



# SPECIAL TOWN MEETING MINUTES

November 14, 2022

*A TRUE COPY*

ATTEST:

*Brynn C. Durno*

Brynn C. Durno, Town Clerk

## **RETURN OF THE WARRANT**

Pursuant to a warrant signed on 27th day of October, 2022 by Select Board Members Chuck Walkovich, Anthony Beattie and Mark Mathews and posted on October 27th by Constable Frank Quattrochi in five public places – Pepperell Town Hall, Pepperell Police Station, Pepperell Post Office, Mel’s Barber Shop and Pepperell Family Pharmacy as well as attested copies online. We, the inhabitants of the Town of Pepperell whom are qualified to vote in Elections and Town affairs are convening here today at Nissitissit Middle School on this 14<sup>th</sup> day of November, A.D. 2022 to act on the following 7 articles.

There were – 412 – *four hundred and twelve registered voters* and -19- *nineteen visitors* in attendance.

The following Board of Registrars checked in voters for the Annual Town Meeting:  
Sharon Tetreault, 43 Lawrence Street                      Jane Eshleman, 125 South Road  
Kathy Pries, 3 Blue Herons Way

Moderator Blackburn opened the Annual Town Meeting at 7:14PM. The assembly recited the Pledge of Allegiance.

## **MEETING MINUTES**

### **PRELIMINARY MOTION**

**Simple Majority required for passage**

**Motion Made:** Mark Mathews, Select Board Chair

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

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

### **PRELIMINARY MOTION**

**Simple Majority required for passage**

**Motion Made:** Mark Mathews, 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.

**MOTION SECONDED. OBJECTION MADE, DISCUSSION ENSUED**

**MOTION DID NOT PASS.**

### **ARTICLE 1 – COMMUNITY PRESERVATION COMMITTEE BYLAW**

To see if the Town will vote to adopt a Community Preservation Committee Bylaw, for implementation of the Community Preservation Act, as shown in the copy on file in the office of the Town Clerk, or take any other action relative thereto.

**Explanation:** *In Spring 2022, the Town adopted the Community Preservation Act. The adoption requires that a committee be formed, with a bylaw, which is charged with recommending to Town Meeting how to distribute the funds collected.*

**Recommendation:** The Finance Committee recommends this article by a vote of 4 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 adopt a Community Preservation Committee Bylaw as shown in Appendix A of the handout for this Town Meeting.

### **MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

#### **ARTICLE 2 – WATER ENTERPRISE FUND BUDGET AMENDMENT, RETAINED EARNINGS APPROPRIATION**

To see if the Town will vote to amend the fiscal year 2023 Water Enterprise Fund budget by increasing the retained earnings line item appropriation to \$200,000.00, as a transfer from Water Enterprise Fund retained earnings, certified July 1, 2022, to offset reduced revenues from water user fees, or take any other action relative thereto.

**Explanation:** *Drought restrictions on water use in the summer of 2022, along with increased utility rates, have impacted the Water Enterprise Fund's Fiscal 2023 revenue and expenses. Two resolutions are possible, a transfer from retained earnings as proposed under this article, or a budget reduction amendment as proposed under the following article. The precise amount to be appropriated will be verified at the Town Meeting.*

**Recommendation:** The Finance Committee recommends this article by a vote of 4 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 amend the fiscal year 2023 Water Enterprise Fund budget by increasing the retained earnings line item appropriation to \$200,000.00, as a transfer from Water Enterprise Fund retained earnings, certified July 1, 2022, to offset reduced revenues from water user fees.

### **MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

#### **ARTICLE 3 – WATER ENTERPRISE FUND BUDGET REDUCTION ADJUSTMENTS**

To see if the Town will vote to amend the fiscal year 2023 Water Enterprise Fund budget by reducing certain line items in the budget, or take any other action relative thereto.

**Explanation:** *Drought restrictions on water use in the summer of 2022, along with increased utility rates, have impacted the Water Enterprise Fund's Fiscal Year 2023 revenue and expenses.*

*If moving this article, a detailed listing of budget reductions will be provided.*

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

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

**Simple Majority required for passage.**

**Motion Made:** Chuck Walkovich, Select Board Member

I move that the Town vote to take no action on Article 3.

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

**ARTICLE 4 - PEPPERELL HOME RULE CHARTER AMENDMENTS**

To see if the Town will vote, pursuant to M.G.L. Chapter 43B, to propose the Amendments to the Pepperell Home Rule Charter recommended by the Charter Review Committee and shown in the documents prepared by the Committee and on file in the office of the Town Clerk, which include amendments of form and substance to the eight Articles of the Charter, in order to reaffirm the Town's individual sovereignty with respect to the conduct of our local government and to take to the fullest the advantages inherent in the Home Rule Amendments of the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

**Explanation:** *Subsequent to a two-year review, the Charter Review Committee recommends changes to the Pepperell Home Rule Charter. The proposed revisions focus on enhancing transparency, clarifying (including grammatical edits throughout), strengthening, and adding limits where needed based on accepted standards and requirements. The following are the primary subjects that were addressed:*

1. *Ethical standards (in Article 1)*
2. *Publication of notices (in Articles 2 - Legislative Branch, 3 - Elected and Appointed Officials, 4 - Town Administrator, and 7 - General Provisions)*
3. *Bylaws (in Article 2 – Legislative Branch)*
4. *Select Board (in Article 3 – Elected and Appointed Officials, and throughout the document)*
5. *Town Administrator (in Article 4)*
6. *Committees (in Article 5 – Administrative Organization)*
7. *Budget Procedures (in Article 6 – Finance and Fiscal Procedures)*

**Recommendation:** The Finance Committee did not vote on this article.

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

**Two-thirds Majority required for passage.**

**Motion Made:** Chuck Walkovich, Select Board Member

I move that the Town vote, pursuant to M.G.L. Chapter 43B, to propose the Amendments to the Pepperell Home Rule Charter recommended by the Charter Review Committee and as shown in Appendix B of the handout for this Town Meeting, in order to reaffirm the Town's individual sovereignty with respect to the conduct of our local government and to take to the fullest the advantages inherent in the Home Rule Amendments of the Constitution of the Commonwealth of Massachusetts.

*Presentation from the Charter Review Committee Chair, Matt Jussaume*

**MOTION PASSED BY TWO-THIRDS MAJORITY AS DECLARED BY THE MODERATOR WITH A STANDING COUNT OF 378 (three hundred seventy-eight) YAYS, 0 (zero) NAYS**

**ARTICLE 5 – PERSONNEL BYLAW REVISIONS**

To see if the Town will vote to amend the Personnel Bylaw by deleting the current text in its entirety and replacing it with the revised version on file in the office of the Town Clerk, or take any other action relative thereto.

**Explanation:** *In 2021 and 2022 a staff-based committee created a modern personnel policy document for all Town employees. This document addresses aspects of the existing Personnel Bylaw but is compliant with federal and state laws which have changed since the original bylaw was created. This revision proposes to provide flexibility of personnel management decisions with the Select Board and professional staff, including a new Human Resources staff member, while keeping certain authority over personnel decisions in a bylaw. The complete text is available in Appendix C of the handout for this Town Meeting.*

**Recommendation:** The Finance Committee did not vote on this article.

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

**Simple Majority required for passage.**

**Motion Made:** Chuck Walkovich, Select Board Member

I move that the Town vote to replace General Bylaw Chapter 31 with the version shown in Appendix C of the handout for this Town Meeting.

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

#### **ARTICLE 6 – CHAPTER 40R ZONING BYLAW AMENDMENT**

To see if the Town will vote to amend the Zoning Bylaw by adopting the proposed 40R SmartGrowth Overlay District amendments shown in the document on file in the office of the Town Clerk, or take any other action relative thereto.

**Explanation:** *The Planning Board seeks to create an overlay district, overlapping generally with the downtown /commercial sectors of town, to be known as a SmartGrowth 40R district. The Commonwealth of Massachusetts provides significant incentives to communities that create such districts to encourage the development of affordable housing in dense commercial centers rather than in existing open spaces.*

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

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

**Simple Majority required for passage. (Chapter 40R is Housing related zoning)**

**Motion Made:** Mark Mathews, Select Board Chair

I move that the Town vote to amend the Zoning Bylaw by adopting the proposed 40R SmartGrowth Overlay District amendments shown in Appendix D of the handout for this Town Meeting.

*Presentation from the Town Planner, Jenny Gingras and Planning Board Chair Al Patenaude*

*Presentation from GrowSmartPepperell, Sherrill Rosoff & Renée D'Argento*

**AFTER THE PRESENTATIONS A LENGTHY DISCUSSION ENSUED. THERE WAS AN AMENDMENT MADE BY RON KARR. AFTER TOWN COUNSEL REVIEWED THE PROPOSED AMENDMENT IT WAS DETERMINED THE AMENDMENT WAS OUT OF ORDER BY STATE STATUTE. MOTION WAS WITHDRAWN.**

**MOTION WAS MADE TO MOVE THE QUESTION AND VOTE BY SECRET BALLOT. MOTION SECONDED.**

**SECRET BALLOT VOTE WAS HELD. FINAL VOTE WAS 90 (ninety) YAYS, 309 (three-hundred nine) NAYS**

**MOTION TO ADOPT THE 40R ZONING BYLAW AMENDMENT DID NOT PASS AS DECLARED BY THE MODERATOR BY SECRET BALLOT VOTE.**

**ARTICLE 7 - ZONING BYLAW – TECHNICAL CORRECTIONS, RENUMBERING**

To see if the Town will vote to amend the Zoning Bylaw by adopting the clerical revisions proposed by the Planning Board and shown in the document describing such revisions on file in the office of the Town Clerk, or take any other action relative thereto.

**Explanation:** *Amend the Zoning Bylaw by moving and re-numbering Section 9000 - Administration and Procedures, and all subsections thereof, to Section 10000 – Administration and Procedures; moving and re-numbering Section 10000 - Definitions, and all subsections thereof, to Section 11000 – Definitions; and changing the numerical references to those sections and all subsections thereof where appearing in other sections of the Zoning Bylaw.*

*This change is clerical in nature and not intended to change the interpretation of the Zoning Bylaw in any substantive way.*

**Recommendation:** The Finance Committee did not vote on this article.

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

**Two-thirds Majority required for passage.**

**Motion Made:** Mark Mathews, Select Board Chair

I move that the Town vote to take no action on Article 7. (Simple Majority required)

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

**ARTICLE 8 - GENERAL FUND BUDGET AMENDMENT**

To see if the Town will vote to appropriate \$\_\_\_\_\_.00 from free cash certified on July 1, 2022 or other available funds, to supplement the existing appropriation for Fiscal Year 2023 General Fund Budget expenses, or take any other action relative thereto.

**Explanation:** *This petition is a placeholder if revenue is needed to balance the FY2023 General Fund in accordance with Department of Revenue regulations. The precise amount to be appropriated will be verified at the Town Meeting.*

**Recommendation:** The Finance Committee did not vote on this article.

**Recommendation:** The Select Board did not vote on this article.

**Simple Majority required for passage (two-thirds if Stabilization Funds used).**

**Motion Made:** Mark Mathews, Select Board Chair

I move that the Town vote to take no action on Article 8.

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

All Business on the Warrant having been acted upon, a motion was made and seconded to dissolve said Town Meeting at 10:32PM.

(A full videotaped transcript of the 2021 Annual Town Meeting and all discussion details is available through Pepperell Community Media)