



Town of Pepperell

Special Town Meeting

November 6, 2021, 9:00 AM
Warrant Packet

1. Meeting Opening
 - Pledge of Allegiance
 - Housekeeping announcements

2. Presentations
 - Re-precincting and polling location changes
Town Clerk, Brynn Durno
 - Master Plan Update
Master Plan Implementation Team, Chuck Walkovich
 - Grants and project updates
Town Administrator, Andrew MacLean

3. Warrant Articles
 - Return of the warrant
 - Voting instructions
 - Consideration of articles

**SPECIAL TOWN MEETING
November 6, 2021**



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 6th of November, 2021 at 9:00 AM to act on the following articles:

*The full text of the Annual Town Meeting Warrant and appendices can be viewed at the Town Clerk's office at 1 Main Street, Pepperell during business hours or online at:
<https://town.pepperell.ma.us/271/Town-Meeting-Warrants-Results>*

PRELIMINARY MOTION

Simple Majority required for passage

Motion Made: Margaret Scarsdale, Select Board Chair

I move that we dispense with the reading of the Warrant.

PRELIMINARY MOTION

Simple Majority required for passage

Motion Made: Margaret Scarsdale, 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.

ARTICLE 1 – 2020 ANNUAL TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers and Committees for 2020 as printed, or take any other action relative thereto.

The full text of the 2020 Annual Town Report can be viewed at the Town Clerk's office at 1 Main Street, Pepperell during business hours or on line at:
<https://town.pepperell.ma.us/271/Town-Meeting-Warrants-Results>

Explanation: *This article is to accept the reports of the Town Officers and Committees for the 2020 Annual Town Report as printed.*

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

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

Simple Majority required for passage.

Motion Made: Tony Beattie, Select Board Clerk

I move that the Town vote to accept the reports of the Town Officers and Committees for the 2020 Annual Town Report as printed.

ARTICLE 2 – 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 & Red Pepper Lane” dated May 20, 2020, revised August 28, 2020 by Land Engineering & Environmental Services, Inc., a copy 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 Special Town Meeting held in November 2020, voted to accept these ways. The developer did not complete the documentation transfer of deeds required within 120 days. The town needs to re-vote this acceptance as an administrative process. 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 a public way giving the Town public way easements in Crawford Way and Red Pepper Lane from those persons owning or having rights therein.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Mark Mathews, 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 & Red Pepper Lane” dated May 20, 2020, revised August 28, 2020 by Land Engineering & Environmental Services, Inc., a copy 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, as shown in Appendix A.

ARTICLE 3 – FUND COLLECTIVE BARGAINING CONTRACT SETTLED AFTER BUDGET PROCESS ENDED

To see if the Town will vote to raise and appropriate from available funds the sum of \$8,558.00 to fund the cost items for the Lawrence Library Staff Association, MLSA, MFT, AFT, AFL-CIO

Local 4028, collective bargaining agreement for fiscal year 2022, or take any other action relative thereto.

Explanation: *In the spring of 2021, the town completed successor agreement negotiations with the Lawrence Library Staff Association. This article provides funds for the fiscal year 2022 increase from the tax levy.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Margaret Scarsdale, Select Board Chair

I move that the Town vote to raise and appropriate \$8,558.00 to fund the cost items for the Lawrence Library Staff Association, MLSA, MFT, AFT, AFL-CIO Local 4028, collective bargaining agreement for fiscal year 2022.

ARTICLE 4 – FUND COLLECTIVE BARGAINING CONTRACT SETTLED AFTER BUDGET PROCESS ENDED

To see if the Town will vote to raise and appropriate from available funds the sum of \$21,000.00 to fund the cost items for the International Association of Firefighters, Local 5018, collective bargaining agreement for fiscal year 2022, or take any other action relative thereto.

Explanation: *In the fall of 2021, the town completed successor agreement negotiations with the International Association of Fire Fighters Local 5018. This article provides funds for the fiscal year 2022 increase from the tax levy.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

Recommendation: The Select Board recommends this article by a vote of 2 to 0, 1 abstention.

Simple Majority required for passage.

Motion Made: Tony Beattie, Select Board Clerk

I move that the Town vote to raise and appropriate \$21,000.00 to fund the cost items for the International Association of Firefighters, Local 5018, collective bargaining agreement for fiscal year 2022.

ARTICLE 5 – PROVIDE FUNDING FOR POLICE DEPARTMENT POST-EMPLOYMENT EXPENSES

To see if the Town will vote to raise and appropriate or transfer from available funds to supplement the fiscal year 2022 Police Department salary and wage budget for post-employment expense obligations related to the death of a department employee and salary and associated expenses incurred in connection with the departmental vacancy, or take any other action relative thereto.

Explanation: *This article provides funds for the post-employment expenses in the police department budget from the reduction in the North Middlesex Regional School District*

(NMRSD) transportation budget. This allocation was reduced due to additional transportation funding from the Commonwealth of Massachusetts and is not a reduction in services from the original school district budget allocation.

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Mark Mathews, Select Board Member

I move that the Town vote to transfer \$39,562.00 from funds available from the North Middlesex Regional School District allocation to the 2022 Police Department salary and wage budget for post-employment expense obligations related to the death of a department employee and salary and associated expenses incurred in connection with the departmental vacancy.

ARTICLE 6 – APPROVE MULTI-YEAR FINANCING PLAN FOR STREET LIGHT CONVERSION PROJECT

To see if the Town will vote to approve a seven (7) year financing plan and authorize a contract for that period for the purchase of LED lights and the retrofitting of street lights throughout the Town to LED lighting, with the cost of financing to be covered by the street light budget electricity cost savings resulting from the conversion to LED lights, or take any other action relative thereto.

Explanation: *In 2020 the town began the process of purchasing and replacing the street lighting in town with energy efficient LED lamps. This article intends to finance the cost of this project using the savings from electric consumption in the street light budget.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Margaret Scarsdale, Select Board Chair

I move that the Town vote to approve a seven (7) year financing plan and authorize a contract for that period for the purchase of LED lights and the retrofitting of street lights throughout the Town to LED lighting, with the cost of financing to be covered by the street light budget electricity cost savings resulting from the conversion to LED lights, as shown in Appendix B.

(No action will be taken on Article 7 if Article 6 passes)

ARTICLE 7 – STREET LIGHT CONVERSION PROJECT, ALTERNATIVE FUNDING

To see if the Town will vote to appropriate \$267,915.00 from Free Cash to pay for the costs associated with the project for purchase of LED street lights and the retrofitting of street lights throughout the Town to LED lighting, or take any other action relative thereto.

Explanation: *In 2020 the town began the process of purchasing and replacing the street lighting in town with energy efficient LED lamps. This article intends to pay for the cost of this project by appropriating the entire cost from available Free Cash.*

General Fund Free Cash balance is \$1,593,968.00 less \$267,915.00 = \$1,326,053.00

Recommendation: The Finance Committee recommends this article by a vote of 2 to 0, 1 abstention.

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

Simple Majority required for passage.

Motion Made: Tony Beattie, Select Board Clerk

I move that the Town vote to appropriate \$267,915.00 from Free Cash to pay for the costs associated with the project for purchase of LED street lights and the retrofitting of street lights throughout the Town to LED lighting.

ARTICLE 8 - LEASE PURCHASE FINANCING AGREEMENT, PER G.L. c. 44, §21C

To see if the Town will vote to authorize the Fire Department to enter into a five (5) year lease purchase financing agreement for an ambulance, or take any other action relative thereto.

Explanation: *The Town has two ambulances which last, on average, ten (10) years. We replace one ambulance about every five years to ensure that dependable response can be maintained. This article authorizes the town to enter into a five (5) year lease purchase agreement with initial payment occurring in fiscal year 2023. This cost will be included in the FY2023 General Fund.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Mark Mathews, Select Board Member

I move that the Town vote to authorize the Fire Department to enter into a five (5) year lease purchase financing agreement for an ambulance, as shown in Appendix C.

ARTICLE 9 - LEASE PURCHASE FINANCING AGREEMENT, PER G.L. c. 44, §21C

To see if the Town will vote to authorize the Department of Public Works to enter into a five (5) year lease purchase financing agreement for a street sweeper, or take any other action relative thereto.

Explanation: *The Town's current street sweeper has been in service since the year 2000 and is no longer functional. This article authorizes the town to enter into a five (5) year lease purchase agreement for a new street sweeper. This purchase will be funded through the Storm Water Enterprise Fund.*

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Margaret Scarsdale, Select Board Chair

I move that the Town vote to authorize the Department of Public Works to enter into a five (5) year lease purchase financing agreement for a street sweeper, as shown in Appendix D.

ARTICLE 10 – FY2022 WATER ENTERPRISE FUND BUDGET AMENDMENT, RETAINED EARNINGS APPROPRIATION

To see if the Town will vote to transfer from Water Enterprise Fund Retained Earnings a sum of money to offset water rates for the fiscal year 2022 Water Enterprise Fund budget, or take any other action relative thereto.

Explanation: *The fiscal year 2022 Water Enterprise Fund receipts are trending lower than expected. This article will use retained earnings to offset rates and keep the budget in balance.*

The Water Enterprise Fund Retained Earnings balance available is:
\$1,094,056.00 less \$118,000.00 = \$976,056.00

Recommendation: The Finance Committee recommends this article by a vote of 3 to 0.

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

Simple Majority required for passage.

Motion Made: Tony Beattie, Select Board Clerk

I move that the Town vote to transfer \$118,000.00 from Water Enterprise Fund Retained Earnings to offset water rates for the fiscal year 2022 Water Enterprise Fund budget.

ARTICLE 11 – FY2022 WATER ENTERPRISE FUND BUDGET REDUCTION

To see if the Town will vote to reduce the fiscal year 2022 Water Enterprise Fund budget, or take any other action relative thereto.

Explanation: *The fiscal year 2022 Water Enterprise Fund receipts are trending lower than expected. This article will reduce Water Enterprise Fund allocations to offset rates and keep the budget in balance.*

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

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

Simple Majority required for passage.

Motion Made: Margaret Scarsdale, Select Board Chair

I move that the Town take no action on Article 11.

ARTICLE 12 – APPROVE COMMUNITY PRESERVATION ACT

To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and

restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to establish the amount of the surcharge on real property as one percent (1%) of the annual real estate tax levy against real property, commencing in fiscal year 2023; and to accept the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing, as defined in Section 2 of said Act, and \$100,000.00 of the value of each taxable parcel of residential real property, as defined in section 2A of Chapter 59 of the General Laws; or to take any other action relative thereto.

Explanation: *The Community Preservation Act (CPA) is a state law passed in 2000 that allows Massachusetts communities to conduct a referendum to add a small surcharge on local property taxes. When combined with matching funds from the statewide Community Preservation Trust Fund, this dedicated fund is used to build and rehabilitate parks, playgrounds, and recreational fields, protect open space, support local affordable housing development, and preserve historic buildings and resources. Full adoption of the CPA also requires this article to be placed on a future ballot of a local election. Passage of this article at Town Meeting and at a future ballot will allow the Town to levy an additional 1% tax on properties as described in the article.*

Recommendation: The Finance Committee recommends this article by a vote of 2 to 1.

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

Simple Majority required for passage.

Motion Made: Mark Mathews, Select Board Member

I move that the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to establish the amount of the surcharge on real property as one percent (1%) of the annual real estate tax levy against real property, commencing in fiscal year 2023; and to accept the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing, as defined in Section 2 of said Act, and \$100,000.00 of the value of each taxable parcel of residential real property, as defined in section 2A of Chapter 59 of the General Laws, as shown in Appendix E.

MOTION TO DISSOLVE THE MEETING.

Consider supporting Pepperell by volunteering to serve on a town committee. Find out more at: <https://town.pepperell.ma.us/268/Opportunities-Bids-Openings#citizen>

Please join us for our next Annual Town Meeting, May 2022