

# TOWN OF MERRIMAC

## ANNUAL TOWN MEETING

April 29, 2024



### DISTRIBUTION:

Mead, Talerman & Costa LLC, Town Counsel  
Earl Baumgardner, Moderator  
Chris Manni, Select Board Chairperson  
Ben Beaulieu, Select Board Member  
Irina Gorzynski, Select Board Member  
Carol McLeod, Town Administrator, Finance Director/Treasurer  
Anne Jim, Town Accountant  
Marcia Zosack, Finance Chairperson  
Jennifer Penney, Select Board's Executive Assistant  
Gwen Lay Sabbagh, Town Clerk

**Town of Merrimac Warrant Articles  
Annual Town Meeting, April 29, 2024**

Essex, ss.

To one of the Constables of the Town of Merrimac:

GREETINGS,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the voters of the Town of Merrimac to meet in the Sweetsir School Cafeteria, 102 Church St. Merrimac, on April 29, 2024 at 7:30 PM.

**Article 1:** To see if the Town will vote to appropriate from Free Cash for **FY2024**, a sum of money in the amount of **\$630,422** for the following specific purposes outlined below;

**a. Former Coastal Metals Site Testing** **\$ 60,000**

**Rationale:** This will appropriate funds for testing required at the former Coastal Metals Site. The Site has been cleaned, injections into the soils complete; however, testing will be required for several years until the MADEP determines the site closed. Requested by the DPW Director.

**Selectmen Recommendation: Yes 3 - 0**

**FinCom Recommendation: Yes 8 - 0**

**b. Employee Retirement Funding** **\$ 21,000**

**Rationale:** This will appropriate funds for the required costs of employee retirement accrual payments. Requested by the Finance Director.

**Selectmen Recommendation: Yes 3 - 0**

**FinCom Recommendation: Yes 8 - 0**

**c. Lake Attitash Invasive Weeds** **\$ 5,000**

**Rationale:** This will appropriate funds for the management of invasive weeds and water quality at Lake Attitash. Amesbury will also be contributing. Requested by the Lake Attitash Association.

**Selectmen Recommendation: Yes 3 - 0**

**FinCom Recommendation: Yes 8 - 0**

**d. Reserve Fund Funding** **\$ 40,000**

**Rationale:** The Town needs to replenish the Reserve Fund Expenditures for FY2024. Requested by the Finance Director.

**Selectmen Recommendation: Yes 3 - 0**

**FinCom Recommendation: Yes 8 - 0**

**e. Bi-Annual OPEB Study** **\$ 6,800**

**Rationale:** This will appropriate funds for required Bi-Annual OPEB Study. Requested by the Finance Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**f. By-Law Review and Update** **\$ 8,855**

**Rationale:** This will appropriate funds for the codification and update of the Town General By-Law. Requested by the Town Clerk.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 7 - 1**

**g. Address Label Printer for Elections** **\$ 14,350**

**Rationale:** This will appropriate funds for the purchase of an address label printer and dedicated laptop for the elections. Requested by the Town Clerk.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**h. Select Board Tablets** **\$ 1,500**

**Rationale:** This will appropriate funds for the purchase of tablets for the new Select Board Members. Requested by the Select Board.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**i. Special Revenue Account for Opioid Funds** **\$ 4,437**

**Rationale:** This will appropriate funds that were received to the Special Revenue Account for Opioid Funds. Requested by the Tow Administrator.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**j. Police Command Vehicle** **\$ 60,000**

**Rationale:** This will appropriate funds for the purchase of a replacement command vehicle for the Police Department. Requested by the Police Chief.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

**k. Fire Command Vehicle** **\$ 90,000**

**Rationale:** This will appropriate funds for the purchase of a replacement command vehicle for the Fire Department. Requested by the Fire Chief.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**l. Feasibility Study for a new Highway Garage** **\$ 50,000**

**Rationale:** This will appropriate funds for a Feasibility Study for a new Highway Garage. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**m. Highway Share of a Roadway Compressor** **\$ 10,000**

**Rationale:** This will appropriate funds for the Highway Department's share of a roadway compressor to be shared with the Water and Wastewater Departments. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**n. Repairs to the Parks and Rec Garage** **\$ 20,000**

**Rationale:** This will appropriate funds for repairs to the Parks and Rec Garage. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 2 - 1  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**o. Repairs to the COA Building** **\$ 20,000**

**Rationale:** This will appropriate funds for outside building, windows and façade repairs at the COA. Requested by the COA Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**p. HVAC Repairs at the Library** **\$ 138,500**

**Rationale:** This will appropriate funds for the HVAC repairs in the Meeting Room at the Library. Requested by the Library Trustees.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

**q. ADA Compliance for the Town Sidewalks and Public Meetings** **\$ 45,000**

**Rationale:** This will appropriate funds for ADA compliance work on the Town sidewalks in coordination with the DPW Department and for ADA requests for public meetings. Requested by the Commission on Disabilities.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

**r. Asbestos Tile Repairs at the Donaghue School** **\$ 35,000**

**Rationale:** This will appropriate funds for the asbestos Facilities Director of PRSD.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

or take any other action relative hereto.

**Article 2:** To see if the Town will vote to appropriate from Water Retained Earnings for **FY2024** a sum of money in the amount of **\$ 65,000** for the following specific capital purposes outlined below;

**a. Water Meter Replacement** **\$ 30,000**

**Rationale:** To upgrade older meters to become lead free and radio read. Reducing time needed to read meters and increase public water quality. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

**b. Water Infrastructure** **\$ 25,000**

**Rationale:** This will replace/upgrade existing infrastructure to meet current DEP requirements. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**  
**Capital Planning Recommendation:** **Yes 5 - 0**

**c. Water Share of a Roadway Compressor** **\$ 10,000**

**Rationale:** This will appropriate funds for the Water Department's share of a roadway compressor to be shared with the Highway and Wastewater Departments. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

or take any other action relative hereto.

**Article 3:** To see if the Town will vote to transfer from the Wastewater Retained Earnings for **FY2024** a sum of money in the amount of **\$ 192,000** for the following specific capital purposes outlined below;

**a. Wastewater Plant Engineering and Improvements** **\$ 177,000**

**Rationale:** This will replace/upgrade/existing out of date and obsolete equipment as well as building improvements. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**b. Water Meter Replacement** **\$ 10,000**

**Rationale:** To upgrade older meters to become lead free and radio read. Reducing time needed to read meters and increase public water quality. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

**c. Wastewater Share of a Roadway Compressor** **\$ 5,000**

**Rationale:** This will appropriate funds for the Wastewater Department's share of a roadway compressor to be shared with the Highway and Water Departments. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0  
**Capital Planning Recommendation:** Yes 5 - 0

or take any other action relative hereto.

**Article 4.** To see if the Town will vote to appropriate from Water Retained Earnings for **FY2024** a sum of money in the amount of **\$27,000** for the following specific purposes listed below;

**a. Water Department Building and Road Repairs** **\$ 15,000**

**Rationale:** This will appropriate funds to repair driveway and other misc. building maintenance at the Wallace Way Treatment Plant. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**b. Water Pump Replacements** **\$ 12,000**

**Rationale:** This will appropriate funds for the replacement of 3 aging water pumps at the station. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

or take any other action relative hereto.

**Article 5:** To see if the Town will vote to appropriate from Wastewater Retained Earnings for **FY2024** a sum of money in the amount of **\$125,000** for I & I repairs throughout town; or take any other action hereto.

**Rationale:** This will allow for ongoing I & I work as required by the DEP as needed. Requested by the DPW Director. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**Article 6:** To see if the Town will vote to transfer **\$100,000** from the Inspectional Services Revolving Account to the Town General Fund for **FY2024**; or take any other action hereto.

**Rationale:** This will transfer excess funds in the Inspections Services Revolving Account to the General Fund. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**Article 7:** To see if the Town will vote to transfer the balance of **\$14,603.51** from Article 3.o, Highway Loader John Deere, of the April 24th, 2023 Annual Town Meeting to the Highway Roadway Maintenance Account for the use of general roadway maintenance for **FY2024**; or take any other action hereto.

**Rationale:** This will transfer excess funds in the John Deere Loader Account to the Highway Roadway Account. These funds represent the additional funds the Town realized on the trade in value on the old tractor. Requested by the DPW Director.

**Selectmen Recommendation:** **Yes 3 - 0**  
**FinCom Recommendation:** **Yes 8 - 0**

**Article 8:** To see if the Town will vote to transfer the balance of **\$3,653.40** from Article 1.a, Highway Bear Hill Culvert Non-Federal Match, of the April 26th, 2021 Annual Town Meeting to the Highway Culvert Repairs for the use of general culvert maintenance for **FY2024**; or take any other action hereto.

**Rationale:** This will transfer excess funds in the Bear Hill Culvert Non-Federal Match Account and allow the funds to be used for general culvert maintenance throughout Town. Requested by the DPW Director.

<b>Selectmen Recommendation:</b>	<b>Yes 3 - 0</b>
<b>FinCom Recommendation:</b>	<b>Yes 8 – 0</b>

**Article 9:** To see if the Town will vote to transfer the balance of **\$10,810.74** from Conservation Assessment line item to the Conservation Agent & Admin Wages line item for **FY2024**; or take any other action hereto.

**Rationale:** This will transfer the balance in the Conservation Assessment line item to the Conservation Agent & Admin Wages line item for FY2024. The Town had an arrangement with the Town of Newbury, to share a Conservation Agent. The Town is no longer sharing the agent, they are now an employee of the Town. The funds need to be transferred from the expense line to the salary line. Requested by the Conservation Commission.

<b>Selectmen Recommendation:</b>	<b>Yes 3 - 0</b>
<b>FinCom Recommendation:</b>	<b>Yes 8 – 0</b>



**Article 10:** To see if the Town will vote pursuant to the provisions of M.G.L. c. 44, Section 53E½, as most recently amended, to establish **Fiscal Year 2025** 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 follows:

<b>Revolving Fund</b>	<b>Fiscal Year Spending Limit</b>
Firearms	\$12,000
Zoning Board of Appeal	\$9,000
Town Nurse	\$10,000
Zoning and Building Code Compliance	\$15,000
Board of Health Projects	\$4,500
Rental Inspections	\$4,000
Inspectional Services	\$100,000
PRSD Grounds	\$50,000
Tax Title	\$10,000
Fire Watch	\$5,000

or take any other action relative hereto.

**Rationale:**

Pursuant to M.G.L. c. 44, Section 53E ½, as most recently amended by the Municipal Modernization Act, towns must adopt a bylaw to establish revolving funds, which the Town did at a prior Annual Town Meeting. Town Meeting must still approve annual expenditure limits, however, as is proposed here. Be reminded that these revolving funds are required in order to receive and disburse funds generated through programs supported by such revolving funds. Revenues will be used to offset expenses related to these programs and activities and disbursed under the direction of those indicated. Requested by the Town Administrator.

**Selectmen Recommendation:                      Yes 3 - 0**  
**FinCom Recommendation:                        Yes 8 - 0**

**Article 11:** To see if the Town will vote 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, 2024 and make appropriations for the same, said sums of money so raised, appropriated or transferred to be expended for specific purposes to be voted; or take any other action relative hereto.

**Rationale:** This article approves the Town’s FY2025 Operating Budget as specified in the attached breakdown. Requested by the Select Board.

**Selectmen Recommendation:                      Yes 3 - 0**  
**FinCom Recommendation:                        Yes 8 - 0**

**Article 12:** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Wastewater Department Enterprise for FY2025;

Salaries:	\$ 669,054
Expenses:	\$ 580,740
<u>Debt Service:</u>	<u>\$ 67,229</u>
<b>Total</b>	<b>\$1,317,023</b>

And that **\$ 1,317,023** be raised as follows:

Departmental Receipts:	<b>\$ 1,297,023</b>
Wastewater Betterment Fund:	<b>\$ 20,000</b>

or take any other action relative hereto.

**Rationale:** To set FY2025 Budget for Wastewater Department as an Enterprise Fund (M.G.L. c.44 §53F1/2). Requested by the DPW Director.

<b>Selectmen Recommendation:</b>	<b>Yes 3 - 0</b>
<b>FinCom Recommendation:</b>	<b>Yes 8 - 0</b>

**Article 13:** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Water Department Enterprise for FY2025;

Salaries:	\$ 552,161
Expenses:	\$ 543,250
<u>Debt Service:</u>	<u>\$ 145,259</u>
<b>Total</b>	<b>\$1,240,670</b>

And that **\$1,240,670** be raised as follows:

Departmental Receipts:	<b>\$ 1,240,670</b>
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or take any other action relative hereto.

**Rationale:** To set FY2025 Budget for Water Department as an Enterprise Fund (M.G.L. c.44 § 53F1/2). Requested by the DPW Director.

<b>Selectmen Recommendation:</b>	<b>Yes 3 - 0</b>
<b>FinCom Recommendation:</b>	<b>Yes 8 - 0</b>

**Article 14:** To see if the Town will vote 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 2025; or take any other action relative hereto.

**Rationale:** This is an amount of funds approved by the Merrimac Light Commissioners to reduce the tax rate; this amount helps to offset the costs of general governmental services that all taxpayers use. The Light Department does not pay property taxes. Requested by the Light Commissioners.

<b>Selectmen Recommendation:</b>	<b>Yes 3 - 0</b>
<b>FinCom Recommendation:</b>	<b>Yes 8 - 0</b>

**Article 15:** To see if the Town will vote to appropriate or otherwise provide **\$ 8,200** or other sum of money 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; or take any other action relative hereto.

**Rationale:** This appropriation authorizes the transfer of funds collected from the previous fiscal year to be used by the Cemetery Trustees for the upkeep of the said cemeteries. Requested by the Cemetery Trustees.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0

**Article 16:** To see if the Town will vote to raise and appropriate or otherwise provide **\$185,000** or other sum of money to be used to make necessary repairs to Town roadways; or take any other action relative hereto.

**Rationale:** This article will allow the DPW Director to use the funds for necessary roadwork beyond the end of the fiscal year, which will give more flexibility when planning the needed repairs. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0

**Article 17:** To see if the Town will vote 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; or take any other action relative hereto.

**Rationale:** This article allows the Town to accept State Transportation Aid to help maintain Town roadways. Requested by the DPW Director.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0

**Article 18:** To see if the Town will vote to raise and appropriate or otherwise provide **\$330,000**, or other sum of money for Solid Waste Collection and Disposal, Recycling Collection; or take any other action relative hereto.

**Rationale:** This article allows the Town to raise the funds necessary for the collection and disposal of solid waste, recycling and offset the costs with the funds collected through the sale of Trash Bags. Requested by the Town Administrator.

**Selectmen Recommendation:** Yes 3 - 0  
**FinCom Recommendation:** Yes 8 - 0

**Article 19:** To see if the Town will vote to rescind Article 28, Opioid Stabilization, of the April 24, 2023 Annual Town Meeting and transfer the balance of **\$770.13** to a special revenue account for Opioid Settlement Funds and dedicate future Opioid Funds to the special revenue account for Opioid Settlement Funds; or take any other action relative thereto.

**2/3 Vote Required**

**Rationale:** The State now recommends that Opioid Funds received are dedicated to the special revenue account for Opioid Settlement Funds. This will transfer the funds the Town had appropriated to an Opioid Stabilization Fund to the new Opioid Special Revenue Account. Per the request of the Town Administrator.

**Selectmen Recommendation:                    Yes 3 - 0**  
**FinCom Recommendation:                    Yes 8 - 0**

**Article 20:** To see if the Town will amend Article III, Section 1 of the Town of Merrimac General By-law as follows:

Which currently read:

3.1 In accordance with G.L. Chapter 39, Section 16, at the Annual Town Meeting appoint a Finance Committee annually, to consist of not more than nine (9) citizens of the Town. A majority of members appointed shall constitute a quorum.

To read instead:

3.1 Finance Committee. In accordance with G.L. Chapter 39, Section 16, the Town shall establish a Finance Committee. The Town Moderator shall appoint a Finance Committee to consist of not more than nine (9) members, each a registered voter of the Town. A majority of the members appointed shall constitute a quorum. The Finance Committee shall be appointed annually to terms that begin and end with the town's fiscal year, July 1 through June 30. The Moderator may appoint members during the fiscal year to fill any vacancies that reduce the number of members to fewer than nine (9) members.

or take any other action relative thereto.

**Rationale:** This article will have the appointments coincide with the Fiscal Year. Requested by the Finance Committee.

**Selectmen Recommendation:                    Yes 3 - 0**  
**FinCom Recommendation:                    Yes 8 - 0**

**Article 21:** To see if the Town will vote to adopt G.L. c.32 Section 4 (2)(b) Call Fire, Police credible service local option; or take any other action relative thereto.

**Rationale:** Adoption of this article is a way to retain current employees by showing that the town recognizes that their time of service, is and has been valued for the duration of time that they have served, regardless if the time was served on-call, per-diem or full-time. All costs associated with the creditable retirement hours that can be purchased is 100% the responsibility of the employee. No town funds are needed for the purchasing of their creditable hours served. Requested by the Fire Chief.

**Selectmen Recommendation:                    Yes 3 - 0**

**Article 22:** To see if the Town will vote amend the Town of Merrimac General Bylaws by adding a new Article XI as follows:

Article XI.

11.1 Multi Member Body Meetings Prohibited: No multiple-member body of the Town shall conduct a meeting during the election hours of a municipal or state election that is occurring within the Town. For the purpose of this section, election hours of a municipal or state election shall include only the hours in which live voting is taking place on election day and shall not count early voting prior to election day.

or take any other action relative thereto.

**Rationale:** To expand MGL c40A sec 11 and c121B sec 31, which prohibit Planning Boards and Zoning Boards from meeting on Election Day, to include all Multi Member Body Meetings in the Town of Merrimac from meeting on Election Day. This bylaw will encourage all voters to participate in all Elections. Requested by the Town Clerk.

**Selectmen Recommendation: Yes 3 - 0**

**Article 23:** To see if the Town will vote to increase the current Veteran’s Tax Abatement amounts adopted by the Town of Merrimac, by 50%; or take any other action relative thereto.

**Rationale:** A resident in Town asked for an article to be considered at Town Meeting to double the current Veteran’s Tax Abatement amount. Although the Select Board agrees this is needed, the cost was prohibitive in this Fiscal Year, and instead put forth the revised article to increase the current exemptions by 50%. If approved this would be an increase of approximately \$12,500, which is paid through the Tax Rate.

**Selectmen Recommendation: Yes 3 - 0**

**FinCom Recommendation: No Recommendation**

Given under our hands this 25<sup>th</sup> day of March 2024

SELECTMEN



Chris Manni

OF



Benjamin S. Beaulieu

MERRIMAC



Irina Gorzynski

A true copy attest:

CONSTABLE David Vance

By virtue of the above warrant to me directed, I hereby notify and warn the legal voters of the Town of Merrimac, to meet at the time and said place for the purposes therein expressed.

Posted this 11<sup>th</sup> day of April, 2024 in the following three places:

Light Department  
Cozy Cleaners  
Town Hall

**ADA ADVISORY – Anyone in need of special accommodations for Town Meeting, please contact the office of the Select Board at 978-346-8862 by April 18, 2024 in order that reasonable accommodations may be made.**