

PRESENT: Select Board Members Margaret Scarsdale, Tony Beattie and Mark Mathews; Town Administrator, Andrew MacLean; Executive Assistant, Tracie Looney

This meeting was remote participation only. The meeting was called to order at 7:00 PM. Pledge of Allegiance was said. Ms. Scarsdale announced that the meeting is being cablecast live, and recorded for future cablecast by Pepperell Community Media.

1. AGENDA PACKET (Exhibit 1)

2. REORGANIZATION OF THE BOARD

The annual Town Election was held on April 26, 2021 and a newly elected Select Board member, Mark Mathews, will be seated on the Board. The Select Board welcomed Mr. Mathews to the Board. The Board will have a chance to reorganize the positions within the Board.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to appoint Ms. Scarsdale as the Chair of the Select Board.

On a motion made by Ms. Scarsdale and seconded by Mr. Mathews, it was unanimously voted to appoint Mr. Beattie as the Clerk of the Select Board.

3. ACCEPTANCE OF MINUTES

No minutes at this time.

4. BILL AND PAYROLL WARRANTS

Since the last meeting the Select Board have approved the following payroll and bill warrants:

- April 14, 2021 payables warrant # 41B was signed for \$57,115.76
- April 15, 2021 payroll warrant #42A was signed for \$ 244,387.27
- April 21, 2021 payable warrant # 42B was signed for \$ 282,116.36

5. APPOINTMENTS / RESIGNATIONS

Northern Middlesex Council of Governments (NMCOG) Representative from Select Board

Bill Greathead was the Select Board Representative to the Northern Middlesex Council of Governments (NMCOG). The Board needs to reappoint another Select Board member to this Council. The Board discussed which member would like to be appointed to be this representative. Mr. Mathews voiced an interest with his background to be the representative.

On a motion made by Mr. Beattie and seconded by Ms. Scarsdale, it was unanimously voted to appoint Mark Mathews to be the Town of Pepperell Representative to the Northern Middlesex Council of Governments with a term to expire on June 30, 2021.

Animal Inspector Appointment / Resignation

Effective March 30, 2021, Robin Hebert, Animal Inspector, resigned from her position. The Town Administrator appointed Lisa Forbes to be the current Animal Inspector. The TA and Select Board thanked Robin Hebert for her many years of service as Animal Inspector.

6. PUBLIC COMMUNICATIONS

6.1 Proclamations

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to declare May as the Ehlers- Danlos and Hypermobility Spectrum Disorder Month.

Written Submittals: The TA reviewed the following submittals:

- Charter Communications memo regarding channel lineup changes
- SolSmart Town Designation
- The Select Board informed the public about the LED survey

Audience Comments: None at this time.

7. REPORTS

7.1 Town Administrator's Report

The Town Administrator reviewed his TA report with the Select Board:

- April 26th was Election Day with 437 voters.
- TA welcomed Mark Mathews to the Select Board and spoke of the void Bill Greathead still leaves.
- The LED Light survey is underway through May 4th. Residents are encouraged to complete an on-line survey of the sample LEDs which can be viewed along Main Street and Townsend Street from the rotary to a short distance past Town Hall. The lights are at full intensity through April 27th, then will be reduced to 50% intensity through May 4th.
- The Cable Advisory Committee is nearing completion of their work to create a new cable contract.
- The Invasive Plant Species Advisory Committee has received a \$4,000.00 grant from the Nashua, Squannacook, and Nissitissit Rivers Wild & Scenic Stewardship Council.
- Our SolSmart Gold designation has been awarded to the Town with the help of Lisa Davis, Town Planner.
- TA attended a webinar on the development of NetZero public facilities.
- The Fire Department has submitted a grant application to upgrade additional mobile radio units.
- DPW has completed interviews and is preparing an offer for a new employee to replace Joe Jordan. Joe is retiring at the end of April and we wish him well as he strives to perfect his golf game.
- Friends of the Library Toy Sale is this Saturday, May 1, 2021 8 AM.

Soil Reclamation Proposal Update

The Town is waiting to hear from the judge in May for summary judgement.

COVID -19 Updates

The Town Administrator announced that Massachusetts will reopen some outdoor Phase 4, Step 2 industries effective May 10th and the State has put plans in place for further reopening on May 29th and August 1st. The TA also updated the Select Board with the latest face covering orders effective on April 30, 2021.

7.2 Select Board's Report

Mr. Beattie had discussions with the Board of Public Works and Ken Kalinowski regarding the water quality and water security issues in Town including PFAS levels found in water. He also spoke to the TA regarding the need for a safety complex.

Mr. Mathews has been preparing for the opportunity to become a Select Board member for many months and has done research on affordable housing, senior housing, Veteran's housing and Gold Star Widows. He also asked if the Select Board members could rotate their time going to other meetings of other Boards and Committees so as to not duplicate their attendance.

The Board discussed having meetings on the weekends to have further discussions on topics or having tours of Pepperell to discuss areas of interest.

Ms. Scarsdale spoke about the Citizen Engagement Night (CEN) held on April 15, 2021. The topic was Meet the Candidates and there was a great turnout according to Ms. Scarsdale. The next CEN will be held on June 3, 2021 to discuss the warrant articles at the upcoming Annual Town Meeting. Ms. Scarsdale has attended Affordable Housing Committee and Building Committee meetings as both Committees are bringing forward warrant articles to the Annual Town Meeting. She has also been working on the Local Rapid Response Grant and the Community One Stop Grant.

8. DISCUSSION / ACTION ITEMS

8.1 7:15 PM Public Hearing – The Barn Door

Ms. Scarsdale opened the Public Hearing at 7:15 PM by reading the Public Hearing Notice. The Select Board is the Local Licensing Authority (LLA) to approve Liquor Licenses. The Barn Door has submitted an application for an Off-Premise Wine and Malt Liquor License to be exercised at 51 South Road. Both the owner and manager of The Barn Door were in attendance to answer any questions from the Board. On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to approve the application for an Off Premise Wine and Malt Liquor License for The Barn Door at 51 South Road. On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to close the public hearing.

8.2 Mosquito Spraying Discussion (Pending Board of Health Meeting)

The Town Administrator provided the Select Board with the information regarding the Application for Municipality Opt-Out of State Reclamation and Mosquito Control Board (SRMCB) Spraying. The Board of Health met earlier tonight on this topic and voted to recommend opting out of the spraying program. The Select Board should consider the requirements involved in opting out which includes submitting an alternative plan to the state. The Board of Health plans to develop a framework for an alternative plan for the Select Board to consider. The Select Board should provide information to the community on the pros and cons of aerial spraying for mosquito prevention as it considers the recommendation from the Board of Health for opting out of aerial spraying for the 2021 season. No motion taken.

8.3 Junk Dealer License Renewals (Continued)

The Select Board issues licenses for Junk Collectors/ Dealers under Massachusetts General Laws, Chapter 140, Sections 54-56 and Sections 202-205. A license is required for a collector of, a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles to be licensed. The license fee is \$25.00 and expires, on an annual basis, on May 1st.

There are currently 4 Junk Dealers licensed in the Town of Pepperell.

1. The Bronze Bell
2. South Row Antiques*
3. Mel's Barber Shop
4. The Smithy Shop*

*Approved at April 12, 2021 Select Board Meeting

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to approve the Junk Dealer's licenses to expire May 1, 2022, for The Bronze Bell and for Mel's Barber Shop.

8.4 Annual Town Meeting Warrant Articles

The Town Administrator reviewed with the Board eight of the Annual Town Meeting Warrant Articles and will be asking for the Board's recommendation for each article. The articles will be approved once Town Council has reviewed the final wording.

ARTICLE 1 – 2019 ANNUAL TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers and Committees for 2019 as printed, or take any other action relative thereto.

Explanation: *This article is to accept the reports of the Town Officers and Committees for 2019 as printed.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend the reports of the Town Officers and Committees for 2019 as printed.

ARTICLE 2 – REVOLVING FUND FOR PETER FITZPATRICK

Draft language - Town Counsel reviewed version 4/23/2021

To see if the Town will vote, pursuant to section 3 of Chapter 40 of the General Laws, to establish a revolving fund for the purpose of collecting payments from leases and rentals under the contracted services management agreement with The Fitzpatrick Collaborative for the Peter Fitzpatrick School property, and authorize expenditure of the funds collected, upon authorization of the Town Administrator, for upkeep and

maintenance, including capital improvements and repairs, at the Peter Fitzpatrick School property; to accept the proviso in the second paragraph of said section 3 so that any balance in the revolving fund at the end of the fiscal year shall remain in the revolving fund and not revert to the general fund; and to direct that a report of receipts and expenditures from the revolving fund be maintained and included in the annual Town Report.

Explanation: *This article is intended to provide a means to collect and expend funds received from leases and rentals under agreement established in 2020 for managing the Peter Fitzpatrick School property to maintain the property.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend establishing a revolving fund for Peter Fitzpatrick.

ARTICLE 3 – REVOLVING FUNDS - MGL CHAPTER 44, SECTION 53E1/2

To see if the Town will vote, according to Massachusetts General Laws Chapter 44, Section 53E1/2 and the Town's Revolving Funds Bylaw adopted by vote under Article 12 of the May 1, 2017 Annual Town Meeting, to set expenditure limits for the Fiscal Year July 1, 2021 through June 30, 2022 for the Town's revolving funds, or take any other action relative thereto.

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

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Article X, renewal of the Revolving Funds – MGL Chapter 44, Section 53E1/2.

ARTICLE 4 - SCHOOL STABILIZATION FUND

To see if the Town of Pepperell will approve the establishment of a stabilization fund by the North Middlesex School District commencing July 1, 2021, pursuant to G.L. c. 71, Sec. 16G1/2, or take any other action with respect thereto.

Explanation: *This article will create a stabilization fund for the regional school district. The district may add up to five percent of its annual budget into said fund. A two-thirds majority of the school committee is required to expend funds from the amount available. Earned interest is retained in the fund.*

No vote was taken at this time.

ARTICLE 5 – STORM WATER BYLAW

To see if the Town will vote to accept a Storm Water Bylaw under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statute, and the regulations under the Federal Clean Water Act including 40 CFR 122.34.

Explanation: *The purpose of this bylaw is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the municipal storm drain system, as well as to control the adverse effects of construction site stormwater runoff and post-construction stormwater runoff.*

No vote was taken at this time.

ARTICLE 6 – AFFORDABLE HOUSING TRUST

To see if the Town will vote to accept Massachusetts General Law Chapter 44, Section 55C and to authorize the Select Board to establish a Trust, to be known as the Pepperell Affordable Housing Trust Fund, for the purpose of creating and preserving affordable housing in Pepperell for the benefit of low- and moderate-income households or take any other action relative thereto.

Explanation: *Acceptance of an Affordable Housing Trust is a recommendation in both Pepperell's Master Plan and Certified Housing Production Plan.*

No vote was taken at this time.

ARTICLE 7 - OUTDOOR LIGHTING BYLAW

To see if the Town will vote to adopt an Outdoor Lighting Bylaw, a copy of which is shown in Appendix A to this warrant, or take any other action relative thereto.

Explanation: *The Town of Pepperell Light, Air, and Noise Committee drafted this bylaw. The Town of Pepperell hereby finds and determines that the welfare and enjoyment of Pepperell is associated with its rural character, including its nighttime ambience. It is recognized that light pollution, as defined in this Bylaw, is a nuisance to the residents of Pepperell as it negatively impacts human health and contributes to the loss of our night-sky heritage. Preserving and protecting the night sky enhances the general well-being of residents, as well as the use and enjoyment of property, through the use of appropriate lighting practices. No vote was taken and was tabled until the June 10, 2021 Select Board meeting.*

ARTICLE 8 – ACCEPTANCE OF CRAWFORD WAY AND RED PEPPER LANE AS A PUBLIC WAY

To see if the Town will vote to accept as Town public ways, Crawford Way and Red Pepper Lane, in the Town of Pepperell, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid out by the Select Board, and as shown on a plan entitled “Street Acceptance Plan in Pepperell, Massachusetts Crawford Way” dated May 20, 2020, revised August 28, 2020 by Land Engineering & Environmental Services, Inc., a copy which is on file with the Town Clerk, and to authorize the Select Board to acquire by eminent domain, purchase, gift or otherwise, the fee simple interest, or easements, in said ways for the purpose for which public ways are used in the Town, together with all related drainage, utility and other easements, or take any other action relative thereto.

Explanation: *The Select Board held a public hearing to adopt the Order of Layout for Crawford Way and Red Pepper Lane. The Town may accept Crawford Way and Red Pepper Lane as public ways and authorize the Town to acquire public way rights or easements in Crawford Way and Red Pepper Lane from those persons owning or having rights therein. A map showing Crawford Way and Red Pepper Lane is in Appendix X.*

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend Acceptance of Crawford Way and Red Pepperell Lane as a Public Way.

8.5 FY2022 Budget Review

The Town Administrator provided a summary of the FY2022 Budget now that the Finance Committee has completed its review of the budget. The TA discussed revenue projection, expense plan and salary plan for FY2022.

8.6 Municipal Vulnerabilities Planning (MVP) Letter of Support

The MVP grant application requires a letter of support from the Select Board. The Town Administrator will bring a draft letter to the meeting for the Board to review.

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to recommend the draft letter of support for the 2022 MVP Grant Application.

8.7 Agricultural Preservation Restriction (APR) Approval for Parking Lot Twin Valley Farm

Owners of Twin Valley Farm/Upswing are requesting to create a parking area which requires the Select Board vote. The property is protected under the Massachusetts Agricultural Preservation Restriction (APR) Program. The property owners are proposing to add a parking area as well as add utility lines for hoop houses they have recently installed. The Commonwealth of MA APR Program and the Town of Pepperell are both Grantees of this APR property. Any change from agriculture to non-agriculture use of the property requires approval from the Grantees. The proposed work is to create a customer parking area for the property owners Community Supported Agriculture (CSA) customers and install buried cable and buried waterlines. The Commonwealth of MA has approved the project, with conditions.

On a motion made by Mr. Beattie and seconded by Mr. Mathews, it was unanimously voted to authorize the request from the property owners at Twin Valley Farm/Upswing Farm to move forward with the construction of:

1. Parking area approximately 200' x 100'.
2. To install 200' of buried electric line and 115' of buried waterline and 3 frost hydrants.
3. To improve the current opening into the large field off of Prescott Street by adding approximately 20 yards of 1.5-inch stone gravel pack.

9. ADJOURNMENT

On a motion made by Mr. Mathews and seconded by Mr. Beattie, it was unanimously voted to adjourn the meeting at 9:35 PM.

Respectfully submitted,

Tracie Looney, Executive Assistant

APPROVED:

Margaret Scarsdale, Chair

Tony Beattie, Clerk

Mark Mathews, Member

Approved: July 12, 2021