



SPECIAL TOWN MEETING MINUTES

December 2, 2024

A TRUE COPY

ATTEST:

Brynn C. Durno

Brynn C. Durno, Town Clerk

RETURN OF THE WARRANT

Pursuant to a warrant signed on 7th day of October, 2024 by Select Board Members Chuck Walkovich, Anthony Beattie and Mark Mathews and posted on October 7, 2024 by Constable Keith Keady 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 21st day of October A.D. 2024 to act on the following five articles.

A quorum was not reached. Total number of check-ins was 69 – sixty nine – a minimum of 75 registered voters must be in attendance for business to be conducted. Meeting was re-scheduled for December 2, 2024.

Pursuant to a warrant signed on 7th day of October, 2024 by Select Board Members Chuck Walkovich, Anthony Beattie and Mark Mathews and posted on October 7, 2024 by Constable Keith Keady 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 2nd day of December A.D. 2024 to act on the following five articles.

There were 173 – one hundred and seventy three registered voters and -34 – thirty -four visitors in attendance.

Moderator Blackburn opened the Annual Town Meeting at 7:05PM. The assembly recited the Pledge of Allegiance.

MEETING MINUTES

PRELIMINARY MOTION

Motion made by: 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.

Simple Majority required for passage.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 1- PAY PRIOR YEAR’S INVOICES

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to pay unpaid bills from prior fiscal years, or take any other action relative thereto.

Explanation: In Massachusetts, a municipality is prohibited from paying a prior year bill unless Town Meeting authorizes such a payment. The bills on the warrant will be paid using FY25 budget funds; no additional appropriation comes from this article. These bills were incurred before July 1, 2024 but were not presented for payment until after the fiscal year had closed.

| <u>Vendor</u> | <u>Amount</u> | <u>From Account</u> | <u>Department</u> |
|---------------|---------------|---------------------|-------------------|
| KP Law | \$8,676.37 | 100-15100-52301 | Legal |

| | | | |
|--------------|------------|-----------------|----------|
| Kelly & Ryan | \$1,625.40 | 100-14500-54425 | Treasury |
|--------------|------------|-----------------|----------|

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.

9/10s Majority required for passage.

Motion made by: Mark Mathews, Select Board Chair

I move the Town vote to approve the payment of the prior year’s invoices presented under Article 1 in the amounts of \$8,676.37 to KP Law and \$1,625.40 to Kelley & Ryan, to be paid from the FY2025 budget appropriations for the respective departments/line items.

MOTION PASSED BY 9/10ths MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 2– APPROPRIATE PEG FUNDS TO PEPPERELL COMMUNITY MEDIA

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund, the amount of \$186,717.73 for transfer to Pepperell Community Media, said amount already having been received by the Town from Charter Communications, as part of its cable franchise contractual obligation, or take any other action relative thereto.

Explanation: A Massachusetts Law requires cable receipts to be appropriated by the Town. These funds are commonly referred to as 'PEG,' which stands for Public, Education, and Government. Previously these access fees were paid directly to Pepperell Community Media by the franchisee. At Annual Town Meeting in May 2024, the Town Meeting established the PEG Access and Cable Related Fund and it took effect on July 1, 2024. Charter Communications has paid the Town and the payment has been deposited. Town Meeting must now appropriate the funds for transfer to Pepperell Community Media.

These funds will be used by Pepperell Community Media, which has submitted a budget, shown herein, that is consistent with allowed uses of Public, Education, and Government access (PEG) funding.

| FRANCHISE FEE REVENUE | | COMMUNITY ACCESS EXPENSES | |
|-----------------------|---------------------|-----------------------------|---------------------|
| FRANCHISE FEE REVENUE | \$186,717.73 | DIRECT OPERATIONAL EXPENSES | \$161,150.00 |
| | | Contingency | \$25,567.73 |
| TOTAL REVENUE | \$186,717.73 | TOTAL EXPENSES | \$186,717.73 |

| Revenues | |
|--------------------------|---------------------|
| Charter Cable Fee Income | \$186,717.73 |
| Expenses: | |
| Salary & Wages | \$80,250.00 |
| Professional Fees | \$2,800.00 |
| Rent | \$21,500.00 |
| Insurance | \$6,600.00 |
| Misc. Exp | \$30,000.00 |
| Equipment | \$20,000.00 |
| Contingency | \$25,567.73 |
| Total Expenses | \$186,717.73 |

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 by: Tony Beattie, Select Board Clerk

I move the Town vote to appropriate \$186,717.73 from the Peg Access and Cable Related Fund for transfer to Pepperell Community Media for their use as intended by the budget plan submitted and shown in the handout for this Town Meeting.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 3 – LOCAL OPTION ADOPTION OF SECTION 18B OF CHAPTER 53 OF THE GENERAL LAWS

To see if the Town will vote to accept section 18B of Chapter 53 of the Massachusetts General Laws, which pertains to how public information for local ballot questions, including Proposition 2 ½ tax overrides and debt exclusions may be provided, or take any other action relative thereto.

Explanation: This article seeks to accept the provisions of Massachusetts General Laws Chapter 53, Section 18B. By accepting this law, the Town will be allowed to provide informational summaries to voters about questions that appear on a Town election ballot, including proposed tax overrides and debt exclusions. The law requires that a “concise summary” of each question that will appear on a ballot, and arguments for and against each question, be mailed to each voter, at least seven (7) days before the election. This acceptance will increase communication and improve transparency in municipal operations. The entirety of the law is provided below:

General Law 53, Section 18B: *Information relating to questions on city, town or district ballot; contents; written arguments by principal proponents and opponents; public inspection*

Section 18B. (a) As used in this section "governing body" shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a town having a town council, the town council, in every other town, the board of selectmen and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that shall appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

(c) Not later than the day following the date of the determination that a question shall appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk.

(d) Not later than 7 days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section, the principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than 7 days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. The arguments and summary shall be submitted by the solicitor or counsel to the governing body at least 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk.

(e) In determining the principal proponents and opponents of a ballot question, the solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of chapter 55. The principal proponents or opponents of a ballot question may include officers of a ballot question committee or officers of a city, town or district office or committee including, but not limited to, a finance committee or a school committee. In addition, the principal proponents or opponents may include the first 10 signers or a majority of the first 10 signers of a petition initiating the placement of such question on the ballot. The solicitor or counsel shall determine, based on a review of arguments received, the person or group best able to present arguments for and against a question. If no argument is received by the solicitor or counsel within the time specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and submit the argument to the governing body and to the city or town clerk or, in a district, to the clerk of each city and town within the district within the time specified in subsection (d).

(f) All arguments filed or prepared pursuant to this section and the information prepared pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk or, in a district, at the office of the clerk of each city and town within the district. In addition, each city or town clerk shall make such information available to the voters at all polling places within the city, town or district.

Accepting this local option law will increase the administrative costs associated with future tax override and debt exclusion requests. The estimated cost to prepare, review, and mail the required documentation is between \$4,000.00 and \$7,500.00 based on current legal fees and postage rates.

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 by: Tony Beattie, Select Board Clerk

I move to vote to accept Section 18B of Chapter 53 of the General Laws.

A BRIEF EXPLANATION WAS GIVEN BY TOWN COUNSEL, DAVID DONESKI.

CAROLINE AHDAB MADE A MOTION TO AMEND BY ADDING “WHEN AN OPPONENT OR PROponent IS NOT KNOWN OR UNAVAILABLE TO WRITE OR DICTATE THE PRO AND/OR CON FOR THE ARTICLE OR BALLOT QUESTION THE TOWN WILL ENGAGE IN A NON-PARTISAN THIRD PARTY TO WRITE THE EXPLANATION. TOWN EMPLOYEES, TOWN COUNSEL, TOWN BOARD, COMMITTEES & COMMISSIONS, AD-HOC COMMITTEES OR THE LIKE WILL NOT WRITE THE OPPONENT OR PROponent EXPLANATIONS, THESE GROUPS CAN SUPPLY INPUT TO THE THIRD PARTY, NON-PARTISAN CONSULTANT.

MOTION WAS SECONDED.

TOWN COUNSEL EXPLAINED THIS IS A YES OR NO TO ACCEPT THE PROVISIONS OF THIS STATUTE AND IS NOT AMENDABLE.

DISCUSSION ENSUED.

AMENDMENT TO MOTION WAS WITHDRAWN.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR.

ARTICLE 4 – REVISIONS TO THE CODE OF THE TOWN OF PEPPERELL, CHAPTER 40

To see if the Town will vote to amend the Code of the Town of Pepperell, Chapter 40 – Town Meetings, which addresses administrative details of Town Meetings and local elections, or take any other action relative thereto.

Explanation: The Code of the Town of Pepperell is out of sync with current practices in regards to the conduct of Town Meetings and local elections. These revisions create flexibility for the Town in holding meetings in concert with community needs.

The full text of the revised bylaw is shown below.

Chapter 40: TOWN MEETINGS

- § 40-1. Days of Annual Town Meeting
- § 40-2. Quorum requirements
- § 40-3. Conduct of town business
- § 40-4. Hour of Annual Town Meeting
- § 40-5. Annual election
- § 40-6. Restrictions on certain actions
- § 40-7. Insertion of subject upon warrant

§ 40-8. Appointed to nonresident town official' authority to speak

§ 40-9. Special Town Meetings

[HISTORY: Adopted as Art. I of the 1980 compilation. Amendments noted where applicable.]

§ 40-1. Days of Annual Town Meeting.

[Amended 4-23-1991 ATM, Art. 10]

The Annual Town Meeting shall be held on the fourth Monday of April and the first Monday of May of each year.

Substitute the following language which provides clarity and flexibility: The Annual Town Meeting, which consists of an annual local election and a business meeting, shall be held each year beginning on the fourth Monday of April for the local election and the first Monday of May for the business meeting, unless the Select Board acts to change the date of the business meeting pursuant to Chapter 39 of the General Laws.

§ 40-2. Quorum requirements.

No fewer than 75 voters shall be a quorum for the transaction of any town business.

§ 40-3. Conduct of town business.

[Amended 11-9-1992 STM, Art. 17]

All business except the election of such officers and the determination of such matters as by vote of the town are required to be elected or determined by ballot shall be considered on the first Monday in May.

§ 40-4. Hour of Annual Town Meeting.

The Annual Meeting for the transaction of business shall be called at 7:30 p.m.

Change time to: '7:00 p.m.' and add 'unless the Select Board acts to change the time of the business meeting pursuant to Chapter 39 of the General Laws.'

§ 40-5. Annual election.

[Amended 11-9-1992 STM, Art. 17; 5-6-1996 ATM, Art. 8]

The annual election of town officers and the determination of such matters as are required to be elected or determined by ballot shall be held on the fourth Monday of April. The polls shall be open from 7:00 a.m. to 8:00 p.m.

§ 40-6. Restrictions on certain actions.

No action shall be taken at any Town Meeting on the report of any committee previously chosen unless the subject matter shall be specified in the warrant calling such meeting.

§ 40-7. Insertion of subjects upon warrant.

[Added 10-3-1983 STM, Art. 12; amended 9-27-1988 STM, Art. 24]

The Selectmen shall insert within the warrant for the Annual Town Meeting all subjects, the insertion of which shall be requested of them at least **42 45** days, except for zoning Articles which shall be 100 days, prior to the date set by this chapter for the Annual Town Meeting by 10 or more registered voters of the town, it being the intent of this chapter to assure that all such matters receive sufficient review and study prior to consideration by the Town Meeting. Nothing contained herein shall be construed as preventing the Selectmen at their discretion from including any matter within the warrant of the Annual Town Meeting, the insertion of which is requested of them within **42 45** days of the Annual Town Meeting, which they deem to be in the best interest of the town, consistent with the purpose of this chapter.

Change deadlines from 42 to 45 days. This makes the By-law consistent with the Charter.

§ 40-8. Appointed nonresident town officials' authority to speak.

[Added 5-19-1986 ATM, Art. 42]

At all Annual Town Meetings and all Special Town Meetings, appointed town officials who are not residents of the Town of Pepperell may address the Annual or Special Town Meeting when recognized by the Moderator.

To provide clarity, add: Attendees who are NOT appointed town officials may only speak if the Town Meeting votes to allow such speakers.

§ 40-9. Special Town Meetings.

[Added 4-19-1988 ATM, Art. 16]

No Special Town Meeting shall be held the following days:

- A. A legal holiday.
- B. A day immediately preceding a legal holiday.
- C. A day immediately following a legal holiday.
- D. The Monday and Tuesday preceding Thanksgiving.
- To provide clarity, change to: The week of Thanksgiving.*
- E. Any day between December 21 and December 31, inclusive.

Recommendation: The Finance Committee took no action on this article as there is no financial impact.

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

Simple Majority required for passage.

Motion made by: Chuck Walkovich, Select Board Member

I move to accept the recommended changes to the Code of the Town of Pepperell, Chapter 40 as shown herein.

MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR

ARTICLE 5 - FY2025 GENERAL FUND BUDGET ADJUSTMENTS

To see if the Town will vote to amend the vote under Article 9 of the warrant for the 2024 Annual Town Meeting, FY2025 General Fund Budget, by reducing the appropriations for the line item shown below, or take any other action relative thereto.

| NMRSD Operations & Transportation Assessment, lines 406-409 | Amount |
|--|--------------------------|
| Reduce approved appropriation by \$395,928.00 | -\$395,928.00 |
| Reduce approved appropriation by \$785,882.00 | -\$785,882.00 |

Explanation: The FY2025 budget was passed at the Annual Town Meeting with a significant deficit. The Town subsequently approved a Proposition 2 ½ tax override and the North Middlesex Regional School District (NMRSD) reduced its assessment. There are additional changes in revenue from the final state budget, new growth, and adjustments for abatements and exemptions. These changes, in total, leave us with a surplus. Subsequent to the October 21, 2024 Town Meeting which failed to achieve a quorum, the Massachusetts Department of Revenue informed the Town that while no formal vote is required, if modifying the NMRSD appropriation approved at 2024 Annual Town Meeting, we must reduce it to the lowered assessment. Therefore, the recommendation has changed and it is to reduce the original NMRSD appropriation of \$21,063,186.00 by \$785,882.00, to \$20,277,304.00.

Recommendation: The Finance Committee voted to recommend by a vote of 3 to 0.

Recommendation: The Select Board voted to recommend by a vote of 3 to 0.

Simple Majority required for passage.

Motion made by: Chuck Walkovich, Select Board Member

I move the Town vote to amend the vote under Article 9 of the warrant for the 2024 Annual Town Meeting, FY2025 General Fund Budget, by reducing the appropriation for NMRSD Operations & Transportation Assessment, lines 406-409, by \$785,882.00 due to changes in revenue and assessments realized since the 2024 Annual Town Meeting.

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 8:27 pm.

(A full videotaped transcript of the 2024 Special Town Meeting and all discussion details is available through Pepperell Community Media)