of land recorded with the Middlesex South District Registry of Deeds as Plan #921 of 1968, such easement to be upon such terms and conditions as the Board deems to be in the best interest of the Town; and (b) to authorize the Select Board to take any and all action necessary for the purpose of accomplishing such easement conveyance.

ARTICLE 7 - OUTDOOR LIGHTING BYLAW

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

Explanation: The Town of Pepperell Light, Air, and Noise Committee drafted this bylaw. The bylaw includes in its statement of purpose the following: "The Town of Pepperell hereby finds and determines that the welfare and enjoyment of Pepperell is associated with its rural character, including its nighttime ambience. It is recognized that light pollution, as defined in this Bylaw, is a nuisance to the residents of Pepperell as it negatively impacts human health and

contributes to the loss of our night-sky heritage. Preserving and protecting the night sky enhances the general well-being of residents, as well as the use and enjoyment of property, through the use of appropriate lighting practices.”

Recommendation: The Finance Committee took no action on this article.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

Motion Made: William Greathead, Select Board Chair

I move that the Town vote to adopt an Outdoor Lighting Bylaw, as shown in Appendix A to the warrant report and handout for this Town Meeting.

ARTICLE 8 - FY2021 WATER ENTERPRISE FUND BUDGET AMENDMENT - REDUCTIONS

To see if the Town will vote to amend the Fiscal Year 2021 Water Enterprise Fund budget, as adopted under Article 7 of the warrant for the 2020 Annual Town Meeting, by reducing the total appropriation by \$109,000.00, or take any other action relative thereto.

The following line item reductions will be made to offset the anticipated revenue shortfall:

Bemis Well - Construction Interest Long term	\$56,666.67
Bemis Well - Construction Admin/Origination Fees	<u>\$53,125.00</u>
	\$109,791.67

ARTICLE 8 - FY2021 WATER ENTERPRISE FUND BUDGET AMENDMENT - REDUCTIONS
continued

Explanation: Revenue is estimated to be lower than expected for the budget approved at the Annual Town Meeting in June 2020. The amount of the shortfall is estimated to be about \$109,000.00. The Department of Public Works is recommending the two specific cuts listed above which, due to timing of the Bemis Well construction project, are being deferred to Fiscal Year 2022.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 4 to 0.

Recommendation: The Select Board recommends the passage of this article by a vote of 3 to 0.

Majority vote required for passage.

Motion Made: Tony Beattie, Select Board Member

I move that the Town vote to amend the Fiscal Year 2021 Water Enterprise Fund budget, as adopted under Article 7 of the warrant for the 2020 Annual Town Meeting by reducing the total appropriation by \$109,791.67, as follows:

Reducing the Debt Service amount from \$430,930.00 to \$321,138.33

Motion to adjourn:

The next local election is scheduled for April 26, 2021.
The next Annual Town Meeting is scheduled for May 3, 2021.