

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

To either of the constables of the Town of Pepperell, in said county,

GREETINGS:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town qualified according to law to vote in state, county, district and town affairs to assemble at the NISSITISSIT MIDDLE SCHOOL, in said Town, on Monday, the 25th of October, A.D. 2010 at 7:30 PM to act on the following articles:

SPECIAL TOWN MEETING

October 25, 2010

ARTICLE 1

By: Board of Selectmen

POLICE CRUISER

To see if the Town will vote to raise and appropriate, appropriate from available funds or borrow a sum not to exceed \$25,000 for the purpose of purchasing and equipping one (1) police cruiser, including any related expenses, said appropriation to be under the control of the Chief of Police; and, further, to authorize disposal of used police vehicles by trade, transfer or sale; or take any other action relative thereto.

This request is to replace an unmarked cruiser, which was requested during preparation for the spring town meeting, but held until there was a more complete assessment of funds available for FY 2011.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 2

By: Board of Library Trustees

TRANSFER OF FUNDS

To see if the Town will vote to amend the FY 2011 Library budget by transferring the sum of \$10,036 as follows:

- \$6,400 from 100-6110-54512 Supplies: Books, Library
- \$3,636 from 100-6110-54513 Supplies: Children’s Room

to the following:

- \$4,452 to 100-6110-51000 Salaries, Appointed Positions
- \$5,584 to 100-6110-51113 Wages Hourly

or take any other action relative thereto.

Amendments to existing budgets must be made at town meeting. This is the first opportunity (since the spring town meeting) to adjust funds within the FY ‘11 library budget which will allow us to provide adequate staffing for services.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 3

By: Board of Library Trustees

UNPAID BILL PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$918.33 to pay wages due to two library employees for FY 2010; or take any other action relative thereto.

Two employees of the library were entitled to step raises during FY 2010 and were not given the steps due to an interpretation of the side agreement made between the union and the town for FY 2010. The library staff members disagreed with the interpretation and the Town's labor attorney agreed that the step raises should have been awarded. This matter was not resolved in FY 2010, thus the need to process a bill of a prior year.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 4

By: Board of Health

SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$5,129.80 to provide for an additional five (5) hours per week secretarial coverage for the Board of Health for the balance of FY 2011, or take any other action relative thereto.

The Board of Health is requesting additional clerical hours per week to meet the work load of the office.

Not recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 5

By: Board of Selectmen

SUPPLEMENTAL APPROPRIATION

To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$10,000 for the purpose of paying Veterans' benefits for the balance of FY 2011; or take any other action relative thereto.

The Veteran's Agent has reviewed the available funds for the remainder of FY 2011 and has determined that additional funding is necessary to provide benefits to veterans and/or their spouses who are approved to receive assistance

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 6

By: Board of Public Works

SUPPLEMENTAL APPROPRIATION

To see what sum the Town will vote to appropriate from Water Enterprise Free Cash to supplement Article 20 of the May 5, 2008 Annual Town Meeting for the purpose of relocating electrical wires feeding the well at Jersey II, which were initially installed outside the limits of the Town-owned property, said appropriation to be under the control of the Board of Public Works; or take any other action relative thereto.

Not recommended by Finance Committee. Board of Selectmen endorsed this article contingent upon the future certification of Water Enterprise Free Cash of at least \$400,000.

ARTICLE 7

By: Board of Selectmen

MOTOR VEHICLE EXCISE TAX DEFERRAL FOR RESIDENTS ON ACTIVE MILITARY DUTY

To see if the Town will vote to accept the provisions of Chapter 60A Section 9 as follows:

Section 9. In any city or town accepting the provisions of this section and notwithstanding any other provision of this chapter to the contrary, any excise due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for a period of up to 180 days after completion of that service. No interest or penalties shall be assessed for any period before the expiration of the 180 days.

or take any other action relative thereto.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 8

By: Finance Committee

PETITION TO GENERAL COURT FOR LEGISLATION RELATIVE TO THE PURCHASE OF GROUP INSURANCE POLICIES

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for specific legislation entitled, “An Act to Authorize the Town of Pepperell to Negotiate and Purchase Group Insurance Policies for Employees, Retirees and Dependents Without Being Subject to Collective Bargaining” as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT TO AUTHORIZE THE TOWN OF PEPPERELL TO NEGOTIATE AND PURCHASE GROUP INSURANCE POLICIES FOR EMPLOYEES, RETIREES AND DEPENDENTS WITHOUT BEING SUBJECT TO COLLECTIVE BARGAINING

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

Section 1. Notwithstanding the provisions of chapter 32B or 150E of the General Laws or any other general or special law to the contrary, the Town of Pepperell is authorized to negotiate and purchase group insurance policies for Employees, Retirees and Dependents without being subject to collective bargaining as defined in chapter 150E of general laws.

Section 2. Further, the Town of Pepperell is also authorized to alter the current and future plan design features, and that such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 3. Further, the Town of Pepperell is also authorized, but not mandated to participate in, and/or join the Group Insurance Commission (“GIC”) pursuant to G.L. c32A, and such action shall not be subject to collective bargaining as defined in chapter 150E of the general laws.

Section 4. The provisions of this act shall not affect obligations under any collective bargaining agreement(s) while such agreements are in effect

Section 5. This action shall take effect upon its passage.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 9

By: Board of Selectmen

DEMOLITION OF TRAILER ON TOWN HALL PROPERTY

To see what sum the Town will vote to raise and appropriate or appropriate from available funds for the purpose of demolishing and removing the trailer on Town Hall property; said appropriation to be under the control of the Board of Selectmen; or take any other action relative thereto.

All town services which were located in the trailer have been moved to town hall and the trailer has no proposed use. To maintain the building without heat and electricity will cause decay of the building.

Not recommended by Finance Committee. No action will be taken on this article.

ARTICLE 10

By: Board of Selectmen

POST-EMPLOYMENT BENEFIT TRUST FUND

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act substantially the same as the special act set forth below.

AN ACT ESTABLISHING A POST EMPLOYMENT BENEFIT TRUST FUND IN THE TOWN OF PEPPERELL

Section 1. There shall be in the Town of Pepperell an account called “Other Post-Employment Benefits Trust Fund” or “OPEB Trust Fund” as defined in Governmental Accounting Standards Board, Statements 43 and 45, which shall be under the supervision and management of the Town Treasurer. The Town Treasurer shall be the custodian of the OPEB Trust Fund.

Section 2. The OPEB Trust Fund shall be credited with all amounts appropriated or otherwise made available by the town, including any earnings or interest accruing from the investment of these funds, to offset the anticipated cost of health/life insurance contributions or other benefits for retired employees, their spouses and eligible dependents and the surviving spouses and eligible dependents of deceased retirees.

Section 3. Amounts in the OPEB Trust Fund shall be expended only for the payment of the costs payable by the town for OPEB.

Section 4. The Town Treasurer shall invest and reinvest the funds prudently. The Town Treasurer may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and pay such expense from the fund. The funds could be invested with the commonwealth as part of the Pension Reserves Investment Trust Fund, the Middlesex Retirement System or other stock/bond mutual fund available for other trust investments.

Section 5. The act shall take effect upon its passage.

or take any other action relative thereto.

Recommended by Finance Committee. Finance Committee recommendation endorsed by the Board of Selectmen.

ARTICLE 11

By: Board of Public Works

EMINENT DOMAIN

To see if the Town will authorize the Board of Selectmen to acquire by purchase, eminent domain or otherwise, a permanent easement for sewer purposes across a portion of the property located at 1-3 Elm Street, Pepperell, and shown as Parcel 46 on Pepperell Assessors’ Map 21, now or formerly in the possession of Heidi W. Arute, Trustee of the D&H Realty Trust. Said easement is more particularly

described as Parcel 6 as shown on a plan entitled "Easement Plan of Land in Pepperell, Mass." Dated Dec. 22, 1989, by Whitman and Howard, Inc., sheet 1 of 2, which plan is recorded at the Middlesex (South) Registry of Deeds as Plan No. 133 of 1992 in Book 21780, Page 455, containing 11,275 square feet of land according to said plan; and that, to provide for any damages associated with said acquisition, to see if the Town will vote to raise and appropriate from available funds the sum of \$40,000.00; or take any other action relative thereto.

This Article comes about as the result of the failure of the Town to acquire an easement of record for the installation of a sewer line running between Townsend and Elm Streets. The Town recorded the plan of the sewer easement in 1992 at the same time that the Town recorded the taking of an easement in Parcel 7 of the 1992 plan pursuant to Article 24 of the 1991 Annual Town Meeting. Other easements to other parcels were conveyed by deed. At the time, the Town had a written agreement with Don Palmer, then owner of Parcel 6, to convey the easement in Parcel 6 however Mr. Palmer's ownership ended before any recorded easement was conveyed. The sewer was, however built in 1993 and has been in operation since. The present owner of Parcel 6 brought the lack of a recorded easement to the attention of the Town and has demanded compensation. The Town offered \$30,400.00, the appraised value of the easement. The sum of \$40,000.00 has been requested to allow for the possibility of a negotiated settlement or to cover expenses over and above the award of damages.

Not recommended by Finance Committee. No action will be taken on this article.

And you will serve this warrant by posting a true and attested copy of same, in said Town, fourteen days prior to the time of said meeting. Hereof fail not and make due return of your doings herein to the Town Clerk on or before the time appointed for said meeting. Given under our hands this 6th day of October, A.D. 2010.

Patrick J. McNabb, Chairman

Joseph M. Hallisey III, Clerk

Joseph A. Sergi

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL