

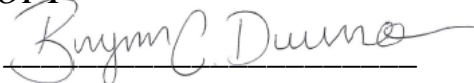


ANNUAL TOWN MEETING MINUTES

May 1, 2023 & May 8, 2023

A TRUE COPY

ATTEST:



Brynn C. Durno, Town Clerk

RETURN OF THE WARRANT

Pursuant to a warrant signed on 18th day of April, 2023 by Select Board Members Chuck Walkovich, Anthony Beattie and Mark Mathews and posted on April 20, 2023 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 were qualified to vote in Elections and Town affairs are convened at Nissitissit Middle School on the 1st day of May which adjourned to the 8th day of May, A.D. 2023 to act on 26 articles.

There were *288 – two hundred and eighty-eight registered voters and -24- twenty-four visitors* in attendance on May 1, 2023.

There were *197 – one hundred and ninety-seven registered voters and 19 – nineteen visitors* in attendance on May 8, 2023.

The following Board of Registrars checked in voters for the Annual Town Meeting:

Sharon Tetreault, 43 Lawrence Street

Jane Eshleman, 125 South Road

Sally Hensley, 2 Scotch Pine Farm Way

Moderator Blackburn opened the Annual Town Meeting at 7:18PM. 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 the Moderator allow non-voters or non-residents to speak on issues related to Town Meeting warrant articles where appropriate.

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 we dispense with the reading of the Warrant.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

CONSENT AGENDA – ARTICLES 1-5

Simple Majority required for passage

Motion Made: Chuck Walkovich, Select Board Member

I move that the Town vote to approve the actions proposed in all the articles included in the Consent Agenda as presented to this Town Meeting.

- **ARTICLE 1 – 2022 ANNUAL TOWN REPORT**

To see if the Town will vote to accept the reports of the Town Officers and Committees for 2022 as printed, or take any other action relative thereto.

Explanation: *This article is to accept the reports of the Town Officers and Committees for 2022 as printed.*

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

To see if the Town will vote, according to Massachusetts General Laws Chapter 44, Section 53E1/2 and the Town’s Revolving Funds Bylaw adopted by vote under Article 12 of the May 1, 2017 Annual Town Meeting, to set expenditure limits for the fiscal year July 1, 2023 through June 30, 2024 for the Town’s revolving funds, or take any other action relative thereto.

Explanation: *This article is required by Massachusetts General Laws Chapter 44, Section 53E1/2 which states that the town shall, on or before July 1 of each year, vote the limit on the total amount that may be expended from each revolving fund.*

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	Spending Limit
L.R.T.A. Van Transportation	Council on Aging Director	L.R.T.A. Van Transportation Revenue	Part-time wages & Operational Expenses	\$ 35,000.00
Senior Center Meals	Council on Aging Director	Donations for Meals	Part-time wages & Operational Expenses	\$ 25,000.00
Recreation	Recreation Director	Revenue from Rec. Dept. Activities	Part-time wages & Operational Expenses	\$ 80,000.00

- **ARTICLE 3 – NON-UNION COMPENSATION**

To see if the Town will vote to amend its Non-Union Compensation Plan established pursuant to Massachusetts General Laws Chapter 41, Section 108A and pursuant to Chapter 31 of the Code of the Town of Pepperell, by increasing the rates in the compensation table to reflect a 2.0% cost of living increase, effective July 1, 2023, as is shown in Appendix A to this warrant, or take any other action relative thereto.

Explanation: *The Non-Union Compensation Plan provides a predictable wage for various positions within our government offices. The Select Board voted a 2.0% cost of living increase into the table for FY2024.*

- **ARTICLE 4 - GRANT OF EASEMENT / 45 & 47 LOWELL ROAD AND JERSEY STREET (WR#30708441)**

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, a perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an “UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM” consisting of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence

and the furnishing of electric service to the following described land in which the Town has or may have an interest, the land being known as Lowell Road and Jersey Street, to serve property located on the southwesterly side of Lowell Road and Jersey Street and shown on a plan of land recorded with the Middlesex South District Registry of Deeds as Plan No. 283 of 1977, and as shown in Appendix B to the warrant for this Town Meeting, said land being more particularly described in two deeds, (i) a deed dated April 7, 1977 recorded with the Middlesex South District Registry of Deeds in Book 13170, Page 398 and (ii) a deed dated June 3, 1983, recorded with said Registry of Deeds in Book 15103, Page 566; 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 authorizes the grant of a permanent utility easement for land at Lowell Road and Jersey Street.*

• **ARTICLE 5 – GRANT OF EASEMENT / 45 LOWELL ROAD (WR#30675750)**

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, a perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an “OVERHEAD SYSTEM” and “UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM” consisting of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and the furnishing of electric service to the following described land in which the Town has or may have an interest, being known as Lowell Road and Jersey Street, to serve property located on the southwesterly side of Lowell Road and Jersey Street and shown on a plan of land recorded with the Middlesex South District Registry of Deeds as Plan No. 283 of 1977, and as shown in Appendix B to the warrant for this Town Meeting, said land being more particularly described in two deeds, (i) a deed dated April 7, 1977 recorded with the Middlesex South District Registry of Deeds in Book 13170, Page 398 and (ii) a deed dated June 3, 1983, recorded with said Registry of Deeds in Book 15103, Page 566; 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 authorizes the grant of a permanent utility easement for land at Lowell Road and Jersey Street.*

MOTION PASSED FOR THE CONSENT AGENDA (ACCEPTING ALL FIVE ARTICLES LISTED ABOVE) BY SIMPLE MAJORITY AS DECLARED BY MODERATOR

**** The Moderator imposed his right to change the order of the articles declaring that taking Article 26 (FY24 Town General Fund Budget) next would be a better sequence and more in-line with the normal order of articles at meetings past. ****

ARTICLE 26 - FISCAL YEAR 2024 TOWN GENERAL FUND BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds \$35,191,212.00 to defray the regular expenses of the Town for the Fiscal Year July 1, 2023 through June 30, 2024 for General Government, Public Safety, Nashoba Valley Technical High School, North Middlesex Regional School District, Public Works, Human Services, Culture & Recreation, Debt Service & State Assessments, Employee Benefits & Insurance, and Capital Outlay, as shown in Appendix H to the warrant for this Town Meeting, or take any other action relative thereto.

Explanation: *The Town Administrator shall submit to the Select Board and Finance Committee a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message. The budget shall provide a complete financial plan for all town funds and activities in such a format as the Finance Committee may suggest.*

On April 21, 2023, the NMRSD School Committee voted to reduce the operating and transportation assessments for FY2024. As a result, the posted Town Meeting Warrant article, shown above, indicated a higher request for funding than will be necessary. The motions made on the Town Meeting floor will be based on the accurate and reduced figures from NMRSD. The figures below have been recalculated to reflect the reduced assessments.

Motion made by: Mark Vasapolli, Finance Committee Member

I move that the Town vote to raise and appropriate \$33,386,743.00 for the purpose of funding the Town General Fund Budget for the period July 1, 2023 to June 30, 2024 in accordance with the recommendation of the Town Administrator, Select Board, and Finance Committee.

The motion above, if approved, will leave a deficit of \$710,338.00, for the NMRSD operating assessment. An additional motion indicating how this will be funded will be provided at the Town Meeting. The options include reductions to Town services, transfer of funds from free cash and/or stabilization reserves, and/or funding through taxation, contingent upon a Proposition 2 ½ tax override.

PRESENTATIONS WERE MADE BY SUPERINTENDENTS FROM NMRSD AND NVTHS. A LENGTHY DISCUSSION ENSUED REGARDING THE BUDGET. IT WAS DECIDED THAT EACH PART OF BUDGET WOULD BE MOTIONED AND VOTED SEPERATELY.

MOTIONS FOR PARTS 1-4 WERE MADE BY MARK VASAPOLLI, FINANCE COMMITTEE MEMBER, MOTIONS FOR PARTS 5-9 WERE MADE BY JOHN LADIK, FINANCE COMMITTEE CHAIR:

- I move that the Town vote to raise and appropriate the sum of \$1,976,856.00 for Part I of the Fiscal Year 2024 General Fund Budget, General Government, as represented in lines 5 to 200 of the budget as shown in Appendix H.
MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR
- I move that the Town vote to raise and appropriate the sum of \$4,555,093.00 for Part II of the Fiscal Year 2024 General Fund Budget, Public Safety, as represented in lines 203 to 406 of the budget as shown in Appendix H.
MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR
- I move that the Town vote to raise and appropriate the sum of \$1,822,019.00 for the NVTHS portion of Part III of the Fiscal Year 2024 General Fund Budget, Education, as represented in lines 409 to 411 of the budget as shown in Appendix H.
MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR
- I move that the Town vote to raise and appropriate the sum of \$16,437,280.00 for the NMRSD portion of Part III of the Fiscal Year 2024 General Fund Budget, Education, as represented in lines 415 to 417 of the budget as shown in Appendix H.
MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR
- I move that the Town vote to raise and appropriate the sum of \$710,338.00 for the NMRSD portion of Part III-add of the Fiscal Year 2024 General Fund Budget, Education, as represented in lines 415 to 417 of the budget as shown in Appendix

H, contingent upon an override under Proposition 2 ½, so-called, in accordance with M.G.L. Chapter 59, section 21C. (2/3 VOTE REQUIRED FOR PASSAGE)

MOTION PASSED BY 2/3 VOTE – 175 IN FAVOR, 70 AGAINST

- I move that the Town vote to raise and appropriate the sum of \$1,666,318.00 for Part IV of the Fiscal Year 2024 General Fund Budget, Public Works, as represented in lines 420 to 504 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

- I move that the Town vote to raise and appropriate the sum of \$429,998.00 for Part V of the Fiscal Year 2024 General Fund Budget, Human Services, as represented in lines 507 to 546 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

- I move that the Town vote to raise and appropriate the sum of \$624,064.00 for Part VI of the Fiscal Year 2024 General Fund Budget, Culture & Recreation, as represented in lines 549 to 580 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

- I move that the Town vote to raise and appropriate the sum of \$1,877,008.00 for Part VII of the Fiscal Year 2024 General Fund Budget, Debt Service and Assessments, as represented in lines 590 to 597 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

- I move that the Town vote to raise and appropriate the sum of \$1,600,200.00 for Part VIII of the Fiscal Year 2024 General Fund Budget, Employee Benefits & Insurance, as represented in lines 600 to 620 and lines 628 to 632 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

- I move that the Town vote to raise and appropriate the sum of \$185,951.00 for Part IX of the Fiscal Year 2024 General Fund Budget, Capital Outlay, as represented in lines 623 to 625 of the budget as shown in Appendix H.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

Recommendation: – As votes differed by segment, see the Select Board and FINCOM recommendations in the table below:

			<u>Select Board</u>	<u>Finance Committee</u>
Part I	General Government	\$1,976,856.00	3 to 0 to approve	5 to 0 to approve
Part II	Public Safety	\$4,555,093.00	3 to 0 to approve	5 to 0 to approve
Part III	Education NVTHS budget	\$1,822,019.00	3 to 0 to approve	5 to 0 to approve
Part III	Education NMRSD budget within the Town’s levy limit	\$17,147,818.00	3 to 0 to approve	5 to 0 to approve
Part III-add	Education NMRSD budget subject to additional funding	\$710,338.00	1 to 2 against	0 to 5 against
Part IV	Public Works	\$1,666,318.00	3 to 0 to approve	5 to 0 to approve
Part V	Human Services	\$429,998.00	3 to 0 to approve	5 to 0 to approve
Part VI	Culture & Recreation	\$624,064.00	3 to 0 to approve	5 to 0 to approve
Part VII	Debt Service & Assessments	\$1,877,008.00	3 to 0 to approve	5 to 0 to approve
Part VIII	Employee Benefits & Insurance	\$1,600,200.00	3 to 0 to approve	5 to 0 to approve
Part IX	Capital Outlay	\$185,951.00	3 to 0 to approve	5 to 0 to approve

ARTICLE 6 - FUNDING FOR PROPOSED PUBLIC SAFETY BUILDING

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow \$37,235,000.00, or some lesser amount, to pay the costs of building a public safety complex including the payment of all expenses incidental and related thereto, including construction administration and owner’s project manager services, as outlined in Appendix C to the warrant for this Town Meeting, and to determine whether this appropriation shall be raised by borrowing or otherwise, with any such borrowing to be contingent upon passage of a Proposition 2½ debt exclusion under M.G.L. c. 59, § 21C; and said appropriation to be under the control of the Select Board and Town Administrator, or take any other action relative thereto.

Explanation: *The Town's Building Committee has been planning for almost three years to improve the operational facilities for all of our public safety needs. The proposed project will meet the current and future operational needs of the Town's public safety departments.*

Motion made by: Taya Dixon, Building Committee – Citizen Representative

I move that the Town vote to appropriate \$37,235,000.00, to pay the costs of building a public safety complex including the payment of all expenses incidental and related thereto, including construction administration and owner's project manager services, and to authorize the Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to M.G.L. 44, §7(1), or any other enabling authority, and to issue bonds or notes therefor; provided, however, that no borrowing shall be made nor debt incurred hereunder unless and until the Town first votes to exempt from the provisions of M.G.L. Chapter 59, Section 21C (Proposition 2½, so-called), the amounts required to pay the principal and interest of said borrowing and debt; said appropriation to be under the control of the Select Board and Town Administrator.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Two-thirds Majority required for borrowing.

PRESENTATION WAS MADE. DISCUSSION ENSUED.

MOTION WAS MADE TO VOTE BY SECRET BALLOT. SECONDED. MOTION FAILED AS DECLARED BY MODERATOR.

THE ORIGINAL MOTION MADE BY MS. DIXON PASSED BY 2/3 MAJORITY – 202 IN FAVOR, 44 AGAINST.

A motion was made and seconded to adjourn the meeting to a date certain, May 8, 2023 at 7:00PM. Meeting was adjourned said Town Meeting at 10:48PM.

The meeting was opened at 7:08PM on May 8, 2023 at Nissitissit Middle School in the auditorium.

ARTICLE 7– FREE CASH FOR PFAS CLEANUP

To see if the Town will vote to appropriate up to \$205,000.00 from Free Cash, or other available funds, to pay for the testing, monitoring, and reporting associated with the detection of PFAS in the soil at 45 Lowell Road, or take any other action relative thereto.

Explanation: *The detection of PFAS at 45 Lowell Road will require remediation subject to Massachusetts Department of Environmental Protection orders. These funds will help determine the extent of the issue and provide MassDEP with data to inform the cleanup requirements. The full cost of cleanup will be a future consideration for the Town.*

Motion made by: Tony Beattie, Select Board Clerk

I move that the Town vote to appropriate \$205,000.00 from Free Cash, to pay for the testing, monitoring, and reporting associated with the PFAS soil detections at 45 Lowell Road.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 8 - FISCAL YEAR 2024 SEWER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds \$3,116,022.00 to defray the regular expenses of the Sewer Enterprise Fund, as shown in Appendix D to the warrant, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F½, for the Fiscal Year July 1, 2023 through June 30, 2024 or take any other action relative thereto.

Explanation: *This article is to comply with Massachusetts General Laws Chapter 44, Section 53F and a 1/2 Enterprise Funds, which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

Motion made by: John Patrick Harrington, Board of Public Works Member

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F and a half to operate the Sewer Enterprise Fund for the period July 1, 2023 to June 30, 2024, with \$2,811,714.00 appropriated from Enterprise Fund revenues and \$304,308.00 from Sewer Enterprise Fund retained earnings, and \$110,000.00 of that amount to be appropriated into the General Fund operating budget, as shown in Appendix D to the warrant for this Town Meeting.

SEWER DEPT REVENUE		SEWER DEPT EXPENSES	
USERS FEES, MISC REV.	\$2,811,714	DIRECT OPERATIONAL COSTS	\$3,006,022
SEWER RETAINED EARNINGS	\$304,308	INDIRECT COSTS (GEN'L FUND)	\$110,000
TOTAL REVENUE	\$3,116,022	TOTAL EXPENSES	\$3,116,022

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 9 - FISCAL YEAR 2024 WATER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds \$2,642,783.00 to defray the regular expenses of the Water Enterprise Fund, as shown in Appendix D to the warrant, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F½, for the Fiscal Year July 1, 2023 through June 30, 2024, or take any other action relative thereto.

Explanation: *This article is to comply with Massachusetts General Laws Chapter 44, Section 53F and a 1/2 Enterprise Funds, which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

Motion made by: John Patrick Harrington, Board of Public Works Member

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F and a half to operate the Water Enterprise Fund for the period July 1, 2023 to June 30, 2024, with \$2,509,000.00 appropriated from Enterprise Fund revenues, and \$133,783.00 from Water Enterprise Fund retained earnings and \$95,000.00 of the total appropriated into the General Fund operating budget, as shown in Appendix D to the warrant for this Town Meeting.

WATER DEPT REVENUE		WATER DEPT EXPENSES	
USERS FEES, MISC REV.	\$2,509,000	DIRECT OPERATIONAL COSTS	\$2,547,783
WATER RETAINED EARNINGS	\$133,783	INDIRECT COSTS (GEN'L FUND)	\$95,000
TOTAL REVENUE	\$2,642,783	TOTAL EXPENSES	\$2,642,783

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 10 – FISCAL YEAR 2024 TRANSFER STATION ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds \$452,641.00 to defray the regular expenses of the Transfer Station Enterprise Fund, as shown in Appendix D to the warrant, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F½, for the Fiscal Year July 1, 2023 through June 30, 2024, or take any other action relative thereto.

Explanation: *This article is to comply with Massachusetts General Laws Chapter 44, Section 53F and a 1/2 Enterprise Funds, which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

Motion made by: John Patrick Harrington, Board of Public Works Member

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F and a half to operate the Transfer Station Enterprise Fund for the period July 1, 2023 to June 30, 2024, with \$427,600.00 appropriated from Enterprise Fund revenues, and \$25,041.00 from Transfer Station retained earnings, and \$32,000.00 of the total appropriated into the General Fund operating budget, as shown in Appendix D to the warrant for this Town Meeting.

TRANSFER STATION REVENUE		TRANSFER STATION EXPENSES	
USERS FEES, MISC REV.	\$427,600	DIRECT OPERATIONAL COSTS	\$420,641
TRANS STA RETAINED EARNINGS	\$25,041	INDIRECT COSTS (GEN'L FUND)	\$32,000
TOTAL REVENUE	\$452,641	TOTAL EXPENSES	\$452,641

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 11 - FISCAL YEAR 2024 STORMWATER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds \$277,253.00 to defray the regular expenses of the Stormwater Enterprise Fund, as shown in Appendix D to this warrant, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F ½, for the Fiscal Year July 1, 2023 through June 30, 2024, or take any other action relative thereto.

Explanation: *This article is to comply with Massachusetts General Laws Chapter 44, Section 53F and a 1/2 Enterprise Funds, which requires submission of an estimated income and expenditure budget to town meeting, to be voted on in the same manner as all other budgets, prior to the beginning of each fiscal year.*

Motion made by: John Patrick Harrington, Board of Public Works Member

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F and a half to operate the Stormwater Enterprise Fund for the period July 1, 2023 to June 30, 2024, with \$250,000.00 appropriated from Enterprise Fund revenues, and \$27,253.00 from Stormwater retained earnings and \$22,500.00 of that amount appropriated into the General Fund operating budget, as shown in Appendix D to the warrant for this Town Meeting.

STORMWATER REVENUE		STORMWATER EXPENSES	
USERS FEES, MISC REV.	\$250,000	DIRECT OPERATIONAL COSTS	\$254,753
STORMWATER RETAINED EARNINGS	\$27,253	INDIRECT COSTS (GEN'L FUND)	\$22,500
TOTAL REVENUE	\$277,253	TOTAL EXPENSES	\$277,253

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 12 – FY2023 SEWER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATION

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

Explanation: *These funds are needed to offset increased utility and chemical costs, as well as substantial increases in sludge disposal fees from regulatory changes.*

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to amend the fiscal year 2023 Sewer Enterprise Fund budget by increasing the retained earnings line item appropriation by \$200,000.00, as a transfer from the Sewer Enterprise Fund retained earnings certified as of July 1, 2022.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 13 – FY2023 WATER ENTERPRISE FUND 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 by \$200,000.00, as a transfer from the Water Enterprise Fund retained earnings certified as of July 1, 2022, to offset reduced revenues from user fees, or take any other action relative thereto.

Explanation: *These funds are needed to offset increased utility and chemical costs, as well as for increased operational costs due to the use of the Bemis Water Treatment Plant as a result of PFAS detection at the Nashua Road Well.*

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to amend the fiscal year 2023 Water Enterprise Fund budget by increasing the retained earnings line item appropriation by \$200,000.00, as a transfer from the Water Enterprise Fund retained earnings certified as of July 1, 2022.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 14 – FY2023 STORM WATER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS

To see if the Town will vote to amend the fiscal year 2023 Storm Water Enterprise Fund budget by increasing the retained earnings line item appropriation by \$60,000.00, as a transfer from the Storm Water Enterprise Fund Retained Earnings certified as of July 1, 2022, or take any other action relative thereto.

Explanation: *These funds are needed to provide capital funding for the street sweeper, which had an accelerated payment schedule in FY2023 due to a delayed delivery in FY2022.*

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to amend the fiscal year 2023 Storm Water Enterprise Fund budget by increasing the retained earnings line item appropriation by \$60,000.00, as a transfer from the Storm Water Enterprise Fund Retained Earnings certified as of July 1, 2022.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 15 – FUNDING FOR CEMETERY EXPANSION

I move that the Town vote to appropriate \$300,000.00 from Free Cash, as certified on July 1, 2022, to fund the expansion of the Town cemetery for future interments.

Explanation: *The current Town cemetery planned lots are nearly all sold. This expansion will provide access to plots for several generations. The funds will allow for plotting, fences, and access roadways.*

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to appropriate \$300,000.00 from Free Cash, as certified on July 1, 2022, to fund the expansion of the Town cemetery for future interments.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 16 – FUNDING FOR DEWATERING PRESS

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow up to \$2,500,000.00, or some lesser amount, to pay the costs to purchase an upgrade to the sludge de-watering equipment, ancillary equipment, and other systems located at the Wastewater Treatment Facility, as outlined in Appendix E to the warrant for this Town Meeting, or take any other action relative thereto.

Explanation: *The Wastewater Enterprise Fund pays for the disposal of sludge, by weight. The existing equipment is nearly 30 years old and difficult to maintain. Removing excess water from the sludge reduces transport and disposal costs. This dewatering upgrade is expected to provide a minimum of 33% reduction in water content over the current equipment. This is expected to reduce current disposal fees by more than \$100,000 per year.*

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to borrow \$2,500,000.00, to pay the costs to purchase an upgrade to the sludge de-watering equipment, ancillary equipment, and other systems located at the Wastewater Treatment Facility; and to authorize the Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to M.G.L. 44, §7(1), or any other enabling authority, and to issue bonds or notes therefor.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Two-thirds Majority required borrowing.

MOTION PASSED BY 2/3 VOTE – 161 IN FAVOR, 12 AGAINST

ARTICLE 17 – GROUND LEASE AT THE ALBERT HARRIS CENTER

To see if the Town will vote to transfer to the Select Board the care, custody and control of the Town-owned property known as the Albert Harris Center for the purpose of lease and development of affordable housing in accordance with a request for proposals process; to authorize the Select Board to enter into a ground lease for all or a portion of the property, to develop affordable housing, at the Albert Harris Center, and as shown in Appendix F to the warrant for this Town Meeting, and to authorize the Select Board to take all actions necessary to accomplish such transaction, take any other action relative thereto.

Explanation: *The Town has created a request for proposals to seek development of affordable housing on a section of the Town-owned parcel that contains the Albert Harris Center. The development requires a ground lease which will be subject to a payment in lieu of taxes.*

Motion made by: Brian Keating, Affordable Housing Committee Chair

I move that the Town vote to transfer to the Select Board the care, custody and control of the Town-owned property known as the Albert Harris Center for the purpose of lease and development of affordable housing in

accordance with a request for proposals process; to authorize the Select Board to enter into a ground lease for all or a portion of the property, to develop affordable housing, at the Albert Harris Center, and as shown in Appendix F to the warrant for this Town Meeting, and to authorize the Select Board to take all actions necessary to accomplish such transaction.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Two-thirds Majority required for passage.

MOTION MADE BY APRIL BABBIT, 24 MAIN STREET, TO AMEND ARTICLE 17 TO READ AS FOLLOWS: (NOTE – THE AMENDMENT WAS REVIEWED AND SLIGHTLY MODIFIED BY TOWN COUNSEL)

I move to see if the Town will vote to transfer to the Select Board, the care, custody and control of a 1.25 acre portion, more or less, located on the easterly side of the Town owned property known as the Albert Harris Senior Center between the currently existing agricultural easement and Lomar Park, for the purpose of a ground lease for the development of approximately 24 units of affordable senior housing in accordance with the request for proposals process. Said portion being the triangular area of the parcel of as shown on the plan entitled “Proposed Conceptual Cut and Fill Analysis for Massachusetts Housing Partnership Proposal Development, 37 Nashua Road Town of Pepperell, Middlesex County, Massachusetts; Original Date 9/8/2022”, as presented to this Town Meeting.

A DISCUSSION ENSUED.

AMENDMENT TO MAIN MOTION AS PROPOSED BY APRIL BABBIT, 24 MAIN STREET, PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR.

MAIN MOTION FOR ARTICLE 17, AS AMENDED, PASSED BY 2/3 VOTE - 134 IN FAVOR, 31 AGAINST.

ARTICLE 18 – FREE CASH APPROPRIATION SNOW & ICE

To see if the Town will vote to appropriate \$177,819.00 from Free Cash certified as of July 1, 2022, or other available funds, to reduce the Fiscal Year 2023 snow and ice budget deficit, or take any other action relative thereto.

Explanation: *An appropriation from free cash is needed to cover costs exceeding the amount appropriated in the FY2023 budget for Snow and Ice Removal for the FY2023 season.*

AMOUNT	TO	REASON
\$177,819.00	FY2022 FUND 42300 Snow & Ice Budget	Snow and Ice Deficit Spending

Motion made by: Robin Rose- Buxton, Finance Committee Member

I move that the Town vote to appropriate \$177,819.00 from Free Cash certified as of July 1, 2022 to the FY2023 General Budget Fund item 42300, Snow and Ice.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 19 – FREE CASH APPROPRIATION FOR THE EXTENSION OF

ADDITIONAL LIBRARY HOURS

To see if the Town will vote to appropriate \$39,000 from Free Cash certified as of July 1, 2022, or other available funds, to fund a continued extension of library operating hours of 53 hours per week, including Mondays, for Fiscal Year 2024, or take any other action relative thereto.

Explanation: *This request will allow the library to remain open on Mondays. The implementation of Monday hours, both during and post Covid, has been very popular and successful. This funding also allows the library to meet needs and desires of the community indicated in the recent Long Range Plan survey by increasing our weekly hours from 43 to 53.*

AMOUNT	REASON
\$39,000.00	Increases library hours to 53 and includes Monday evening hours

Motion made by: Carol Case, Library Trustee

I move that the Town vote to appropriate \$39,000 from Free Cash certified as of July 1, 2022 to fund a continued extension of library operating hours of 53 hours per week, including Mondays, for Fiscal Year 2024.

Recommendation: The Finance Committee voted 2 in favor and 3 opposed to recommend the passage of this article.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 20 – FREE CASH APPROPRIATION CONSERVATION TRUST

To see if the Town will vote to appropriate \$50,000.00 from Free Cash certified as of July 1, 2022, or other available funds, to be deposited into the Conservation Trust, or take any other action relative thereto.

Explanation: *In recent years, the Town has expressed interest in conserving land but has not had the financial means to do so. These funds may be used for direct purchase or as matching funds for the purchase of and maintenance of conservation lands within the Town of Pepperell.*

AMOUNT	REASON
\$50,000.00	Provides funds for future purchase and/or management of conservation land.

Motion made by: Rob Rand, Conservation Commission Member

I move that the Town vote to appropriate \$50,000.00 from Free Cash certified as of July 1, 2022, to be deposited into the Conservation Trust Fund.

Recommendation: The Finance Committee voted 2 in favor and 3 opposed to recommend the passage of this article.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY (Standing count was taken – 109 in favor, 60 against)

ARTICLE 21 – FREE CASH APPROPRIATION MASTER PLAN IMPLEMENTATION

To see if the Town will vote to appropriate \$25,000.00 from Free Cash certified as of July 1, 2022, for the implementation of the Town’s Master Plan, or take any other action relative thereto.

Explanation: *In 2020, the Town adopted a new Master Plan. Some of its more than 120 recommendations have associated real costs to implement. This funding, from available surplus, will leverage the current efforts of the Master Plan Implementation Team, the priorities of the Select Board, and the intentions of the Planning Board in creating and adopting this Master Plan for Pepperell.*

AMOUNT	REASON
\$25,000.00	Provides funding for some of the 2020 Master Plan recommendations.

Motion made by: Al Patenaude, Planning Board Chair

I move that the Town vote to appropriate \$25,000.00 from Free Cash, certified of July 1, 2022, for the implementation of the Town’s Master Plan.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 22 –CITIZEN PETITION – RESOLUTION IN SUPPORT OF CHANGING THE STATE FLAG & SEAL OF MASSACHUSETTS

Whereas the history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagussett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived;

Whereas the Colonial broadsword held by a white hand above the head of the Indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Indigenous leaders that resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a “fine specimen of an Indian,” though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Indigenous men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Indigenous adult males by 1722, half that amount for Indigenous women and children;

Whereas Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that Colonial law was finally repealed;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Pepperell, shares a rich Native history with modern tribal nations such as the Nipmuc, the Penacook, and the Abenaki, who inhabited this area long before the first colonial settlers arrived, in 1720;

Now, therefore, **BE IT RESOLVED** that the Town of Pepperell hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and **in support of a new flag and seal for the Commonwealth** that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Nick Collins and Rep. Antonio Cabral, who serve as co-chairs of the Joint Committee on State Administration, and to Sen. Edward Kennedy and Rep. Margaret Scarsdale, with the request that they strongly support the work of the aforementioned Special Commission and advocate for a new flag and seal for the Commonwealth.

Explanation: *A local citizen has put forth a Citizen’s Petition to support changing the state flag and seal of Massachusetts.*

Motion made by: Diane Temple, Citizen of Pepperell

I move that the Town vote to adopt the resolution in support of changing the state flag and seal of Massachusetts as set forth in Article 22 of the warrant for this Town Meeting.

Recommendation: The Finance Committee voted 4 to 0 with 1 abstention to take no action on this petition.

Recommendation: The Select Board takes no action on this petition.

Simple Majority required for passage.

MOTION DID NOT PASS BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 23 – CITIZEN PETITION – RATE OF DEVELOPMENT (ZONING)

Section 1 – Purpose

The rate of development in Pepperell shall not exceed the financial ability of the Town to meet the needs of current and future residents in providing needed public services, infrastructure, and maintenance of facilities including schools, roads, police and fire protection, public water supply and wastewater treatment, solid waste disposal, other municipal services, and protection of its natural assets and environment. This development rate will also guard against potential increases in the growth rate which could adversely affect the Town's environmental resources, economy, and land values.

Two recent analyses underscore the importance of managing town growth. A fiscal year 2022 Cost of Community Services analysis confirmed residential land requires more town services than commercial/industrial and open space lands. Expressed as a ratio of revenue to expenses, residential land has a higher expense to revenue ratio than open spaces and commercial/industrial lands. Comparative ratios of revenue to expenses are as follows: residential 1: 1.10; commercial/industrial is 1: .25; and open space is 1: .09.

Pepperell relies almost entirely on residential property taxes (94.3%) for its real property revenue sources. An analysis of Department of Revenue data (FY1988 to FY2022) shows that the average residential property tax increased 82% adjusted for inflation, with the largest increases occurring during the past fifteen years. During the fiscal period referenced above, Pepperell added over 1,000 single family homes but revenue from these new homes failed to cover the town's overall servicing costs with the gap being closed by existing residents.

This data alongside the Cost of Community Services analysis suggests that building more residential dwellings is not a sustainable strategy for the town. Therefore, the rate of new development shall be limited as stipulated below during the duration of the Bylaw while the Town completes a Growth Management Study and a holistic Plan to manage projected growth rates without detrimental impacts on the environment and to needed Town services. It is anticipated by this article that the Town will strive to upgrade its infrastructure to keep pace with its total population by committing to make contributions to fund infrastructure and protect the environment.

Section 2 - Effective Date and Applicability

The Rate of Development Bylaw shall apply to the issuance of all building permits for construction of new dwelling units on lots created after adoption of this section. This Bylaw shall be effective for four (4) years from the date of adoption and may be extended by vote at Town Meeting without lapse of its provisions.

Section 3 – General

Beginning with the passage of this bylaw, unless one or more of the conditions in subparagraphs (a) through (e) applies, in any calendar year no more than ten (10) dwelling units may be constructed. No applicant shall be issued a building permit for more than two (2) dwelling units per calendar year.

(a) The 2020 Housing Production Plan (HPP) shall guide construction of low- or moderate-income dwelling units per the DHCD (Department of Housing and Community Development) definition of affordability under Chapter 40B. No less than 25% of the units within a development shall be income restricted to households earning equal to or less than 80% of Area Median Income (AMI) and have rent/sales prices restricted to affordable levels determined by AMI.

(b) The creation of affordable housing units through a properly executed and recorded deed restriction running with the land.

(c) The creation of lots shown on an approved Definitive Plan of a subdivision, or a Preliminary Plan followed within six (6) months by a Definitive Plan whose approval had not otherwise expired.

(d) Enlargement, restoration, replacement, reconstruction of existing dwelling units, or construction of accessory apartments, providing that such construction does not result in an increase in the number of dwelling units.

(e) Single approval not required under the Subdivision Control Act (ANR) lots granted to an individual property owner who has not already been granted a building permit during the calendar year. This exemption does not apply to the division of more than one (in total) ANR Lot which was under common ownership or common control. Property under common ownership or common control shall not be segmented to avoid compliance with this section. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of one or more lots above the number existing three years (36 months) prior to the application of a building permit for any lot held in common ownership or under common control on or after the effective date of this Section.

Section 4 – Procedures

The procedure for issuing building permits herein shall be as follows:

1. The Building Department (the "Department") will accept applications as of January 1st of each calendar year.
2. The Applicant must file a completed Application for a Building Permit to the Department by hand during normal business hours.
3. The Department will review each Building Permit Application for completeness within ten (10) days upon receipt and assign a consecutive RD Number to each permit request based on the order of completed submissions.
4. Once an RD Number is assigned, The Department shall notify each Applicant of Applicant's standing based on the order of submissions.
5. Building Permit Application packages that are incomplete or rejected for any reason will be returned to the Applicant. The Applicant may then file a new Application for Building Permit and if determined complete, will be assigned the next consecutive RD number.
6. If a completed Building Permit Application is submitted in one month and the Building Permit is not issued until a subsequent month, the Permit shall be counted as having been issued in the month in which the Application was submitted for the purpose of determining compliance with this Bylaw.

7. Building Permits issued, but subsequently abandoned under the provision of the State Building Code shall not be counted towards the ten (10) new dwelling units. According to the State Building Code, a Building Permit Application, once issued is good for six (6) months from date of issue. The Applicant may apply in writing for an extension in six (6) month increments, but this must be done before the expiration of the initial six (6) month period. A substantial start must have taken place for a building permit to be active. If there has not been a substantial start within the initial six (6) month period and there has been no extension granted, then the Building Permit Application shall lose its RD Number and the Applicant will have to file a new Building Permit Application and receive a new RD Number.
8. In the case that Building Permits have been issued for ten (10) new dwelling units, and a Building Permit Application loses its RD Number for either of the reasons stated above, the next RD Number shall be included so the number of new dwellings for the calendar year is still ten (10).
9. Building Permit Applications that are refused shall be held and acted upon in chronological sequence based upon the time of the completed Application to the Building Inspector's office and the assigned RD Number.
10. As of the last business day of the calendar year, unissued Building Permits shall lapse if not used.
11. Building Permit Applications shall be referred to the necessary Boards and/or Departments for review.
12. A Building Permit is issued by the Building Commissioner Zoning Officer.

Section 5 – Definitions

COMPLETED BUILDING PERMIT APPLICATION - A completed Building Permit Application will include the following: (1) a completed building permit application form; (2) two (2) sets of house plans; (3) a plot plan; (4) application fee; (5) energy compliance report; (6) copy of contractor's license; and (6) well certificate, if applicable.

BUILDING PERMIT — A Permit to construct a residential dwelling unit, issued pursuant to the State Building Code, state law and local bylaws and regulations. When a single structure is proposed to accommodate two residential dwelling units, the issuance of the first Building Permit shall authorize construction of the entire structure.

CALENDAR YEAR — January 1st through December 31st of a given year.

DATE OF FILING — The date of the Building Department's date and time stamp on a fully completed application to construct a new residential dwelling unit.

DWELLING UNIT – A residential structure defined as a single-family unit, or multi-family unit that is either attached or detached.

PERSON — An individual, corporation, business trust, estate, trust, partnership, association, joint venture, two or more persons having a joint or common interest, or any legal entity.

RD NUMBER – The number assigned to a building permit application for purposes of tracking new dwelling units to meet the requirement of the Rate of Development Bylaw.

SUBSTANTIAL START – Footing and foundation, capped and backfilled.

Section 6 -- Violations and penalties

Any person who knowingly violates the provisions of this article shall be prosecuted to the full extent of the law. Fraud and conspiracy in connection herewith shall remain separate offenses.

Section 7 – Severability

Nothing in this article shall nullify or exempt any property or use from any other provisions of this chapter or other Town regulations. The invalidity of any section or provision of this article shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior to the determination of its invalidity.

Explanation: *A local citizen has put forth a Citizen's petition to amend the Zoning Bylaw by adopting a Rate of Development limitation.*

Motion made by: Sherrill Rosoff, Citizen of Pepperell

I move that the Town vote to incorporate the proposed Rate of Development Bylaw into Section 3600, Rate of Development, of the Town of Pepperell Zoning Bylaw. However, this petition needs Planning Board action before the Town Meeting can act upon it. Therefore, this article is presented but there is no action to be taken.

Recommendation: The Finance Committee takes no action.

Recommendation: The Select Board takes no action.

Simple Majority required for passage.

NO ACTION WAS TAKEN ON THIS ARTICLE.

ARTICLE 24 – CITIZEN PETITION – EMINENT DOMAIN PURCHASE

To see if the Town will vote to acquire by purchase, eminent domain or otherwise, the property parcels and/or easements, identified as the Leighton property, Pepperell, Massachusetts, together consisting of Parcels: 59 Leighton Street / 29-158-1, 59A Lowell Road / 29-187-0, and 41A Lowell Road / 31-18-0, recorded in the South Middlesex Registry of Deeds Book 79535, Page 152, from the owner or owners of record thereof who are not known with certainty, and from all others claiming any interest in said land, for conservation purposes and water supply protection to be held in the care and custody of the Conservation Commission under G.L. 40 §8C and/or Water Commission under G.L. 40 §41. The land so acquired to be under the control of the Conservation Commission and/or Water Commission; or take any other action relative thereto.

Explanation: *A local citizen has put forth a Citizen's Petition to support an Eminent Domain Purchase.*

Motion made by: Renee D'Argento, Citizen of Pepperell

I move that the Town vote to acquire by purchase, eminent domain or otherwise, the property parcels and/or easements, identified as the Leighton Property, Pepperell, Massachusetts, together consisting of Parcels: 59 Leighton Street/29-158-1, 59A Lowell Road/ 29-187-0, and 41A Lowell Road/31-18-0, recorded in the South Middlesex Registry of Deeds Book 79535, Page 152, from the owner or owners of record thereof who are not known with certainty, and from all others claiming any interest in said land, for conservation purposes and water supply protection to be held in the care and custody of the Conservation Commission under G.L 40 Section 8C and/or Water Commission under G.L 40 Section 41. The land so acquired to be under the control of the Conservation Commission and/or Water Commission.

Recommendation: The Finance Committee takes no action.

Recommendation: The Select Board takes no action.

Simple Majority required for passage.

MOTION MADE BY RENEE D'ARGENTO, 18 PROSPECT STREET, TO AMEND ARTICLE 24 STRIKING THE WORDS "EMINENT DOMAIN" AND HAVE LINE 1 READ:

“To see if the Town will vote to acquire by purchase or otherwise...”

A PRESENTATION WAS MADE. A DISCUSSION ENSUED.

AMENDED MOTION DID NOT PASS.

ORIGINAL MOTION FOR ARTICLE 24 DID NOT PASS. (Standing count was taken – 51 in favor, 101 against)

ARTICLE 25 –FUNDING FOR PFAS WATER PLANT

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow \$23,000,000.00, or some lesser amount, to pay the costs to design and construct water system improvements including a water supply filtration system, water system extensions to obtain sufficient water to cost-

effectively maintain the Town's water supplies at current levels, and other measures to treat or otherwise mitigate the presence of PFAS chemicals for compliance with state and federal laws and regulations, as outlined in Appendix G to the warrant for this Town Meeting, or take any other action relative thereto.

Explanation: *The Town currently has one water supply that exceeds the current State standards for PFAS chemicals and the Environmental Protection Agency is in the process of regulating PFAS chemicals in public drinking wells by requiring levels below the current levels in our water supplies. In order to comply with this regulation, a filtration plant will need to be built at the Jersey Street well site. Additionally, in order to replace the water supply provided by the Nashua Road well an extension of the water system to Dunstable is required.*

A previous plan for this project included the Town of Groton and Groton-Dunstable High School as recipients of this water supply. Last week, Groton decided to not be part of this regional plan, therefore the requested amount is lower than the figure in the warrant.

Motion made by: Tom Nephew, Board of Public Works Member

I move that the Town vote to borrow \$23,000,000.00, to pay the costs to design and construct water system improvements including a water supply filtration system, water system extensions to obtain sufficient water to cost-effectively maintain the Town's water supplies at current levels, and other measures to treat or otherwise mitigate the presence of PFAS chemicals for compliance with state and federal laws and regulations; and to authorize the Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to M.G.L. Chapter 44, §7(1), or any other enabling authority, and to issue bonds or notes therefor.

Recommendation: The Finance Committee recommends the passage of this article by a vote of 5 to 0.

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

Two-thirds Majority required for borrowing.

MOTION PASSED BY 2/3 VOTE – 129 IN FAVOR – 1 AGAINST

All Business on the Warrant having been acted upon, a motion was made and seconded to dissolve said Town Meeting at 10:49pm.

(A full videotaped transcript of the 2023 Annual Town Meeting and all discussion details is available through Pepperell Community Media)