

## **Fiscal Year 2010 Finance Committee Report**

In years past, the Finance Committee Report has been steadily pessimistic about the financial picture of the Town of Pepperell. For example, for last year's Report, written in April of 2008, I stated, "Given the overall downturn in the economy and the escalating costs of energy, health care, and fixed costs, this year's budget process presented considerable challenges to the town Finance Committee, the town department heads, and the town's administration..." It is difficult to paint a more negative picture than that, but here I am, brush in hand, to attempt to do so.

### **Expense side**

At the onset of the budget season, the town departments were advised to level fund their budgets, including salaries. The FinCom intended to review the submitted budgets as a first pass to further evaluate the overall picture.

At that time, we were anticipating a budgetary deficit of approximately \$1.3 million dollars. In mid-April, a clerical error was discovered, resulting in an upward adjustment of the deficit gap to \$1.9 million dollars. There is a very complete explanation of how this error occurred at the town website: [www.town.pepperell.ma.us](http://www.town.pepperell.ma.us). In sum, to set the real estate tax increase under the law, the town is to add 2½% to what was raised from the prior year, exclusive of new growth (new construction) and debt exclusion (annual payment on the bond for the Nissitissit School) The error occurred when the total amount of 2009's tax levy was used to calculate the increase for 2010 without first deducting the debt exclusion.

Once the budgets were in, we made recommendations for further cuts to close what was first thought to be a \$1.3 million shortfall. Those recommendations include cutting salaries, eliminating cost of living or step increases for non-union employees, some layoffs, shutting off street lights, cutting the summer playground program, among other cost-cutting recommendations. The feedback that we have received from the departments indicates that with these recommendations, the town departments will not be able to continue to provide the same level of services as had been provided in prior years.

When the true deficit amount was discovered in mid-April, the Finance Committee recommended that the Community Center be closed and the budgets of the Library and the Senior Center be funded solely through an override. Re-reviewing the budget to "find" an additional \$600,000 in cuts was not feasible, both in terms of time and the magnitude of the issue. It was also not in the town's overall long term financial interest to further deplete the savings accounts. The majority of the Finance Committee felt that these two departments had the best chance of garnering town-wide support to carry an override vote, more so than other, less visible town departments.

### **Summary of Expenses:**

FinCom Recommendations for town operating budget, assessments, and warrant articles	\$ 7,542,683
North Middlesex School District as proposed	10,198,708
Nashoba Valley Technical School District as proposed	<u>1,032,171</u>
Total Expenses	\$18,773,562

## **The Revenue Side**

For fiscal year 2010 our current best projections for revenue are as follows:

Tax levy within Proposition 2½	\$13,426,162
Projected new construction	127,000
Debt Exclusion (debt service on school bonds)	564,099
State aid (from Governor's budget, may be less)	1,302,728
Local Revenue (excise tax, fees)	1,844,000
Enterprise Funds/Reimbursement from State for certain town functions/ Transfers for Warrant Articles/General Fund cross charges	<u>496,010</u>
Total Revenue	\$17,759,999

## **Town's Savings Accounts**

Pepperell's three "savings" accounts are the Free Cash Account, which consists of unspent operating funds from prior years that are carried forward, the Stabilization Account, a resource for capital purchases, and the Retirement Account, which was funded many years ago per state mandate. (Said mandate has since been eliminated; therefore no further monies are added to this account).

Over the past few years, the town's healthy savings accounts have been used to fund operating increases over the limitations of Proposition 2½, as well as bringing a new school and the new Senior Center on line. For example, when the override for the school budget did not pass last year, one million dollars was taken from the Stabilization Account to meet that shortfall in the budget.

In order to balance the budget as recommended by the FinCom the following monies are to be taken from the town's savings accounts:

Free Cash	\$ 520,000
Stabilization	75,000
Retirement	<u>418,563</u>
Total	\$1,013,563

After the above amounts are deducted, the adjusted balances for these funds will be as follows:

Free Cash (includes Governor's FY '09 state aid reductions)	\$ 217,882
Stabilization	569,739
Retirement	<u>603,363</u>
Total Savings as of 6/30/09	\$1,390,984

## **The Override Issue**

As stated above, it is the FinCom's recommendation that the Library and Senior Center budgets be funded through an override. By state law, the actual override question will be addressed by ballot vote no sooner than 45 days after the town meeting. The vote is scheduled for June 22.

## **Summary**

Looking back on last year's Finance Committee Report, the message was that without an override to support the schools, we would be forced to further deplete our savings while facing grim economic realities. The override for the schools did not pass, the savings accounts were further depleted and this was well before the widespread recession hit. Now the town does not have the financial resources to continue to provide level services for 2010. The Finance Committee realizes that the recommended budget for FY 2010 contains some very difficult and unpleasant choices. It is not our intention to single out any one group or unduly burden particular segments of the town's population. It is our intention and goal to try to balance the general needs of the town with the financial limitations we face in a fiscally responsible manner.

The Finance Committee is a volunteer board whose members are Diane M. Gaspar, Chairperson, Burke Bero, Vice Chairperson, Chris DeSimone, Stephanie Cronin, Jeanne LeBlanc, Christopher Johnson and George Zacharakis. The FinCom continues to express its sincere thanks and appreciation to Town Accountant Theresa Walsh who has worked tirelessly during this very challenging budget season. Special thanks go out to Webmaster, Jeff Sauer, and Recording Secretary Lynn Henderson, both of whom have volunteered many hours in support of this committee.

# 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 4<sup>th</sup> of May, A.D. 2009 at 7:30 PM to act on the following articles:

## ANNUAL TOWN MEETING

**May 4, 2009**

### ARTICLE 1

#### TOWN OFFICERS AND COMMITTEES

To choose all Town Officers and Committees for the ensuing year (July 1, 2009 - June 30, 2010) not required to be elected by ballot.

*Recommended by Finance Committee.*

*Passed by majority voice vote*

### ARTICLE 2

#### ELECTED OFFICIALS COMPENSATION

To see if the Town will vote to fix the salary and compensation of Elected Officers of the Town for the Fiscal Year July 1, 2009 - June 30, 2010, as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; or take any other action relative thereto.

Salaries of the Elected Officers are included in the Departmental Appropriations.

Elected Official	Voted Salaries 7/1/08-6/30/09	Requested Salaries 7/1/09-6/30/10	Recommended Salaries 7/1/09-6/30/10
<u>Town Clerk</u> Range \$49,507*- 59,471	\$61,659	61,659	59,471
<u>Treasurer/Tax Collector</u> Range \$62,098*- 76,248	\$76,248	76,248	76,248

\* Shall be the pay for anyone who is not the incumbent officeholder as of 7/1/09 and who is appointed or elected during the fiscal year. The above salary recommendations to become effective under the dates specified above.

*Recommended by Finance Committee.*

*Passed by unanimous voice vote*

### ARTICLE 3

#### BUDGETS

To determine the specific sums the Town will vote to raise and appropriate or appropriate from available funds, to defray the regular expenses of the Town for the Fiscal Year July 1, 2009 through June 30, 2010 for General Government; Public Safety; Education; Public Works and Facilities; Human Services; Culture and Recreation; Debt Service; Employee Benefits and Insurance; Ambulance Fund; Sewer Enterprise Fund; Water Enterprise Fund; and Transfer Station Fund, or take any other action relative thereto. The following budgets are for the fiscal year covering the twelve-month period July 1, 2009 through June 30, 2010:

*Budget totaling \$10,213,050 was passed by unanimous voice vote. See budget for Part and line item details.*

**ARTICLE 4**

**NORTH MIDDLESEX REGIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,198,707.65 for the purpose of funding the Town’s apportioned share of the North Middlesex Regional School District operating budget and debt service for the fiscal year July 1, 2009 through June 30, 2010, as most recently certified to the Town by the District Treasurer, and, by virtue of appropriating this sum, approve the certified budget for the said fiscal year, or, by not appropriating this sum, explicitly disapprove the certified budget; or take any other action relative thereto.

*Recommended by Finance Committee.                      Passed by a vote of yeas 256, nays 15*

**ARTICLE 5**

**NASHOBA VALLEY TECHNICAL HIGH SCHOOL ASSESSMENT**

To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$1,032,171 for the purpose of providing funds for the Town’s apportioned share of the Nashoba Valley Technical High School operating budget and debt service for the fiscal year July 1, 2009 through June 30, 2010, as most recently certified to the Town by the District Treasurer, and by virtue of appropriating this sum, approve the certified budget for the said fiscal year, or by not voting to appropriate the sum, explicitly disapprove the certified budget; or take any other action relative thereto.

*Recommended by Finance Committee.                      Passed by majority voice vote*

**ARTICLE 6**

By: Board of Selectmen

**SUPPLEMENTAL FUNDING**

To see if the Town will vote to raise and appropriate the following additional sums for the FY ‘10 budgets of the designated departments, subject to an override vote of the Town:

COUNCIL ON AGING	\$ 172,640
LAWRENCE LIBRARY	436,539
COMMUNITY CENTER	37,618

And authorize the Town Accountant to distribute said funds to the appropriate line items; or take any other action relative thereto.

*This article will fund the three designated departments for FY10 - IF the voters approve the appropriation through an override referendum, as an addition to the allowed tax levy.*

*Recommended by Finance Committee.                      Passed by majority voice vote*

**ARTICLE 7**

By: Board of Fire Engineers

**NEW FIRE HOSE**

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 purchasing replacement 4” fire hose, said appropriation to be under the control of the Board of Fire Engineers; or take any other action relative thereto.

*This article will replace worn-out, leaky hose, which no longer gets all the water to the nozzle end of the hose, never mind to the location where it is actually needed.*

*Recommended by Finance Committee.                      Passed by majority voice vote*

**ARTICLE 8**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

**Revise Section 2200. OVERLAY DISTRICTS. by adding:**

Sewer District	SD
Mixed-Use	MUOD

or take any other action relative thereto.

*Explanation: The above overlay districts were previously added as separate sections of the Zoning Bylaws, however the listing of these two districts was never added to Section 2200, where the list of all overlay districts in the Town appears. **Passed by majority voice vote***

**ARTICLE 9**

By: Recreation Commission

**TENNIS COURT RECONSTRUCTION**

To see if the Town will vote to raise and appropriate, appropriate from available funds, or borrow the sum of \$180,000 for the purpose of rebuilding the tennis courts located behind the Varnum Brook Elementary School, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

*This article would rebuild existing tennis facilities located on the School District’s property; some legal work would be a prerequisite for any actual expenditure of Town funds on non-Town property.*

*Not recommended by Finance Committee.*

*Not recommended by CAProgram **Failed by voice vote***

**ARTICLE 10**

By: Board of Public Works

**TRANSFER STATION MULTI-PURPOSE MACHINE**

To see if the Town will vote to appropriate from Transfer Station Free Cash the sum of \$60,000 for the purchase of a multi-purpose machine (fork lift) for the recycling operation of the Transfer Station, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

*The primary use of this machine will be as a fork lift at the Transfer Station, with a number of other functions available, as needed. The monies will come from the Enterprise Fund, not the tax rate.*

*Recommended by Finance Committee.*

*Recommended by CAProgram. **Passed by unanimous voice vote***

## **ARTICLE 11**

By: Board of Public Works

### **TRANSFER STATION TRUCK**

To see if the Town will vote to appropriate from Transfer Station Free Cash the sum of \$15,000 for the purchase of a used one-ton truck for the Transfer Station, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

*This article would replace a derelict vehicle, whose primary use is on the premises of the Transfer Station. The monies will come from the Enterprise Fund, not the tax rate*

*Recommended by Finance Committee.*

*Recommended by CAProgram.      **Passed by unanimous voice vote***

## **ARTICLE 12**

By: Board of Fire Engineers

### **REVOLVING FUND**

To see if the Town will vote to authorize a revolving fund, pursuant to MGL Ch. 44, s. 53E ½, for the purpose of receiving and expending funds as a result of reimbursable incidents allowed under MGL Ch.21E, relative to hazardous materials releases. Receipts generated shall be deposited into said revolving fund, and expenditures, not to exceed \$100,000 may be made by the Board of Selectmen to the respective responding departments; or take any other action relative thereto.

*When the Fire Department or other Town agency responds to a hazardous waste incident, oil or gas spill, or any other situation involving a clean-up element, there is a resulting out-of-pocket expense for consumables (oil absorbent pads, flow dams, etc., etc.). These costs and other, related charges can be claimed against insurance coverage, or business entities. The revolving fund would allow these recouped funds to be cycled back into the cost of providing the service.*

*Recommended by Finance Committee.      **Passed by unanimous voice vote***

## **ARTICLE 13**

By: Police Department

### **POLICE CRUISERS**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$60,000 for the purpose of purchasing and equipping two (2) new police cruisers, along with any related expenses, said appropriation to be under control of the Chief of Police, and to authorize the disposal of used police vehicle(s) by trade, transfer, or sale; or take any other action relative thereto.

*This is the FY 2010 appearance in the annual cycle of replacing police cruisers.*

*Recommended by Finance Committee.*

*Recommended by CAProgram.      **Passed by a vote of yeas 217, nays 2***

## ARTICLE 14

By: Board of Health

### NASHOBA BOARDS OF HEALTH

To see if the Town will vote to approve membership in the Nashoba Associated Boards of Health, a district comprised of the Boards of Health of its member municipalities, as authorized by MGL, Ch 111, s. 27A, and to set a Board of Health budget, inclusive of resulting contract costs and such other budget amendments as may be appropriate; or take any other action relative thereto.

*This article would restructure the Board of Health's current setup, by assigning elements of the department's functions currently performed by in-house staff, to a private entity, under agreement.*

*Recommended by Finance Committee.*

*Passed by a vote of yeas 198, nays 172*

## ARTICLE 15

By: Planning Board

### ZONING AMENDMENTS

To see if the Town will vote to amend the Zoning Bylaw as follows:

#### **Revise Section 3300. HOME OCCUPATIONS as follows:**

Under Section **3310. Home Occupation - As of Right.**

##### **Delete:**

3311. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

##### **And replace with:**

3311. is conducted solely within a dwelling unit or in a building or other structure accessory thereto, and solely by the person(s) occupying the dwelling as a primary residence;

*Explanation: The as of right home occupation currently allows only for the use of the dwelling unit for the home occupation. This change would allow for as of right home occupations to utilize an accessory building or a detached garage for the purpose of the home occupation. Accessory structures are further regulated elsewhere in the bylaws.*

##### **Delete:**

3314. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles)

##### **And replace with:**

3314. does not utilize exterior storage of material or equipment (commercial vehicles allowed per the guidelines in Section 3234)

*Explanation: As currently written (including the parking of commercial vehicles) is in contradiction of Section 3234 of the bylaws. Section 3234 has guidelines for allowing commercial vehicles by right and by special permit.*

Under Section: **3320. Home Occupation - By Special Permit.**

##### **Delete:**

3322. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees.

**And replace with:**

3322. is conducted within a dwelling or accessory structure solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees.

*Explanation: This change again allows for the use of an accessory structure, and by adding it to this subsection, makes it consistent with the above change.*

**Add:**

3325. does not include sales at retail of foods or materials unless such goods or materials are made on the premises and no more than 300 square feet shall be utilized for this purpose; unless otherwise allowed by the Table of Use Regulations.

*Explanation: This addition would add a new requirement to address when permitting a home occupation. Retail sales in a residential district at a home occupation would create additional traffic and safety concerns and therefore should not be allowed for a home occupation by special permit. The allowance for a small area for retail sales, for example, a hairdresser who wants to sell hair products in her salon, would be allowed with this section.*

Or take any other action relative thereto. *Passed by a vote of yeas 126, nays 22*

**ARTICLE 16**

By: Conservation Commission

**CONSERVATION FUND**

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$1,750 to the Conservation Fund, established by Article 21 of the 1965 Annual Town Meeting; or take any other action relative thereto.

*This is a transfer of fee receipts into the Conservation Fund, which has been an annual request to Town Meeting for many years.*

*Recommendation to be given at Town Meeting. Motion to take no action passed by unanimous voice vote*

**ARTICLE 17**

By: Board of Public Works

**NASHUA ROAD WELL DESIGN COSTS**

To see if the Town will vote to borrow the sum of \$250,000 for engineering/design services relative to a new water well located on Nashua Road, as well as any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen be authorized to borrow said sum, under and pursuant to MGL Chapter 44, or any other enabling authority, and to issue bonds or notes of the Town therefore; and, further, that the Board of Public Works, with the approval of the Board of Selectmen, be authorized to apply for, accept, and expend any Federal, State, or other grants or gifts from any sources that may be available for this project; or take any other action relative thereto.

*This is the next step in the ongoing process of getting the much-discussed well located on the Nashua Road site into actuality. Under the terms of our DEP permit, we must proceed without delay. The cost of this borrowing will be borne by the Enterprise Fund, not the tax rate.*

*Recommended by Finance Committee. Passed by 2/3 voice vote*

**ARTICLE 18**

By: Board of Public Works

**SEWER DESIGN COSTS**

To see if the Town will vote to borrow the sum of \$150,000 for engineering/design of extended sewer lines in Brookline Street and the Indian Village area, as well as any costs incidental and related thereto, and that the Treasurer, with the approval of the Board of Selectmen be authorized to borrow said sum, under and pursuant to MGL Chapter 44, or any other enabling authority, and to issue bonds or notes of the Town therefore; and, further, that the Board of Public Works, with the approval of the Board of Selectmen, be authorized to apply for, accept, and expend any Federal, State, or other grants or gifts from any sources that may be available for this project; and, further, that, under the provisions of MGL Chapter 83, ss 15 and 18, the full cost of said services be allocated, based on a fixed uniform rate (or uniform unit method), and those amounts be assessed against and collected from the abutters; or take any other action relative thereto.

*This is another element in the DPW’s ongoing effort to finish up with small, “donut hole” pieces of the sewer system that have been long-planned, but never implemented. Costs of this borrowing will be borne by the Enterprise Fund, not the tax rate.*

*Recommended by Finance Committee.            Passed by 2/3 voice vote*

**ARTICLE 19**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Revise Section **3400. ACCESSORY APARTMENTS** as follows:

Under Section **3420. Procedure.** By deleting the word “on” and replacing it with the word “by” after the word “allowed” and before the words “special permit”.

Paragraph to now read:

3420. Procedure. Accessory apartments may be allowed by special permit from the Board of Appeals.....

*Explanation: This is a grammatical correction.*

Under Section **3432.** by deleting the word “proved” and replacing it with the word “provide” before “an affidavit”.

Paragraph to now read:

3432. One of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence(s). At the hearing on the application for the special permit, the applicant shall provide an affidavit .....

*Explanation: This is a spelling correction.*

Under Section **3433.** by adding the word “gross” before the word “floor”.

Paragraph to now read:

3433. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 sq. ft. in gross floor space....

*Explanation: No specification as to net or gross floor space was ever put into this section of the bylaw. There needed to be clarification for the size restriction and the addition now specifies the size requirement.*

Or take any other action relative thereto.            *Passed by unanimous voice vote*

**ARTICLE 20**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

Revise Section **4200. SPECIAL DIMENSIONAL REGULATIONS** as follows:

Under Section **4240. Residential Use in Commercial or Industrial District.** By adding at the end of the section “except for dwelling units above the first floor as allowed in the Commercial District.”

Paragraph to now read:

4240. Residential Use in Commercial or Industrial District. A residential use hereafter located in a commercial or industrial district shall conform to the dimensional requirements of the nearest residential district except dwelling units above the first floor as allowed in the Commercial District.

Or take any other action relative thereto.

*Explanation: Current zoning allows for dwelling units on the 2<sup>nd</sup> floor in the commercial districts per the Table of Use, it would be unrealistic to require these residential dwelling units to comply with residential zoning setbacks when the commercial building has less restrictive setbacks.*

*Passed by unanimous voice vote*

**ARTICLE 21**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

Revise Section **4400. ACCESSORY STRUCTURES, 4410. Dimensional Requirements and Location** as follows:

Under Section **4413.** by deleting “100” square feet and replacing it with “120” square feet.

*Explanation: The correct dimension is 120 square feet, as stated in Section 4412.*

*Passed by unanimous voice vote*

**ARTICLE 22**

By: Board of Selectmen

**ACCEPTANCE OF LAYOUT: JULIA LANE**

To see if the Town will vote to accept and maintain as a public way the layout of Julia Lane as shown on a plan entitled “Street Acceptance Plan, Lots 11-A to 19-A, Julia Lane, 17 Elliott Street,” prepared for Robert M. Hicks, Inc., 124 Main St., Westford, MA 01886, by Meisner Brem Corporation, dated 2/28/2008, and on file with the Town Clerk; or take any other action relative thereto.

*Motion to take no action passed by unanimous voice vote*

**ARTICLE 23**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Revise **Section 5200. LOADING AREAS, 5220. Layout and Design of Loading Facilities** as follows:

**Add the following section:**

5224. Loading facilities shall be designed and located in areas exclusive of any customer/client parking facilities. Parking facilities designated for employee only parking may be allowed in the same general area as the loading facilities if deemed a safe location by the Planning Board.

Or take any other action relative thereto

*Explanation: This is an additional requirement for the loading facilities prompted by a previous Special Permit which had several redesigns of the site. The main purpose of this additional requirement is to ensure traffic safety for all commercial and industrial buildings.*

*Passed by unanimous voice vote*

**ARTICLE 24**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Revise **Section 6100. SOIL REMOVAL** as follows:

Under Section:

**6120. Procedures.** By deleting “Highway Surveyor” and replacing it with “Town Engineer”.

*Explanation: This is a change due to the current structure of the Town’s government officials.*

Under Section:

**6160. Municipal Exemption.** by deleting “Highway Surveyor” and replacing it with “Town Engineer”.

*Explanation: Same as above.*

Or take any other action relative thereto

*Passed by unanimous voice vote*

**ARTICLE 25**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

Revise **Section 6200. COMMON DRIVES** as follows:

Under Section **6210. General.** By inserting “to serve as common access to a maximum of five (5) house lots” after “common drive.”

*Paragraph to now read:*

*6210. General. A common drive to serve as common access to a maximum of five (5) house lots may be allowed upon the grant of a special permit by the Planning Board in all districts....*

*Explanation: This is to clarify in the bylaw wording the limitation –which is currently in the definition but should be re-stated in the bylaw section as well.*

Under Section:

**6250. Name**

Delete the following:

**6250. Name** The common drive may be named, but the name must be approved by the Planning Board either at the time of submission of the special permit application or when a petition for name and street numbering is submitted to the Board of Assessors.

And replace with:

**6250. Name and Address.** The common driveway shall be named as approved by the Planning Board in conjunction with the Board of Assessors. All house lots shall be addressed using the approved common driveway name and house numbering as directed by the Board of Assessors.

*Explanation: This change is to address past problems, especially response of emergency services, on private common driveways and will insure that all new common drives will be named and numbered as specified by the town.*

Or take any other action relative thereto *Passed by unanimous voice vote*

**ARTICLE 26**

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 \$ 312,992 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 is an annual article, authorizing and accepting State funds for repair of qualifying roads within the Town. There is no net cost to the Town.*

*Recommended by Finance Committee. Passed by unanimous voice vote*

**ARTICLE 27**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Revise **Section 7300. MULTIFAMILY RESIDENTIAL DEVELOPMENT** as follows:

Under Section **7320. Design Requirements:**

Delete the following:

7326. No multifamily development containing eight (8) or more apartment units shall have more than twenty percent (20%) of the total number of apartments with three (3) or more bedrooms.

And replace with:

7326. Except for detached single family dwelling units, no multifamily residential development containing eight (8) or more dwelling units shall have more than twenty percent (20%) of the total number of dwelling units with three (3) or more bedrooms.

*Explanation: this change is to clarify that only apartment buildings have a restriction for 3 bedroom units. Single family homes cannot be regulated as to number of bedrooms.*

Add the following subsection:

7329. All multifamily developments shall require signage in accordance with Section 5300 to be located at all entrances to the multifamily development and in the case of apartment buildings, each building shall be designated by street numbering as determined by the Board of Assessors, and each unit number shall be clearly marked with numerals or letters of no less than six (6) inches in height and be of a clearly visible color. In the case of multifamily developments containing single-family detached dwelling units a permanent marker of engraved granite not greater than six (6) square feet in area shall be placed at the end of the driveway entrance to the multifamily development where it meets the public way and shall contain the diagram of the addresses of the properties as designated by the Board of Assessors. A similar, but smaller, marker shall be placed where the driveway meets the individual dwelling driveway and at any location where the driveway may split to access more than one dwelling. All driveways and parking areas for the designed multifamily development shall be paved to a total thickness of three (3) inches with two courses of bituminous concrete.

*Explanation: This change helps to specify requirements for addressing and marking of multi-family developments for public safety response.*

Add the following Section:

**7335. Affordable Housing.** All multifamily developments which will result in the creation of six (6) or more detached single family dwelling units on the site designated as the multifamily development shall require at least 10% of the units, and in no case, less than one unit, be priced for qualified affordable housing purchase as defined by the Commonwealth of Massachusetts.

*Explanation: Adding an affordable housing component for these types of developments when they create single family units helps the town comply with its recommendations in the Affordable Housing Plan to increase availability of affordable housing in the town.*

Or take any other action relative thereto. *Passed by unanimous voice vote*

## **ARTICLE 28**

By: Planning Board

### **ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

Revise **Section 8400. SEWER ZONING DISTRICT** as follows:

Delete the Section in its entirety and replace with the following:

#### **8400. SEWER DISTRICT**

8410. Purpose. The purpose of this section is to define that portion of the Town of Pepperell in which sewer service is provided or may be planned to be provided, and to regulate sewer connections and use within the Sewer District area.

8420. Location. The Sewer District shall consist of that area of land shown within the delineated area appearing on the Town of Pepperell Zoning Map and is additionally described and defined in a written addendum to the Official Zoning Map.

8430. Applicability. The Sewer District shall be construed as an overlay district, and all elements of the underlying zoning shall remain in full force and effect.

8440. Regulation. All habitable structures, whether residential or commercial, constructed after the effective date of this section, lying within the Sewer District and having legal access to the sewers of the Town of Pepperell, shall connect to the municipal sewer system by a sufficient drain, prior to any use or occupancy thereof. All single family residences existing at the effective date of this section shall be allowed access to the municipal sewer system. Any single family residence

existing at the effective date of this section which is outside the Sewer District but directly abutting a parcel within the Sewer District may be allowed access to the municipal sewer system through proof of demonstrated hardship circumstances and by the permission of the Board of Public Works. No other properties outside the Sewer District shall be allowed access to the municipal sewer system.

8450. Authority. The Board of Public Works shall be the enforcement authority of the Sewer District. All connections to the municipal sewer system shall be directed as defined by the Sewer Division of the Department of Public Works.

Or take any other action relative thereto.

*The referenced "written addendum" is on file in the Office of the Town Clerk and the Office of the Town Administrator.*

*Explanation: This change in the bylaw is to more precisely word the bylaw so that it is consistent with other bylaws describing an overlay district. The original purpose and intent of this bylaw has not changed nor has the area of the Sewer District changed.*

*Passed by unanimous voice vote*

**ARTICLE 29**

By: Planning Board

**ZONING AMENDMENT**

To see if the Town will vote to amend the Zoning By-law as follows:

Revise **APPENDIX A TABLE OF PRINCIPAL USES** as follows:

**D. COMMERCIAL USES**

Delete:

	<b>RR</b>	<b>TR</b>	<b>RCR</b>	<b>SR</b>	<b>UR</b>	<b>C</b>	<b>I</b>
Restaurant, fast-food	N	N	N	N	N	PB	PB

Add:

Restaurant, fast-food	N	N	N	N	N	Y	PB
-----------------------	---	---	---	---	---	---	----

*Explanation: Will allow by right for fast-food restaurants in the commercial district such as sub shops, pizza shops without requiring a special permit. This will not allow drive-thrus.*

Delete:

	<b>RR</b>	<b>TR</b>	<b>RCR</b>	<b>SR</b>	<b>UR</b>	<b>C</b>	<b>I</b>
Indoor facility for the rental of equipment or goods	N	N	N	N	N	Y	N

Add:

Indoor facility for the rental of equipment or goods	N	N	N	N	N	Y	PB
--	---	---	---	---	---	---	----

*Explanation: This change will allow the Planning Board to grant a special permit for this type of rental business in the industrial district if all criteria are met.*

Delete:

	<b>RR</b>	<b>TR</b>	<b>RCR</b>	<b>SR</b>	<b>UR</b>	<b>C</b>	<b>I</b>
Nonprofit club or lodge	BOS	BOS	Y	BOS	BOS	Y	N

Add:

Nonprofit club or lodge	BOS	BOS	BOS	BOS	BOS	Y	PB
-------------------------	-----	-----	-----	-----	-----	---	----

*Explanation: This change makes the type of use consistent in all of the residential zones requiring a permit from the Board of Selectmen.*

**E. RECREATIONAL USES**

Delete:

	<b>RR</b>	<b>TR</b>	<b>RCR</b>	<b>SR</b>	<b>UR</b>	<b>C</b>	<b>I</b>
Retail operations on premises of recreational use set forth herein	N	N	PB	N	N	Y	N

Add:

Retail operations on premises of recreational use set forth herein	N	N	PB	N	N	Y	PB
--	---	---	----	---	---	---	----

*Explanation: This would allow for the Planning Board to grant a special permit for this use, for example a batting cage that wanted to sell baseball equipment.*

**F. INDUSTRIAL USES**

Delete:

	<b>RR</b>	<b>TR</b>	<b>RCR</b>	<b>SR</b>	<b>UR</b>	<b>C</b>	<b>I</b>
Earth removal	N	N	N	N	N	N	BOS

Add:

Earth & Soil removal	N	N	N	N	N	N	BOS
----------------------	---	---	---	---	---	---	-----

*Explanation: The bylaw section regulating this is called Soil Removal and by adding the soil in the description here it will be more consistent with the controlling section.*

Or take any other action relative thereto.

*Passed by unanimous voice vote*

And you will serve this warrant by posting a true and attested copy of same, in said Town, seven 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 17<sup>th</sup> day of April, A.D. 2009.

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Lyndon B. Johnson, Chairman

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Joseph A. Sergi, Clerk

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Patrick J. McNabb

PEPPERELL BOARD OF SELECTMEN

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CONSTABLE OF PEPPERELL

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 4<sup>th</sup> of May, A.D. 2009 at 8:00 PM to act on the following articles:

**SPECIAL TOWN MEETING**

**May 4, 2009**

**ARTICLE 1**

**By: Board of Public Works**

**FY 2009 SNOW REMOVAL COSTS**

To see if the Town will vote to appropriate from available funds the sum of \$70,000 to pay outstanding costs arising from FY 2009 snow and ice removal operations, said appropriation to be under the control of the Highway Superintendent; or take any other action relative thereto.

*It was a tough winter, and the time has come to pay the piper for the unforeseen costs.*

*Recommended by Finance Committee.*

*Passed by unanimous voice vote*

**ARTICLE 2**

**By: Board of Public Works**

**DEBT SERVICE PAYMENT**

To see if the Town will vote to appropriate \$39,475 from the Special Revenue Fund, Sale of Town Buildings, to be applied against the FY 2009 debt service cost for improvements to the Belmont Springs building; or take any other action relative thereto.

*This article follows up on the action of Town Meeting, in directing the use of the proceeds from the Canal Street property to defray the costs of the renovations.*

*Recommended by Finance Committee.*

*Motion to amend article by removing "Sale of Town Building to be applied against FY2009 debt service" and substituting the sum of \$39,475 from Water Enterprise Fund in its place was withdrawn by unanimous voice vote.*

*Motion to withdraw article passed by unanimous voice vote*

### **ARTICLE 3**

**By: Board of Selectmen**

#### **PERSONNEL BY-LAW AMENDMENT**

To see if the Town will vote to amend the Personnel By-Law by adding, at the end of ARTICLE V (“Employee Benefits”), the following new Section 30:

#### **30 EXCEPTIONS**

Notwithstanding any contrary provision of this By-law:

- At any Annual Town Meeting, the Finance Committee, with the approval of the Board of Selectmen, may make budget recommendations for the succeeding Fiscal Year that include suspension of step increases and/or longevity payments with regard to all personnel not otherwise covered by contract;
- At any point in any Fiscal Year, the Board of Selectmen may, upon declaration of a financial emergency, direct forfeiture of payment for step increases and/or longevity not already implemented or expended, with regard to all personnel not otherwise covered by contract.

Or take any other action relative thereto.

*This amendment creates a management tool for dealing with budget crises in future years.*

*Recommended by Finance Committee.*

*Motion to delete second exception clause was defeated by majority voice vote*

*Article passed by majority voice vote*

### **ARTICLE 4**

**By: Board of Public Works**

#### **TRANSFER OF FUNDS**

To see if the Town will vote to amend the Sewer Department budgets by transferring the sum of \$8,000 from “Health Insurance” to “Capital Outlay – Replacement Equipment;” or take any other action relative thereto.

*Recommended by Finance Committee.*

*Passed by unanimous voice vote*

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 17<sup>th</sup> day of April, A.D. 2009.

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Lyndon B. Johnson, Chairman

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Joseph A. Sergi, Clerk

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Patrick J. McNabb

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.