

April 24, 2023

Pursuant to the foregoing Warrant, the legal voters of the Town of Merrimac met at the Dr. Frederick N. Sweetsir School, Merrimac MA, on April 24, 2023 at 7:30 pm. A quorum of 811 registered voters gathered at 7:30 pm. The Annual Town Meeting was held in the cafeteria with an overflow area outside which was equipped with sound system. This overflow area was put into place for any capacity issues. Two deputy moderators, Philip Parry and Brian Page were appointed by Moderator Baumgardner to assist with the overflow area.

Moderator W. Earl Baumgardner called the meeting to order 7:40. The Moderator led the assembled voters in the Pledge of Allegiance. The moderator introduced the Selectmen, Town Counsel and myself. The moderator went over emergency exit instructions.

Moderator Baumgardner stated upon his inspections of the Warrant for the meeting, he deemed it proper and correct as posted by Constable David Vance. Motion to dispense with reading of warrant and duly 2nded, motion carried.

Motion to allow the moderator to extend the floor to Town management and staff and other non-voters provided that they must first be recognized by the Moderator and duly seconded, motion carried.

**Motion by Benjamin Beaulieu, to allow the Moderator, pursuant to G.L. c. 39 sec 39 & 15 to declare a two-thirds vote rather than taking a standing count, duly seconded, motion carried, so declared the moderator.**

**Article 1:** Motion by Selectman Benjamin Beaulieu to withdraw Article 1, and duly seconded by Chris Manni. **Motion failed by a hand vote, so declared the moderator.**

**Article 1:** Motion by Selectman Benjamin Beaulieu and seconded by Chris Manni. After lengthy discussion and participation by the voters of Merrimac, **the motion failed by a paper vote**

**YES – 7**

**No – 782**

**Total Paper votes – 789**

**Article 2:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to raise and appropriate a sum of money in the amount of **\$860,000** to fund a portion of its share of the assessment of the Pentucket Regional School District Budget for Fiscal Year 2024, contingent upon the successful passage of a levy limit override question in the amount of **\$860,000** on May 1, 2023, under G.L. c. 59, § 21C;

**Motion passed by hand vote, so declared the Moderator.**

**Article 3:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to appropriate from Free Cash for **FY2023**, a sum of money in the amount of **\$848,750** for the purposes and in the amounts stated in the warrant.

**Motion passed by hand vote, so declared the Moderator.**

**Article 4:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to appropriate from Water Retained Earnings for **FY2023** a sum of money in the amount of **\$ 150,000** for the following specific capital purposes outlined in warrant.

**Motion passed by hand vote, so declared the Moderator.**

**Article 5:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to appropriate from the Wastewater Retained Earnings for **FY2023** a sum of money in the amount of **\$ 85,000** for the following specific capital purposes outlined in the warrant.

**Motion passed by hand vote, so declared the Moderator.**

**Article 6:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to appropriate from Wastewater Retained Earnings for **FY2023** a sum of money in the amount of **\$55,000** for I & I repairs throughout town.

**Motion passed by hand vote, so declared the Moderator.**

**Article 7:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to establish **FY2024** limitations on expenditures from the revolving funds established by the General Bylaw entitled, "Departmental Revolving Funds", with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended as identified above in accordance with the provisions of M.G.L. c. 44, Section 53E½, as most recently amended.

**Motion passed by hand vote, so declared the Moderator.**

**Article 8:** Motion by Finance Chairman, James Archibald and duly seconded to fix the salary and compensation of all elected officers of the Town as provided by G.L. c. 41, § 108 as amended: Town Clerk, three Assessors, three Commissioners of Municipal Light, and to raise, appropriate or transfer sums of money therefore and to determine sums of money raised to be transferred to defray the necessary and usual charges and expenses of the Town for the Fiscal Year commencing July 1, 2023

**Motion passed by hand vote, so declared the Moderator.**

**Article 9:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to raise and appropriate, or transfer from available funds, a sum of money to operate the Wastewater Department Enterprise for FY2024;

Salaries:	\$ 653,625
Expenses:	\$ 554,380
<u>Debt Service:</u>	<u>\$ 189,984</u>
<b>Total</b>	<b>\$1,397,989</b>

And that **\$ 1,397,989** be raised as follows:

Departmental Receipts:	<b>\$ 1,377,989</b>
Wastewater Betterment Fund:	<b>\$ 20,000</b>

**Motion passed by hand vote, so declared the Moderator.**

**Article 10:** Motion by Selectman Chairman Benjamin Beaulieu and duly seconded by Chris Manni to raise and appropriate, or transfer from available funds, a sum of money to operate the Water Department Enterprise for FY2024 as follows;

Salaries:	\$ 538,962
Expenses:	\$ 545,205
<u>Debt Service:</u>	<u>\$ 196,702</u>
<b>Total</b>	<b>\$1,280,869</b>

And that **\$1,280,869** be raised as follows:

Departmental Receipts: **\$ 1,280,869**

**Motion passed by hand vote, so declared the Moderator.**

**Article 10:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to raise and appropriate, or transfer from available funds, a sum of money from the Electric Light Operating Balance said money to be used by the Assessors to reduce the Tax Rate for Fiscal Year 2024.

**Motion passed by hand vote, so declared the Moderator.**

**Article 11:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni to raise and appropriate, or transfer from available funds, a sum of money from the Electric Light Operating Balance said money to be used by the Assessors to reduce the Tax Rate for Fiscal Year 2024.

**Motion passed by hand vote, so declared the Moderator.**

**Article 12:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to appropriate **\$ 7,400** from available funds known as "Sale of Cemetery Lots", such sum or part thereof, to be expended under the direction of the Cemetery Trustees for the care, improvement, and embellishment of said cemeteries, in accordance with G.L. c. 114, §§ 15 and 25.

**Motion passed by hand vote, so declared the Moderator.**

**Article 13:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to raise and appropriate **\$185,000** to be used to make necessary repairs to Town roadways.

**Motion passed by hand vote, so declared the Moderator.**

**Article 14:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants.

**Motion passed by hand vote, so declared the Moderator.**

**Article 15:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to raise and appropriate **\$280,000** for Solid Waste Collection and Disposal, Recycling Collection.

**Motion passed by hand vote, so declared the Moderator.**

**Motion to continue Town Meeting on May 8, 2023 at 7:30 pm duly seconded. Motion passed by hand vote, so declared the Moderator.**

**Article 16:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to amend Article 1.f of the April 25, 2022 Annual Town Meeting, "Open Space Tree Removal", by adding the words "and Trail Improvements".

**Motion passed by hand vote, so declared the Moderator.**

**Article 17:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu to transfer the balance of Article 2.d of the April 26, 2021 Annual Town Meeting, "Exploration of Solar Development"; to the purchase of Neptune R900 Transceiver V3 for the Water Department.

**Motion passed by hand vote, so declared the Moderator.**

**Article 18:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu, pursuant to G.L. c. 44 sec. 21C, authorize the Board of Selectmen to enter into a lease agreement for the lease purchase of a John Deere Loader for the Highway Department for the period of 5 years, but in any event not in excess of the useful life of the property to be purchased, to be procured on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreement and further that to fund the first year of the lease be paid for as set forth in article 3 hereof.

**Motion passed by 2/3's hand vote, so declared the Moderator.**

**Article 19:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu, pursuant to G.L. c. 44 sec. 21C, to authorize the Board of Selectmen to enter into a lease agreement for the lease purchase of an F350 for the Water Department, for the period of 5 years, but in any event not in excess of the useful life of the property to be purchased, to be procured on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreement and further that to fund the first year of the lease shall be paid for as set forth in Article 10 hereof.

**Motion passed by 2/3's hand vote, so declared the Moderator.**

**Article 20:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu, pursuant to G.L. c. 44 sec. 21C, to authorize the Board of Selectmen to enter into a lease agreement for the lease purchase of a Crane truck for the Wastewater Department, for the period of 5 years, but in any event not in excess of the useful life of the property to be purchased, to be procured on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions

necessary to administer and implement such agreement and further that to fund the first year of the lease be paid for as set forth in Article 9 hereof.

**Motion passed by 2/3's hand vote, so declared the Moderator.**

**Article 21:** Motion by Selectman Chris Manni and duly seconded by Benjamin Beaulieu, to authorize the Board of Selectmen to submit a home rule petition to the Great and General Court in order to change the membership of the Board of Selectmen from 3-5 members, as printed in the warrant.

**Motion carried by hand count, 49 Yes, 38 No so declared the Moderator.**

**Article 22:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to amend the Town of Merrimac General By-laws by deleting the word "Selectmen" each time it appears in said by-law and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments related to the non-gendered reference to effectuate the purposes hereof. **Motion passed by hand vote, so declared the Moderator.**

**Article 23:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to amend the Town of Merrimac Zoning By-laws by deleting the word "Selectmen" each time it appears in said by-law and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments related to the non-gendered reference to effectuate the purposes hereof. **Motion carried by hand count, 49 Yes, 38 No so declared the Moderator.**

**Article 24:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to amend the Town of Merrimac General By-laws Article 3 Section 3.12, the purpose of the Capital Planning Committee, as follows (underline and bold new, ~~cross-out~~ removed):

Is to evaluate the financial effect of proposed capital projects and make recommendations including necessary guidelines for the procurement, improvement and maintenance of these major assets and projects. Only assets which have a useful life greater than five years, costing over ~~ten~~ twenty thousand dollars and/or for which the Town is authorized to borrow funds are items which fall under the purview of the Capital Planning Committee.

**Motion passed by hand vote, so declared the Moderator.**

**Article 25:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, pursuant to the Town's acceptance of G.L. c. 40 § 57 on May 6, 1996, to amend the Town of Merrimac General By-laws by adding a new 4.10, Failure to Pay Taxes, as printed in the warrant. **Motion passed by hand vote, so declared the Moderator.**

**Article 26:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to amend the Town of Merrimac General Bylaws by adding a new section 4.9.6, as printed in the warrant. **Motion passed by hand vote, so declared the Moderator.**

**Article 27:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to amend the Town of Merrimac General Bylaws by adding a new section 12.17, as printed in the warrant.

**Motion carried by hand vote, so declared the Moderator.**

**Article 28:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund for Opioid Remediation, established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023.

**Motion Carried by 2/3's hand vote, so declared the Moderator.**

**Article 29:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to dedicate all (100%) of the Opioid Settlements to the Opioid Settlement Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 for the purposes of Opioid Use Disorder ("OUD") Treatment; Support Programs for People with OUD in Treatment and Recovery; Connects to Care for People with or at risk of developing OUD; Harm Reduction efforts to prevent overdoses deaths or other opioid related harms; Support of diversion and deflection programs and strategies for criminal-justice-involved persons with OUD; Support of Pregnant or Parenting Women And Their Families, Including Babies With Neonatal Abstinence Syndrome; To Prevent Misuse of Opioids And Implement Prevention Education. **Motion carried by hand vote, so declared the Moderator.**

**Article 30:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to opt-in to G.L. c. 90 § 17C, permitting the Board of Selectman to establish a speed limit of 25 miles per hour on any roadway in a thickly settled or business district within the Town that is not a state highway.

**Motion failed by hand vote, so declared the Moderator.**

**Article 31:** Motion by Selectman Benjamin Beaulieu and duly seconded by Chris Manni, to adopt the Resolution in Support of Changing the State Flag & Seal of Massachusetts, as printed in the warrant.

**Motion carried by hand vote, so declared the Moderator.**

**Motion to adjourn by Selectman Chris Manni and duly seconded, Motion carried by hand vote, so declared the Moderator.**

