

TOWN OF MERRIMAC

SPECIAL TOWN MEETING

October 19, 2026



DISTRIBUTION:

Mead, Talerman & Costa LLC, Town Counsel
Earl Baumgardner, Moderator
Janet Bruno, Select Board Chair
Wayne Adams, Select Board Member
Robert Gustison, Select Board Member
Matt Passeri, Select Board Member
Carol McLeod, Town Administrator, Finance Director/Treasurer
Anne Jim, Town Accountant
Tom Ackerman, Finance Chairperson
Jennifer Penney, Select Board's Executive Assistant
Gwen Lay Sabbagh, Town Clerk and Select Board Member

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 October 19, 2026 at 6:30 PM.

Article 1: To see if the Town will vote to make the following FY2027 budget adjustments:

Decrease Health and Dental Insurance **\$ 40,000**

; or take any other action relative thereto.

Rationale: The reductions are a result of the actual expenditures being reduced following the Annual Town Meeting based upon actual expenditures. Per the request of the Town Administrator.

Select Board Recommendation: Yes 5 - 0

Fin Com Recommendation: Yes 7 - 0

Article 2: To see if the Town will vote to make the following FY2027 budget adjustments for Wastewater:

Increase Superintendent Wage Expense **\$ 12,325**

Increase Regular Wage Expense **\$ 67,675**

And that Departmental receipt estimates be increased by **\$80,000**

; or take any other action relative thereto.

Rationale: The increases are needed due to contractual obligations, resignation payouts and replacement personnel. Per the request of the DPW Director.

Select Board Recommendation: Yes 5 - 0

Fin Com Recommendation: Yes 7 - 0

Article 3: To see if the Town will vote to make the following FY2027 budget adjustments for Water:

Increase Superintendent Wage Expense **\$ 2,215**

Increase Regular Wage Expense **\$11,250**

And that Departmental receipt estimates be increased by **\$13,465**.

; or take any other action relative thereto.

Rationale: The increases are needed due to contractual obligations, resignation payouts and replacement personnel. Per the request of the DPW Director.

Select Board Recommendation:	Yes	5 - 0
Fin Com Recommendation:	Yes	7 - 0

Article 4: To see if the Town will vote to transfer **\$4,890** from Article 1L of the April 27, 2026 Annual Town Meeting, Asbestos Tile Repairs at Pentucket Regional Elementary Schools, to Sewer Drainage Repairs at the Pentucket Regional Elementary Schools; or take any other action relative thereto.

Rationale: The transfer is needed to address sewer repairs at the Donaghue School. Per the request of the PRSD Facilities Director.

Select Board Recommendation:	Yes	5 - 0
Fin Com Recommendation:	Yes	7 - 0

Article 5: To see if the Town will vote to transfer **\$15,000** from Article 1H of the April 27, 2026 Annual Town Meeting, Employee Retirement Funding, to Consulting Services for recruitment for the Town Administrator and related services; or take any other action relative thereto.

Rationale: The transfer is needed to hire a consulting firm for the recruitment of the Town Administrator. Per the request of the Select Board.

Select Board Recommendation:	Yes	5 - 0
Fin Com Recommendation:	Yes	7 - 0

Article 6: To see if the Town will vote to transfer **\$13,906** from Article 4 of the April 29, 2019 Special Town Meeting, Sewer land Purchase, to the existing article from Article 3A of the April 25, 2022 Annual Town Meeting, Sewer System Improvements; or take any other action relative thereto.

Rationale: The transfer of partial funds will allow \$35,000 to remain in the account for future payout of land valued at \$30,000. The transfer amount will be used for ongoing System Improvements for the Sewer Department. Per the request of the DPW Director.

Select Board Recommendation:	Yes	5 - 0
Fin Com Recommendation:	Yes	7 - 0

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Article 7: To see if the Town will vote to authorize the Select Board to purchase, take or otherwise acquire for Water purposes, all or any portion of, or interest in the land on Old Bear Hill Road known as the assessor's parcel 91-1-1 including 1.31 acres more or less as shown on the attached plan dated 02/03/26 and which is on file with the Town Clerk, and further to pay for said acquisition, to transfer the following balances in the following accounts:

From: Article 12 of the Annual Town Meeting April 2008, E Main Station Repairs-4/08 a sum of **\$18,754.50**
From: Article 6 of the Special Town Meeting October 15, 2018 Town Meeting, Repair and replacement of the Wells at the Bear Hill Well Field, a sum of **\$3,901.30**

From: Current Infrastructure of the FY2027 budget the amount of **\$32,344.20**

And to authorize the Select Board to execute any and all documents and take any and all action necessary to effectuate the purpose of this article; or take any other action related thereto.

Rationale: The land is adjacent to our current Water Tank and will be used for water purposes. Per the request of the DPW Director.

Select Board Recommendation:	Yes	4 - 1
Fin Com Recommendation:	Yes	7 - 0
Capital Planning Recommendation:	Yes	3 - 0

Article 8. To see if the Town will vote to amend the Town of Merrimac General Bylaws Section 48-9 entitled Authorized Revolving Funds, and add three new funds for Trash Sticker Costs, American Tower Road Maintenance and Parks and Rec Summer Program to the table of Established Revolving Funds in section E as follows:

Town of Merrimac - Table for Establishing Revolving Funds						
[Amended 4-30-2018 ATM by Art. 12]						
A Revolving Fund	B Department, Board, Committee, Agent or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/Reports	G Fiscal Y
Trash Sticker	Town Administrator	Trash Sicker Sales	Trash Stickers			Fiscal y 27 and subseq years
American Tower Road Maintenance	DPW	American Tower fees	Cell Tower Road Maintenance			Fiscal Y 27 and subseq years
Parks and Rec Summer Program	Parks and Recreation Committee	Summer Program Fees	Summer Program Costs			Fiscal Y 27 and subseq years

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. Per the request of the Town Administrator.

Select Board Recommendation: **Yes 5 - 0**

Article 9. To see if the Town will vote to amend the Part II of the General Bylaws to adopt a new bylaw, Chapter 130 – Prohibition of Cryptocurrency Automated Teller Machines, to include the following language:

130.0 Prohibition on Cryptocurrency Automated Teller Machines (ATMs)

§ 130 - 1 Purpose and Intent

The Town, acting upon reports of the Merrimac Police Department, finds that unregulated cryptocurrency Automated Teller Machines (ATMs) pose risks to consumers, including financial fraud, money laundering, and lack of recourse for users. Virtual currency ATMs are able to convert currency into virtual currency instantaneously and irreversibly, which exposes the most vulnerable of our citizens to unnecessary risk. The Town further finds that the current absence of sufficient federal and state consumer protections and regulatory oversight for such devices necessitates a municipal prohibition to safeguard residents and preserve public safety. The purpose of this article is to prohibit the use of Cryptocurrency ATMs within the Town in an effort to protect our citizens.

§ 130 - 2 Definitions

For purposes of this Bylaw, the following terms shall have the meanings indicated:

(a) Cryptocurrency: A digital or virtual currency that uses cryptography for security and operates independently of a central bank, including but not limited to Bitcoin, Bitcoin Cash, Coinhub, Dash, Litecoin, Ripple, ZCash, Ethereum, and similar blockchain-based tokens. Cryptocurrency is a digital representation of value used as a medium of exchange, a unit of account, or a store of value, but does not have legal tender status as recognized by the United States Government.

(b) Cryptocurrency Automated Teller Machine (Cryptocurrency ATM): Any self-service kiosk, machine, or device installed in a publicly accessible location that enables users to buy, sell, exchange, or transfer cryptocurrency through the machine using cash, debit card, credit card, or other means of payment.

§ 130 - 3 Prohibition of Cryptocurrency Automated Teller Machines

No person, business, or entity shall install, operate, maintain, or allow the installation or operation of a Cryptocurrency ATM within the geographic boundaries of the Town of Merrimac. All Cryptocurrency ATMs existing in the Town of Merrimac as of the Effective Date of this Bylaw must be removed within sixty (60) days after the Effective Date.

§ 130 - 4 Enforcement and Penalties

This Bylaw shall be enforced by the Merrimac Police Department, the Building Department or any other authorized designated agent of the Town Administrator.

Any person or entity found to be in violation of this bylaw shall be subject to a fine of three hundred dollars (\$300.00) per day, per device, enforceable under the non-criminal disposition pursuant to G.L. c. 40, § 21D.

Each day during which a violation continues shall constitute a separate offense.

§ 130 - 5 Severability

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

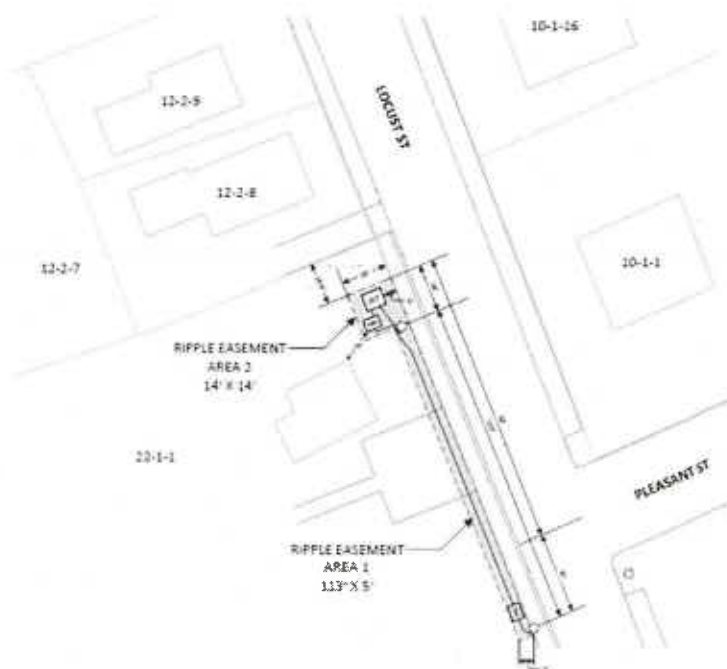
or take any other action related thereto.

Rationale: We are respectfully asking our community to support a local bylaw prohibiting cryptocurrency ATMs, or crypto kiosks, within the Town of Merrimac. This proposal is not intended to regulate cryptocurrency itself, but rather to protect our residents from a tool that has increasingly been associated with scams, fraud, and significant financial losses. We have seen firsthand the devastating impact these scams can have on our residents. A local prohibition would provide an additional layer of protection while Massachusetts considers broader statewide regulation. Requested by the Police Chief.

Select Board Recommendation: **Yes 5 - 0**

Article 10: To see if the Town will authorize the Select Board to grant an easement to Ripple Fiber Massachusetts LLC, which Easement Area shall consist of two portions of Grantor's Land, the first portion ("**Easement Area 1**") being approximately one hundred thirteen (113) feet in length either side of a point located at the furthest extent of the right-of-way on the West side of Locust St. approximately eighty-eight (92) feet from the intersection of Locust St. with Pleasant Street, approximately five (5) feet in width throughout its extent; the second portion ("**Easement Area 2**") being a fourteen (14) foot by fourteen (14) foot area toward the northerly end of Easement Area 1. Each Easement Area is more particularly shown on the image below, and further that the Select Board shall be authorized to enter into any and all agreements to effectuate same as they find in the best interest of the Town.

**EXHIBIT A
EASEMENT AREA
[REVISED 8/31/26]**



or take any other action related thereto.

Rationale: The easement supports the establishment of Ripple broadband infrastructure in Merrimac while providing the Town with substantial protections through restoration obligations, indemnification, and insurance requirements. Requested by the Select Board.

Select Board Recommendation: Yes 5 - 0

Article 11: To see if the Town will vote to authorize the Select Board to submit the following home rule petition to the Great and General Court:

AN ACT amending Chapter 76 of the Acts of 1997, An Act Establishing a Department of Finance, Budget and Personnel in the Town of Merrimac.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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SECTION 1. Chapter 76 of the Acts of 1997, An Act Establishing a Department of Finance, Budget and Personnel in the Town of Merrimac shall be amended by striking Section 2 in its entirety and inserting in place thereof the following:

SECTION 2. The finance director shall exercise the powers and duties of the town accountant and shall recommend to the town administrator and select board individuals to serve as Treasurer/Collector and to direct the division of assessing.

SECTION 2. This act shall take effect upon its passage.

And that the Select Board shall be authorized to make modifications thereto within the scope of this Article.

Or take any other action thereon.

Rationale: The proposed revision comes at the recommendation of the Governance Committee report in August 2026, as accepted by the Select Board. The amendment will combine the roles of finance director and town accountant. Currently, the finance director role is performed by the town administrator position. The proposed amendment seeks to clarify and improve the operational roles of the positions. Requested by the Select Board.

Select Board Recommendation: Yes 5 - 0

Article 12: To see if the town will vote to amend the General By-laws, ARTICLE IIIA THE DEPARTMENT OF FINANCE, BUDGET AND PERSONNEL so it reads as follows (underline and bold new and ~~cross-out~~ removed):

Town of Merrimac
General Bylaws
Chapter IIIA, The Department of Finance, Budget and Personnel

To see if the Town will vote to amend the General Bylaws, Article IIIA, The Department of Finance, Budget and Personnel, so it reads as follows:

Town of Merrimac
General Bylaws
Chapter IIIA, The Department of Finance, Budget and Personnel

3a.1 There is hereby established in the Town of Merrimac

3a.1.1 A department of finance, budget and personnel.

3a.1.2 Said department shall have all the powers and duties presently exercised by the offices of town treasurer, town accountant and tax collector including supervision of budgets and the director of purchasing by the various town boards and departments as may be assigned from time to time by the Select Board.

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3a.1.3 Said department shall be comprised of the divisions of treasurer, tax collector, assessors, accountant and other such divisions as the Select Board may from time-to-time assign.

3a.1.4 Said department shall be under the direction of a full-time finance director appointed by the Select Board. (10/26/98)

3a.2 In accordance with Section 2 of Chapter 76 of the Acts of 1997

Upon appointment of a finance director the office of Town Treasurer and Tax Collector shall be transferred to the Department of Finance, Budget and Personnel. The incumbents in said offices shall be transferred to said department for the remainder of their current term and may be retained as employees thereafter. There shall be a Finance Director, who shall exercise the powers and duties of town treasurer and tax collector and shall, subject to the approval of the Select Board, appoint a person or persons to direct divisions of accounting and assessing. (STM 10/28/96)

Upon the passage of Article 11 at the Special Town Meeting of October 19, 2026 and the adoption of the Special Act by the Great and General Court, then the Finance Director shall exercise the powers and duties of the town accountant and shall recommend to the Town Administrator and Select Board individuals to serve as Treasurer/Collector and to direct the division of assessing and shall no longer exercise the powers and duties of the town treasurer and tax collector.

3a.3 The Finance Director, as fiscal management coordinator

3a.3.1 Shall be responsible for coordinating the fiscal management practices of the Treasurer's Department, Collector of Taxes, Town Accountant, Assessor's Department and be administrator of budgeting including financial reporting, accountability and control as well as employee benefits coordination, and shall render advice on financial and programmatic implications of current and future policies to all town departments, the Town Administrator and the Select Board.

3a.3.2 The director shall be responsible for coordinating all financial tasks upon the dates specified in the Massachusetts Department of Revenue Municipal Calendar as amended.

3a.3.3 Under the direction of the Town Administrator, the director shall oversee the purchasing of supplies and equipment subject to applicable laws and shall recommend to the Town Administrator guidelines to be followed by all town departments for such purchases.

3a.3.4 The Select Board shall enter into a formal written contract with the director detailing responsibilities, goals and objectives for performance evaluation criteria, salary, fringe benefits and term of contract, and any other items permitted by law. The Finance Director shall report to the Town Administrator. (STM 10/22/96)

Or take any other action thereon.

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Rationale: The proposed revision comes at the recommendation of the Governance Committee report in August 2026, as accepted by the Select Board. The amendment will combine the roles of finance director and town accountant. Currently, the finance director role is performed by the town administrator position. The proposed amendment seeks to clarify and improve the operational roles of the positions. Per the request of the Select Board.

Select Board Recommendation: Yes 5 - 0

Article 13: To see if the town will vote to adopt the following new Town Administrator Bylaw:

Town of Merrimac
General Bylaws
Chapter IIA, Town Administrator

2a.1 There is hereby established in the Town of Merrimac

2a.1.1 A Town Administrator

2a.1.2 Said Town Administrator shall be appointed by the Select Board, for a period of one or three years, as authorized pursuant to Massachusetts General Laws Chapter 41, Section 23A, and shall be sworn to the faithful performance of their duties.

2a.1.3 The Town Administrator shall be a person especially fitted by education, training, and experience to perform the duties of the office. The Town Administrator shall be appointed without regard to political affiliations or beliefs. The Town Administrator need not be a resident of the town or of the commonwealth.

2a.1.4 The Select Board shall enter into a formal contract with the Town Administrator and establish a compensation and benefits package which may take precedence over any personnel bylaws. The Town Administrator shall receive such compensation for services as the Select Board shall determine, but the compensation shall not exceed the amount appropriated therefore by the Town.

2a.1.5 During the time that the Town Administrator holds office, they shall hold no elective town office, but they may be appointed by the Select Board or, with their approval, by any other town officer, board, committee or commission, to any other town office or position consistent with their office.

2a.2 Duties and Responsibilities

2a.2.1 The Town Administrator shall serve as the Town's chief administrative officer, shall act as the agent for the Select Board and shall be responsible to the Select Board for the proper operation of Town affairs for which said Administrator is given responsibility under this bylaw;

2a.2.2 The Town Administrator shall supervise, direct and be responsible for the efficient administration of all departments and employees under the jurisdiction of the Select Board and all functions for which the Town Administrator is given responsibility, authority or control by the bylaws of the Town of Merrimac, Town Meeting vote, or by vote of the Select Board;

2a.2.3 The Town Administrator shall serve as the Town's Chief Procurement Officer;

2a.2.4 The Town Administrator shall recommend to the Select Board for appointment, based upon merit and fitness, all department heads and officers, subordinates and employees under the jurisdiction of the Select Board, except employees of the Municipal Light Department, Library Trustees and Pentucket Regional School District, or appointments otherwise reserved to the Select Board or other officials pursuant to the bylaws of the Town of Merrimac. All appointment recommendations made by the Town Administrator shall be made in consultation with the appropriate department head, board, commission, or committee and shall be in compliance with the Personnel Policies and Procedures of the Town;

2a.2.5 The Town Administrator shall be the Town's Personnel Director and shall administer the Town's Personnel Bylaw. In addition, the Town Administrator shall direct the Town's contract negotiations, under the jurisdiction of the Select Board, subject to ratification by the Select Board;

2a.3 Vacancy

2a.3.1 A vacancy in the office of Town Administrator shall be filled as soon as possible by the Select Board. Pending the appointment of a Town Administrator or filling of a vacancy, the Select Board shall, within 7 days, appoint a suitable person to perform the duties of the office on a temporary basis.

2a.4 Temporary Absence

2a.4.1 The Select Board shall designate, by letter filed with the Town Clerk, a qualified officer of the Town to perform the duties of the office during a temporary absence or disability of the Town Administrator.

2a.5 Discipline/Removal

2a.5.1 During any term of appointment of the Town Administrator, the Select Board may, under the terms and conditions of the contract entered into between the Town and the Administrator as set forth herein, discipline the Town Administrator for good cause, up to and including removal, after a hearing for which the Town Administrator has been provided at least 48 hours' prior written notice.

Or take any other action thereon.

Rationale: The proposed revision comes at the recommendation of the Governance Committee report in August 2026, as accepted by the Select Board. The amendment will clarify the authority, responsibilities, and duties of the town administrator position. Per the request of the Select Board.

Select Board Recommendation: **Yes 5 - 0**

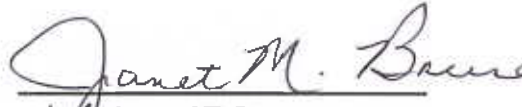
Article 14: To see if the Town will amend the vote taken under Article 23 of the April 27, 2025 Annual Town Meeting, which authorized the Merrimac Municipal Light Department to convey the property located at 10 West Main Street subject to the conditions and restrictions stated therein, to revise the restrictions placed on the property to state as follows: "that the property shall not be used for multi-family purposes, meaning herein to prohibit the development of more than four dwelling units on said property; this restriction shall run with the land, shall bind the grantee and all successors and assigns, and shall be perpetual or continue for the longest period permitted by law", provided, however, that such conveyance is in compliance with the conditions set forth in said vote, including, without limitation, the condition that the foregoing restriction shall not be amended, waived, released, terminated, or otherwise modified except upon both a vote of the MMLD Board of Commissioners and a subsequent vote of the Town; or take any other action relative thereto.

Rationale: The purpose of the warrant article is to clarify the allowed use of the property at 10 West Main Street. The Town Meeting authorization for the disposition included a condition prohibiting the "construction of multifamily housing." MMED received one proposal to purchase the property after months of attempting to find an interested buyer. The prospective buyer wants to use the property for ground-floor commercial use and two apartments on the second floor. Since the term multi-family housing is subject to interpretation, legal counsel advised MMED to seek an amendment clarifying that the prohibition against multi-family housing applies only to housing developments that have more than four (4) residential units. The revised condition preserves Town Meeting's intent to prohibit large-scale, overly dense affordable housing developments. Requested by the Light Department.

Select Board Recommendation: **Yes 5 - 0**

Given under our hands this 1st day of October, 2026.

SELECT BOARD


Janet M. Bruno

Wayne P. Adams

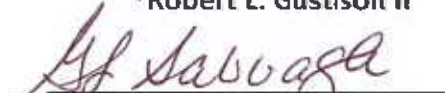
Wayne P. Adams

TOWN OF


Robert L. Gustison II

Robert L. Gustison II

MERRIMAC


Gwendolyn Lay Sabbagh

Gwendolyn Lay Sabbagh


Matthew Passeri

Matthew Passeri

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 1st Day of October, 2026 in the following three places:

Light Department
Cozy Cleaners
Town Hall

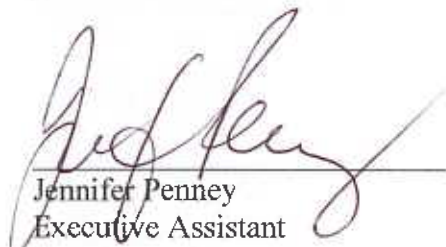
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TOWN OF MERRIMAC
OFFICE OF THE SELECT BOARD
2-8 School Street, Merrimac, MA 01860
TEL (978) 346-8862
E-MAIL Selectboard@townofmerrimac.com

October 1, 2026

David Vance, Constable has notified the Town of Merrimac through the Select Board that the warrant for the Special Town Meeting on October 19, 2026 at 6:30 PM at the Frederick N. Sweetsir School Cafeteria in Merrimac has been posted in three conspicuous places in town.


Jennifer Penney
Executive Assistant
Select Board


David Vance, Constable