

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 30<sup>th</sup> of October, A.D. 2006 at 7:30 PM to act on the following articles:

**SPECIAL TOWN MEETING**

**October 30, 2006**

**ARTICLE ONE**

**By: Board of Selectmen**

**Fourth of July Fireworks**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,000, for the purpose of providing fireworks for the Town's 2007 Fourth of July celebration, said appropriation to be under the control of the Town Administrator; or take any other action relative thereto.

*This is the usual, annual appropriation for the Town's participation in the Fourth of July activities. Recommended by Finance Committee.*

**ARTICLE TWO**

**By: Planning Board**

**Zoning Amendment**

To see if the Town will vote to amend Section 7100 of the Zoning By-law of the Town of Pepperell by inserting the following text at the end of Section 7170:

“Waivers from the Provisions of this Bylaw

The Planning Board may waive strict compliance with any of the provisions of this section when, in its judgment, doing so is in keeping with the spirit and intent of this section, is in the public interest and is not inconsistent with the Pepperell Zoning Bylaw.”

or take any other action relative thereto.

*This article addresses a “housekeeping” correction of a minor piece of the larger text originally voted by the 2006 Annual Town Meeting, substituting the word “section” for the phrase “by-law.”*

**ARTICLE THREE**

**By: Police Department**

**Repairs/Renovations to Public Safety Complex**

To see if the Town will vote to raise and appropriate, or appropriate from available funds the sum of \$27,500 for repairs, renovations and upgrades to the existing Public Safety Complex located at 59 Main Street, said appropriation to be under the control of the Chief of Police; or take any other action relative thereto.

*The Public Safety Complex suffers from “old building” syndrome; this article addresses repair needs of the structure itself, as well as improvements within the dispatch center, to be coordinated with arrival of new equipment.*

*Finance Committee is recommending \$7,500 only; balance to be addressed at Annual Town Meeting.*

*CAProgram recommends appropriation of \$16,500.*

## **ARTICLE FOUR**

**By: Police Department**

### **Acceptance of Statute**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 147, Section 13A relating to the establishment of a reserve police force; or to take any action relative thereto.

*The process of having the department professionally certified requires the adoption of this statute, but it will, effectively, have no financial or structural impact on the department. Recommended by Finance Committee.*

## **ARTICLE FIVE**

**By: Board of Selectmen**

### **Supplemental Appropriation**

To see if the Town will vote to raise and appropriate, or appropriate from available funds the sum of \$25,100.00 to fund the costs of an additional police officer beginning January 1, 2007, said appropriation to be under the control of the Chief of Police, after distribution to the appropriate accounts by the Town Accountant; or take any other action relative thereto.

*The Chief of Police requested the reinstatement of this position at the time of the Annual Town Meeting, but the Board of Selectmen directed that he wait for an FY '08 implementation. The Board subsequently reconsidered its position, and advocates an implementation of the position, effective January 1. Recommended by Finance Committee.*

## **ARTICLE SIX**

**By: Fire Department**

### **Window Replacement**

To see if the Town will vote to raise and appropriate, or appropriate from available funds the sum of \$6,000 for the purpose of replacing windows at the Park Street Fire Station, along with any related expenses, this appropriation to be under the control of the Board of Fire Engineers; or take any other action relative thereto.

*The Park Street Fire Station is a wintertime "cave of the winds." Window replacement will vastly improve the ambiance for ambulance personnel who spend substantial time in the building, as well as result in savings on heating costs. Finance Committee recommendation to be given at Town Meeting.*

## **ARTICLE SEVEN**

**By: Department of Public Works**

### **Chapter 90 Funding**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$109,027 for resurfacing and related expenses on eligible roads, said funds having been approved for 100% reimbursement by the Commonwealth under the provisions of Section 34(2)(a) of MGL Ch. 90, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

*This article initiates the annual process which results in provision of State money for Town roads. Recommended by Finance Committee.*

## **ARTICLE EIGHT**

**By: Personnel Board**

### **Classification and Compensation Plan Study**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$15,000 for the purpose of conducting a classification and compensation plan study for non-contractual positions, said appropriation to be under the control of the Personnel Administrator; or take any other action relative thereto.

*The Personnel By-law contains Classification and Compensation schedules for non-union personnel. The existing schedules were derived from a personnel study done some seven years ago, but are now outdated. The study initiated by this article will result in a professional review of Pepperrell's position relative to compensation in comparable towns, the verification of job descriptions, and an analysis of the relative positions of affected Town positions to each other. Recommended by Finance Committee.*

## **ARTICLE NINE**

**By: Local Emergency Planning Committee (LEPC)**

### **Emergency Notification System**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$40,000 for the purchase of an Emergency Notification System, said appropriation to be under the control of the Emergency Management Director; or take any other action relative thereto.

*The proposed system would create a "reverse 911" capacity, for telephone notification of citizens in the event of emergency or public welfare/necessity situations. Not recommended by Finance Committee.*

*Not recommended by CAProgram.*

## **ARTICLE TEN**

**By: Board of Selectmen**

### **Acceptance of Layout: Juniper Road**

To see if the Town will vote to accept and maintain as a public way the layout of Juniper Road as shown on a plan entitled "Street Acceptance Plan, Juniper Road, Pepperell, Massachusetts, prepared for Pepperell Engineering Department, 1 Main Street, Pepperell, MA 01463" by Cornerstone Land Consultants, LLC, dated September 8, 2005, and on file with the Town Clerk; or take any other action relative thereto.

## **ARTICLE ELEVEN**

**By: Board of Public Works**

### **New Mower - Parks Division**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$13,000 for the purchase of a new mower for the Parks Division, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*This article represents a planned upgrade of equipment, deferred from the Annual Town Meeting. Recommended by Finance Committee.*

*Recommended by CAProgram*

## **ARTICLE TWELVE**

**By: Board of Public Works**

### **Billing Software - Sewer and Water Divisions**

To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow the sum of \$50,000 for the purchase of new billing software for the Water and Sewer Divisions, including any related expenses, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*The existing, DOS-based billing software is outdated and troublesome, with high maintenance costs and minimal hope of upgrade or improvement.*

*Not recommended by Finance Committee; this subject matter should be addressed at the Annual Town Meeting.*

*Recommended by CAProgram.*

## **ARTICLE THIRTEEN**

**By: Board of Public Works**

### **Well Site Testing - Water Division**

To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow the sum of \$152,000 for professional services regarding site testing near the Nashua River and the Rail Trail, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*Research and testing for water supply sources is an ongoing activity; this article will provide funding for testing at promising sites, resulting in informed decisions as to their viability and/or suitability for further investigation. Recommended by Finance Committee.*

## **ARTICLE FOURTEEN**

**By: Board of Public Works**

### **Engineering Services - Sewer Division**

To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow the sum of \$40,000 for engineering services for the design of sewer extensions, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*This money will be applied to engineering for the "bits and pieces" of the sewer system which have long-since been promised or at least included in prior planning for the system, ultimately leading to installation of those sections. Recommended by Finance Committee.*

## **ARTICLE FIFTEEN**

**By: Board of Public Works**

### **Electronic Speed Warning Sign**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$5,000 for an electronic speed warning sign to be installed west of the Main/Park/Elm/Townsend intersection, said appropriation to be under the control of the Town Engineer; or take any other action relative thereto.

*The subject intersection does not meet the criteria for a true traffic light, but is an ongoing source of concern, largely because of traffic speed on Townsend Street. This sign is an attempt to address that specific concern. Recommended by Finance Committee.*

## **ARTICLE SIXTEEN**

**By: Board of Library Trustees**

### **Transfer of Funds**

To see if the Town will vote to amend the FY 07 Library budget by transferring the sum of \$6,200 from "Salaries, Appointed Positions" to "Wages Hourly"; or take any other action relative thereto.

*The transferred funds will cover the hourly compensation of new Library Page positions for the balance of the fiscal year. Finance Committee recommends the transfer of \$4,000 only.*

## **ARTICLE SEVENTEEN**

**By: Board of Selectmen**

### **Supplemental Appropriation**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$25,000, to be added to the FY 07 Building Department budget, "Salaries, Appointed Positions," to provide for compensation for a certified Building Inspector; or take any other action relative thereto.

*The State requires the Town to have a certified Inspector of Buildings. This funding will cover the compensation of a newly-hired, certified Inspector of Buildings until the end of the fiscal year.*

## **ARTICLE EIGHTEEN**

**By: Board of Selectmen**

### **Fire Chief**

To see if the Town will vote to accept the provisions of MGL, Ch. 48, s. 42, relative to the appointment, powers, and duties of a Fire Chief; or take any other action relative thereto.

*The subject statute would supersede the existing law (passed by the Legislature in 1855) under which the Fire Department currently operates; the existing Board of Engineers would be replaced with a Fire Chief, possessing essentially the same powers and duties previously held by the Engineers.*

## **ARTICLE NINETEEN**

**By: Board of Public Works**

### **Transfer Station Funding**

To see if the Town will vote to appropriate the sum of \$20,000 from Transfer Station Free Cash, to offset the FY '07 operating budget for the Transfer Station; or take any other action relative thereto.

*This is a "housekeeping" article, addressing bookkeeping issues with the Transfer Station account. Recommended by Finance Committee.*

## **ARTICLE TWENTY**

**By: Board of Public Works**

### **Land Acquisition for Highway Purposes**

To see if the Town will vote to authorize the Board of Selectmen to acquire, for highway or other purposes, by purchase, eminent domain, or otherwise, a certain parcel of land now or formerly the property of James W. Gorham, located at 47 Hollis Street, Pepperell, containing .338 acres, shown as Parcel 92 on Pepperell Assessors' Plan 22, and more fully described at page 214 of Book 16257 of the South Middlesex Registry of Deeds; and, further, to effect such acquisition and pay for any other expenses related to said property, to see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow a sum not to exceed \$240,000; or take any other action relative thereto.

*Acquisition of the subject parcel will allow the Town to address its long-term goal of re-aligning the roadways to improve the dangerous intersection of Hollis, Groton, and Brookline Streets. Recommended by Finance Committee.*

*Recommended by CAProgram.*

## **ARTICLE TWENTY-ONE**

**By: North Middlesex Regional School District Committee**

### **School Budget Amendment**

To see if the Town will vote to amend the most recently recertified North Middlesex Regional School District budget to read \$8,765,749; or take any other action relative thereto.

*The School District realized \$57,706.75 in savings applicable to Pepperell's portion of the District's debt service. This triggered an adjustment and recertification of Pepperell's FY 07 school obligation by the District School Committee, which adjusted number, by this article, is to be adopted by the Town. Finance Committee recommendation to be given at Town Meeting.*

## **ARTICLE TWENTY-TWO**

**By: Finance Committee**

### **Tax Levy Offset**

To see what sum of money the Town will vote to direct the Assessors to take from available funds to reduce the net amount to be raised for FY '07; or take any other action relative thereto.

And you will serve this warrant by posting a true and attested copy of same, in said Town, fourteen days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 13<sup>th</sup> day of October, A.D. 2006.

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John W. Lynch, Jr., Chairman

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Darrell Gilmore, Clerk

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Lyndon B. Johnson

PEPPERELL BOARD OF SELECTMEN

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CONSTABLE OF PEPPERELL

# Pepperell Town Meeting

## Introduction

Open Town Meeting is the form of municipal government for Pepperell. In the Commonwealth of Massachusetts, this is the basic form of governance for most small municipalities. The town is the basic unit, and Town Meeting is the method provided by the Constitution and the State legislature for the governance of towns. Property ownership is not a requirement for voting at Town Meeting. Renters as well as owners, *if registered to vote*, may attend and vote at Town Meeting.

In the Open Town Meeting form of government, any registered voter may attend, speak and vote. Attendance must be in person; there is no absentee voting in a Massachusetts Town Meeting. State law requires the town to hold at least one Town Meeting each year in the early spring. This is an Annual Town Meeting and the principal business of the Meeting is to appropriate money to fund the Town's expenses for the fiscal year which commences the following July 1<sup>st</sup>. Money may be provided by appropriation directly against the municipal tax rate, which is levied on real and personal property, or money may be borrowed within limits set by the Commonwealth. The Annual Town Meeting allows for action on other subjects also. If additional matters come up at a later time, they may become the subjects of a Special Town Meeting which may be called by the Selectmen or by citizens' petition.

## The Warrant

The Warrant is the notice to the voters of matters to be considered and acted on at an Annual or Special Town Meeting. Sometimes the articles in the Warrant are quite general and sometimes they are very detailed and specific. Town departments and officials may request of the Board of Selectmen the insertion of articles in the Warrant during the period in which the Selectmen publicly declare that the Warrant is "open." Citizens may also petition to place articles on an "Annual Town Meeting" Warrant. Petitions require 10 signatures of registered voters for an Annual Town Meeting Warrant or 100 signatures of voters for a Special Town Meeting. A copy of the Warrant is posted by a Constable at the Town Hall, Post Office, Police Station, McNabb's Pharmacy, and Mel's Barber Shop at least 14 days before any Town Meeting.

In the Warrant, the Selectmen call the Meeting to convene at a certain time and place within Pepperell, usually at the Varnum Brook Middle School. If the Meeting does not complete its business in its first session, the Meeting will decide to what date and time it wishes to adjourn. However, the Selectmen generally have suggested additional dates, reserved the facilities and made arrangements for public address systems and the like so the Meeting usually decides to reconvene on the dates suggested by the Selectmen.

## Annual Town Meeting

Pepperell holds one Annual Town Meeting (ATM) the first Monday in May, primarily consisting of financial articles and the budget. The meeting usually adjourns to a Special Town Meeting, called for by the Board of Selectmen to take care of any financial matters from the previous fiscal year. The ATM is called to order at 7:30 PM. There is a quorum requirement of 75 for Town Meetings, which means the meeting can not begin until there are 75 registered voters in attendance.

## Special Town Meeting

Special Town Meetings (STM) may be called by the Board of Selectmen or by any person by petition to the Selectmen. Petitions require 200 signatures, or 20% of the registered voters, whichever is less. These meetings usually reflect the specific need of a group or committee; however, once the Warrant is opened, other business may be added to this meeting by a vote of the Board of Selectmen or by a petition with 100 signatures of registered voters. The Board of Selectmen must call the meeting for a date no later than 45 days after the petition is filed. STM must be publicized and announced early enough to alert all citizens. There is a quorum requirement of 75 needed to open a Special Town Meeting.

## Rules and Procedures of Town Meeting

Pepperell's rules are those established in the book Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand

than the more widely known and consulted Robert's Rules of Order. Both books are available for reference at the Lawrence Library.

## The Moderator

Town Meeting is conducted by the Moderator, an elected position with a term of three years. The Moderator serves as the presiding officer, regulating the proceedings, deciding all questions of order and making public declaration of all votes. The vote recorded by the Town Clerk is the official vote. The Moderator's goal is to conduct the Town Meeting in a fair yet expeditious manner, allowing all points of view a fair hearing while still keeping the process moving.

## Town Meeting Agenda

The voter should take a copy of the Warrant, as well as separate copies of information regarding each article, available in the lobby at the entrance to the auditorium. The Warrant is the official agenda for the ATM. A copy of the Warrant is given to all committee members, and is available for the public at the Town Hall prior to the Town Meeting.

The printed Warrant contains all the articles for consideration, together with such recommendations to the Town as were available from the Capital Program Committee, Finance Committee and the Selectmen. The voter needs the Finance Committee Report and the handouts since the Moderator generally refers to articles by subject matter only, and frequently will not read the full text of motions to be made under the articles, but may refer instead to the Warrant.

Articles are usually considered in the order in which they appear in the Warrant. The articles appear in the Warrant in no particular order, randomly placed by the Selectmen. The Selectmen determine the order in which articles are placed on the Warrant taking into consideration appropriateness of subject matter, the need for professional support personnel, such as engineering consultants, to be present, and other relevant interests. Articles dealing with similar subject matter are often grouped together: financial, school, planning and zoning, etc.

There are occasions when common sense or expediency dictates that articles should be considered in a different order from that in the Warrant and the Meeting has the power to change the order. If the desired change is to defer consideration of an article, it may be accomplished by a "motion to postpone action" until after a specified article. If the desired change is advancement of a later article, it may be presented as a main motion if, and only if, no other motion is pending. Votes to change the order of consideration normally require majority vote for passage, but if the motion is mere jockeying for position, the Moderator may, under his power to regulate the proceedings, require a two-thirds vote. A motion "to postpone *indefinitely*" or a motion to "take no action" effectively kills action on an article.

## Articles and Motions

To vote effectively at Town Meeting requires both understanding the issues and understanding the wording of the motion on which one is voting. An *article* (as printed in the Warrant and Capital Program Committee & Finance Committee Report) describes the subject under discussion, while a *motion* made under the article describes the specific action on which one is voting. In some cases the article fully and accurately describes the action, and the motion may simply be "to take affirmative action under article \_\_\_\_." Motions must be seconded before discussion may begin or a vote taken. The group or groups submitting the motion for consideration may make a presentation of the article.

Frequently it happens that the wording of a *motion* differs from the wording of an *article*. The wording of the article must be settled prior to the close of the Warrant. The Moderator will not allow any expansion of the intent of the article since the voters must be properly warned in advance of actions they will be asked to approve. Great efforts are made to have the wording of motions in hand a few days before ATM in order to permit review by the Moderator and Town Counsel.

## Speaking on a Motion

When speaking on a motion, a voter must be recognized by the Moderator and go to the microphone, if one is available, and give name and address and committee association (if speaking on behalf of a committee). All remarks and questions should be addressed to the Moderator. When it is apparent that several people wish to be heard, lining up expedites the proceedings. In recognizing persons who wish to speak, the Moderator gives preference to those who have not already spoken on the article currently under discussion.

Within the general framework of parliamentary procedures, as presented in ATM, the goal of the Moderator is basic fairness in the consideration of issues before the ATM. This does not mean that everyone who wishes to speak will be heard. The Meeting decides that it has heard enough discussion and is ready to vote.

A motion may be made from the floor to “move the question.” Such a motion must be seconded, there is no further debate, and must be voted on immediately. The Moderator will not hear a motion to move the question if it is presented at the end of a statement or opinion.

## Amendments

If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must present exactly how the voter wishes to change the motion so that the Moderator can know exactly what it is the voter wants to move before ruling on the motion. A voter who wishes to amend a *main motion* must have the amendment in writing and available to hand to the Moderator *before* rising to be recognized and offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - the Moderator may rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the “four corners” of the article.

An amendment may consist of adding, deleting or substituting words in the motion. It may take the form of a “motion to substitute” a different motion. Sometimes a speaker tries to amend “the article,” but this is improper language. It is the motion on the floor, not the article on the Warrant, that is to be amended.

A motion to amend requires only a majority vote, even though the motion to be amended may require two-thirds or more for final passage.

## Size of Vote

A majority vote is required for passage of a motion unless otherwise specified. Most votes are voice votes, the results determined by the Moderator.

Any seven voters who doubt a voice vote result as announced by the Moderator have the right to require a division of the Meeting with a standing vote. This action must be taken immediately after the Moderator declares the vote result. A standing vote simply means a visual counting of “yes” or “no” votes by raised hands, or members asked to vote by standing. These votes are counted by Tellers, registered voters in attendance who come forward and are sworn in by the Town Clerk to count the vote.

Some motions require a two-thirds vote for passage. Included in this category are votes which authorize borrowing, property transfers, and zoning bylaw changes. A few motions require even higher levels of affirmative vote for passage.

## Ballot Voting

While most voting on government matters takes place at Town Meeting, ballot voting does exist in Pepperell for these occasions:

- \* Local, State, National elections
- \* Funding for expenditures approved at Annual or Special Town Meeting that go beyond the *levy limit*; these require an *override*, a *capital outlay exclusion* or a *debt exclusion*.
- \* The *levy limit* is a restriction on the amount of property tax a community may levy. Under state law (Proposition 2½), a community may not increase taxes more than 2½% over the previous year's levy (plus the value of any new growth that has occurred in the Town) and may not levy more than 2½% of the total full and fair cash value of all taxable real and personal property in the community.
- \* An *override* seeks a permanent increase in the levy limit of a community.
- \* A *capital outlay exclusion* seeks a temporary increase over the levy limit to raise funds for the cost of a specific capital project
- \* A *debt exclusion* seeks to add to the levy limit an amount equal to the annual debt service for a specific project; the increase continues only for the life of the debt.

\* Certain other main issues.

For local elections, the ballot vote is held on the fourth Monday of April. The polling center is open from 7 a.m. to 8 p.m.

### Voter Registration

Residents may register to vote at the Town Clerk's office in Town Hall in Pepperell or at any other Town Hall in the State. You may only vote in the town you choose to register to vote in. Voters must be registered to vote for Town Meetings 20 days before the Annual Town Meeting and 10 days before the Special Town Meeting. On the last day, the registrars of voters must hold a registration. Once registered, voters are always registered unless you move to another town. However, failure to respond to the Census could cause your name to be placed on the inactive voting list by requirement of the office of Secretary of State. Special registration dates are announced by the Town Clerk.

### Miscellaneous Matters

The tables in the lobby are reserved for materials voters will need for the Meeting such as copies of motions, the Finance Committee Report and Recommendations, Capital Program Committee Report and Recommendations and similar materials. Within the limits of available space, persons wishing to distribute materials relating to matters to be considered at the Meeting may place copies on the tables. People wishing to distribute information usually contact the Selectmen's office first; such materials must be cleared in advance by the Moderator. Sufficient copies must be provided for all voters who attend the Meeting. Individual distribution of materials, signing of petitions and similar activities must be done outside the lobby space, in order to permit orderly check-in by voters and efficient distribution of materials needed for the Meeting.

In addition to Town Meeting, Pepperell's municipal government is made up of many officials and committees, of which approximately 75% are appointed by the Board of Selectmen. A few positions are appointed by the Moderator. Together, these officials conduct the business of the Town, providing administrative, public health and safety, financial, utility, recreation and other services.

### Broadcast

ATM and STM are taped for broadcast on local Pepperell access cable channel 15.

### Refreshments

Refreshments are made available at Town Meetings by various civic groups in town as a fundraising event for that group. Those interested in providing refreshments should contact the Board of Selectmen's office prior to a Town Meeting.