

**PRESENT:** Selectmen Stephen C. Themelis, Melissa M. Tzanoudakis and Roland P. Nutter; Mark Andrews, Town Administrator; Peggy Mazzola, Administrative Assistant

The meeting was called to order at 7:00 PM. The Pledge of Allegiance was said. Mr. Themelis announced that the meeting is being broadcast live and recorded for rebroadcast.

1/9/2017 - Minutes

**1. Acceptance Of Minutes**

1.1. December 5, 2016 Meeting Minutes

On a motion by Mr. Nutter and seconded by Ms. Tzanoudakis, the minutes of the meeting of December 5, 2016 were unanimously approved as submitted.

**2. Approve Warrant And Sign Purchase Orders**

The Board signed the warrants.

**3. Public Communications**

Ms. Tzanoudakis read a notice announcing several committee vacancies.

Mr. Nutter read a notice from the Town Clerk announcing nomination papers for the April 24, 2017 election will be available in the Town Clerk's office beginning Monday, January 9th. A list of available seats was read, and the information is available on the Town's website.

Ms. Tzanoudakis read a press release calling for nominations for the dedication of the 2016 Annual Report.

Mr. Themelis announced the next Veterans' Breakfast will be held on Saturday, January 14th at the Pepperell VFW from 8:30-10 AM and will be sponsored by Pepperell Fire Department. All veterans and their families are invited to attend this free breakfast.

**4. Town Administrator's Report**

Mr. Andrews provided an update on the FY 2018 budget development. Mr. Andrews thanked Ms. Tzanoudakis for attending first Finance Committee meeting last week at which Police, Fire, Highway, Engineering and Cemetery were seen. The Finance Committee is advisory to the Town Administrator and Board of Selectmen. Mr. Andrews stated health care costs are up 10-12%. Retirement costs are up over 16%. We must be mindful these are all costs of doing business. Current budget requests are up \$719,947 over projected revenues for FY 2018. Mr. Andrews will be attending the MMA Annual Meeting and Conference on January 20th and 21st; we should get some signal from Gov. Baker regarding local aid, state aid, and school transportation. Capital requests are up; some capital items will require bonds, such as a new fire truck and ambulance. Mr. Andrews and Treasurer/Collector Debbie Nutter will participate in a ratings call with Moody's to see if we can increase our bond rating. That will be helpful for long-term capital planning.

Ms. Tzanoudakis commented positively on the first Finance Committee meeting and new members. Mr. Andrews remarked that members of the PBA and general business community are giving their time on Finance Committee.

Mr. Andrews also reported on the 3-5 year regional school budget model initiative, Fire Chief Search Committee, and Green Communities.

## 5. Appointments / Resignations

### 5.1. Joint Appointment -- Board Of Public Works

Ms. Tzanoudakis read a memo regarding the joint appointment of Tom Nephew to the Board of Public Works. Ms. Tzanoudakis commented she knows Mr. Nephew, as he has an office in her building, but has no business dealings with him.

Present from the Board of Public Works were John Dee, Paul Brinkman and Bill Kennison. Mr. Nephew thanked Board for considering him for appointment. Mr. Nephew described his background and experience and, and stated he feels this is the right time for him to become involved in the town.

Mr. Themelis stated he knows Mr. Nephew too through construction and real estate dealings. Mr. Themelis has no issues with this appointment. Ms. Tzanoudakis has no issues with the appointment, and commented that Highway Superintendent Peter Shattuck is our own personal recruiter.

Mr. Nutter has no issues with this appointment, and appreciates him coming forward. It is critical for residents to become active in community.

Board of Public Works Chair John Dee commented that Mr. Nephew has attended a few of their meetings.

Mr. Nutter asked if there will be a full board with this appointment. Mr. Dee stated this is correct.

Mr. Andrews remarked this is joint appointment. Mr. Nephew met with Mr. Andrews and DPW Director Ken Kalinowski and Mr. Andrews was immediately impressed with his business acumen and dedication he has provided in the past.

Hearing no further comments or questions, and on a motion by Ms. Tzanoudakis and seconded by Mr. Brinkman, it was unanimously voted to appoint Mr. Nephew to the Board of Public Works, term to expire at the April 2017 Annual Town Elections.

## 6. Action Items

### 6.1. Discussion And Action: State Legislation To Prohibit The So-Called "Pipeline Tax"

Conservation Agent Paula Terrasi was present to address this item. Ms. Terrasi summarized the letter. Many municipalities are sending this letter; most in MA, on the Spectra line, and NED communities. NMCOG Executive Director Beverly Woods sent this out to all the affected communities.

Mr. Themelis read a few paragraphs of letter that capture the spirit of the letter.

Ms. Terrasi remarked that if the pipeline tax is passed, there is no liability on the pipeline companies. We could expect an overbuild of infrastructure. Why should New England ratepayers fund this when the gas will be exported?

Discussion ensued, with all members expressing their support of the letter.

On a motion by Ms. Tzanoudakis and seconded by Mr. Nutter, it was unanimously voted to support and sign the letter to be forwarded to all the parties addressed in the letter.

### 6.2. Discussion: Waiver Of First Refusal Option Under Chapter 61a: 13-15 Lawrence Street And 18 Boynton Street

Terrasi was asked to participate in this discussion, and there were a couple of gentlemen in the audience who want to talk about this. Mr. Nutter remarked it looks like the property owner has a purchase and sale agreement in place. Mr. Themelis stated the town has right of first refusal to purchase the property, and the property is under agreement. This is our chance to review and make a decision. Ms. Tzanoudakis remarked the property owner has an offer, not a purchase and sale agreement.

Scott Nelson from ReMax and Dar Hines, potential buyer of the property, were present. Mr. Nelson stated the property is being sold and subdivided, and he and Mr. Hines were coming to the town to present an alternative. Mr. Nelson stated his buyer is a cash buyer, and wants to preserve the property and home. Right now the plan is to subdivide into three lots. Mr. Nelson remarked he doesn't know if the Town has any interest, but they are hoping the Town could help them with this, and they can help the Town.

Ms. Terrasi stated she reviewed this from a conservation standpoint. The Conservation Commission has a list of priority parcels, but because this property barely connects to other conservation parcels, and knowing that funding is an issue, the Conservation Commission decided they had no interest in pursuing. Mr. Themelis asked how the town could help.

Mr. Nelson stated he believes the town has a last ditch effort to save this property, and they are presenting an alternative.

Mr. Andrews stated he spoke with Town Counsel, and while he appreciates their effort, the town has a right of first refusal and must act independently, and would have to have funds set aside. This is simply a right of first refusal by the Town, which limits the Town regarding allowing other people to intercede in that process.

Ms. Tzanoudakis stated if we were to do what Mr. Nelson and Mr. Hines suggest and resell it to Mr. Hines, we open ourselves up to a suit for interfering with a business dealing. If we were going to buy the property and keep it that would be a valid exercise of our right of first refusal, but to do what you suggest we could open ourselves up to liability.

Mr. Andrews remarked that any property worth over \$25,000 that the town has control over would have to go out to competitive bid.

Ms. Terrasi remarked this property was on the market for well over a year.

On a motion by Mr. Nutter and seconded by Ms. Tzanoudakis, it was unanimously voted to waive any and all rights afforded to the board under Massachusetts General Laws Chapter 61A Section 14 and any first refusal option with respect to property located at 13-15 Lawrence Street, and 18 Boynton Street, Pepperell, MA, on Town of Pepperell Map #8 and Parcels 14, 16 and 17, as referenced in a letter of request to the Board from Barbara V. Ganem dated November 18, 2016.

6.3. 7:30 PM Public Hearing (Continued): Licensing Authority -- Wine And Malt On Premises License, Pizza Pizzazz, Inc., Juliana Gonsalves Machado, Manager

Mr. Themelis reopened the hearing at 7:43 PM. Ms. Tzanoudakis read the notice of hearing. Ms. Tzanoudakis remarked this hearing was continued from November 14th and December 5th. Present were John Powers, representing the applicant, and applicant Juliana Machado.

Mr. Themelis stated the Board was looking for additional information from the applicant.

Ms. Machado stated after the last meeting they had security cameras installed, employees are TIPS certified, she hasn't received all of their certificates in the mail, bought log book, which she showed to the Board, and with help from a friend who has a restaurant with a bar, developed a liquor policy which employees will read and sign. Ms. Machado's husband also took the TIPS exam, so, he, Ms.

Machado and two other employees are TIPS certified. Mr. Powers remarked only the delivery driver will not be TIPS certified.

Ms. Tzanoudakis remarked Ms. Machado is starting off on the right foot, and is pleased at amount of effort she put in.

Mr. Themelis recommended Ms. Machado get a copy of the Town's Rules and Regulations for holders of liquor licenses.

Phil Durno, suggested they ask for ID even though the customer may look like they're over 21. Mr. Powers stated this is in the policy.

Mr. Nutter stated the only comment he has is this is a very valuable part of your business, and you need to treat it like gold. Mr. Nutter suggested Ms. Machado hold weekly meetings to review what's transpired over past week, problems, business in general, and convey the message to your employees that this is highly important to you. Liquor sales could be equivalent to 50% of your income, and you don't want anyone to jeopardize that. Ms. Tzanoudakis added that if they have younger employees, who have never served liquor, they may not know what questions to ask. Ms. Machado stated they have one experienced server, and one new. Mr. Nutter suggested she use the experienced server as a resource.

Mr. Powers stated that entries in the journal will be reviewed with employees on a regular basis.

Mr. Nutter remarked if they set the standard now they will be successful. Mr. Themelis remarked they are off to a strong footing. Mr. Andrews stated this board has taken a proactive stance with businesses in town. It is part of your business plan to be successful, and we want to see you succeed, but also want the public to be safe. MR. Nutter remarked we have to all work together.

Mr. Themelis stated the Board spoke with the applicant at the last meeting about a POS system. Ms. Machado stated this is in place.

Ms Tzanoudakis remarked she recalls there being books available with photos of licenses in all 50 states. We have a large student population, and if employees are not familiar with some state licenses, that book would be helpful. Ms. Machado stated she did see this on the TIPS exam, and will get it.

Hearing no further comments, an on a motion by Ms. Tzanoudakis and seconded by Mr. Nutter, it was unanimously voted to closed hearing at 7:58 PM.

Ms. Tzanoudakis stated the applicant did an admirable job of putting together a process to serve the community and manage any potential incidents, as well as give us the resources we may need if an incident occurs. Ms. Tzanoudakis has no objections to granting the license.

Mr. Nutter remarked that the applicant has had the opportunity to educate herself, and should respect the license she has and use it accordingly; Mr. Nutter was in support of the application. Mr. Themelis stated the applicant has done her homework and is in great shape to run with this. Mr. Themelis supports the application.

On a motion by Mr. Nutter and seconded by Ms. Tzanoudakis, it was unanimously voted to approve the application of Juliana Machado for a wine and malt on premises license to be exercised at Pizza Pizzazz, 75 Main Street.

#### 6.4. 7:45 PM Licensing Authority: Charity Wine Pouring License, Friends Of The Lawrence Library

Present were Virginia Boundy and Diane Temple from the Friends of the Lawrence Library. Ms. Bounty explained the group would like to hold its annual wine tasting on March 4th at the Lawrence Library.

The wine tastings do fairly well. They did well in October, but an October event required working on it in August, which became more difficult. The group bounced around a few dates and decided on March 4th this year.

The largest amount they've ever had was a little over 200 people, and they shoot for 175. The group works with Randy Brubaker at Pepperell Beverage, and they have a few other vendors coming in. Tickets are \$25. The event will be held from 6:30-9:30 PM. Food is always there, and coffee is available. The food is donated.

There were no questions or comments from the Board or the audience.

On a motion by Ms. Tzanoudakis and seconded by Mr. Nutter, it was unanimously voted to approve the Charity Wine License for the Friends of the Lawrence Library for its annual wine tasting event to be held on Saturday, March 4, 2017 from 6:30-9:30 PM at the Lawrence Library, 15 Main Street.

#### 6.5. Discussion And Action: Endorsement Of Open Space And Recreation Plan

Ms. Terrasi was present to discuss the OSR Plan. Ms. Terrasi explained this is a plan that is required to apply for grants. The Conservation Land Trust also needs this plan. This is an update of a previously approved plan. The Conservation Commission joined with the Board of Health and worked with them on their healthy chapter grant. During the process they received feedback from senior residents. The Town has a lot of opportunities for people of all ages.

Mr. Themelis asked what struck Ms. Terrasi the most about the answers to the questionnaire. Ms. Terrasi stated respondents want more open space, more recreational opportunities. All different age groups completed survey.

Ms. Terrasi described some of the items in the plan, remarking that this plan has input from just about every town department, residents, different groups; it takes a lot of people to put this together. The plan can also be used in updating master plan.

Mr. Andrews remarked this is a springboard to getting grants. Funding sources want to see a plan. This is one cog in the wheel of the town's master plan. Mr. Andrews spoke with Beverly Woods of NMCOG; she has looked at these plans for years and complimented Ms. Terrasi, saying it's a good template for other towns.

Mr. Themelis read the letter of endorsement and support.

Mr. Durno remarked they've started a walking group, and in the spring, summer and fall they walk the trails. There would be a lot more seniors participating if there were some benches to sit at along the way. He understands you can only do that on town property. This would be a good scout project.

Mr. Nutter asked if Ms. Terrasi saw a situation where people were looking for things but weren't aware we had them. Ms. Terrasi responded that is often the case. People are surprised at how many fields we have.

The Board thanked Ms. Terrasi for her efforts in working on this plan. Mr. Andrews also thanked Rob Rand of the Conservation Commission, who was present this evening.

On a motion by Mr. Nutter and seconded by Ms. Tzanoudakis, it was unanimously voted to endorse and recommend the Open Space and Recreation Plan as presented.

### 7. Old/New Business\*

#### 7.1. Discussion And Action: Adoption Of Town Anti-Discrimination And Harassment Policy

Mr. Andrews explained he will be working on an anti-discrimination and harassment policy, and provided the board with a sample policy from MIIA. He is requesting that the Board allow him to work with Town Counsel to make any necessary adjustments/changes. The policy would cover residents that would engage department heads, other people working for the town. Helps with standard procedures.

Mr. Themelis asked if this new policy would supersede a previous document. Mr. Andrews replied we currently don't have a policy in place.

On a motion by Ms. Tzanoudakis and seconded by Mr. Nutter, it was unanimously voted that the Town Administrator have the ability to coordinate and prepare a discrimination and harassment policy and be able to amend and present it to the Board from time to time as may be necessary.

Item #2 – Any other old/new business:

Mr. Andrews remarked we are working closely with all department heads to bring a comprehensive budget to the Board and Finance Committee at our January 30th meeting, backup date February 6th, so that will be our next meeting date unless something else comes up.

Ms. Tzanoudakis suggested that Mr. Andrews work with IT Director Martin Cadek to put together an e-security policy. Mr. Andrews indicated we are working on a draft policy.

Mr. Nutter asked for an electronic version of the Town charter his tablet. Ms. Mazzola will e-mail the charter to each of the Board members.

There was no other business before the Board.

## **8. Executive Session**

**ADJOURNMENT:** On a motion by Mr. Nutter and seconded by Ms. Tzanoudakis, it was unanimously voted to adjourn the meeting at 8:30 PM.

Respectfully submitted,  
Peggy Mazzola, Administrative Assistant

**APPROVED:**

Stephen C. Themelis, Chairman  
Melissa M. Tzanoudakis, Clerk  
Roland P. Nutter