

PRESENT: Selectmen Roland P. Nutter, Lisa M. Ferolito and Bill Greathead; John Moak, Interim Town Administrator; Tracie Looney, Administrative Assistant
The meeting was called to order at 6:00 PM.

9/10/2018 - Minutes

1. Executive Session

- 1.1. To Discuss The Reputation, Character, Physical Condition Or Mental Health, Rather Than Professional Competence, Of An Individual, Or To Discuss The Discipline Or Dismissal Of, Or Complaints Or Charges Brought Against, A Public Officer, Employee, Staff Member Or Individual.

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was unanimously voted that the Board of Selectmen go into Executive Session at 6:00 PM under #1 of the Open Meeting Law. 1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, complaints or charges brought against, public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session: provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. To be present at such executive session during deliberation which involve that individual:
- ii. To have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session:
- iii. To speak on his own behalf: and
- iv. To cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under his section shall not be construed as a waiver of any rights of the individual.

Mr. Nutter made note that in attendance for the Executive Session is Maureen Bolger, Town Assistant Assessor and also Sharon Spiegel, Town Labor Counsel.

Further, the Chair declares that the Board will reconvene back in open public session for the purpose of continuing with the posted agenda. A roll call vote was taken as follows:

Roland Nutter Aye
Lisa Ferolito Aye
Bill Greathead Aye

PRESENT: Selectmen Roland P. Nutter, Lisa Ferolito and Bill Greathead; John Moak, Interim Town Administrator; Tracie Looney, Administrative Assistant, Maureen Bolger, Assistant Assessor, Sharon Siegel, Labor Council

To Discuss the Reputation, Character, Physical Condition or Mental Health, Rather than Professional Competence, of an Individual, or to Discuss the Discipline or Dismissal of, or Complaints or Charges Brought Against, A Public Officer, Employee, Staff Member or Individual.

The purpose of the meeting was to hear Maureen Bolger's grievance against the former Town Administrator, Mark Andrews. Ms. Bolger provided the Board with the original letter that was submitted to the Board of Selectmen citing a complaint against Mr. Andrews. Mr. Andrews was notified but did not attend. A second letter sent to the Board was also presented but not discussed because it was the first time the Town Administrator or Town Counsel had seen this letter and it included specific individuals in the complaint that had not been notified. It was noted by Ms. Ferolito three times that she was not comfortable with Mr. Nutter sitting in the executive session because it was a conflict of interest since his wife was the mentioned in the correspondence relating to the grievance in question. Ms. Siegel noted that there was no fraud being committed as described in the grievance by Ms. Bolger

since the employees listed were salaried exempt employees. There was no action taken on this grievance on behalf of the Board because this was an administrative responsibility for resolution.

1.2. To Approve August 13th, 2018 Executive Session Meeting Minutes

On a motion made by Ms. Ferolito, and seconded by Mr. Greathead, the executive meeting minutes from August 13th, 2018 were approved as written but will not be released as the subject remains confidential.

At 7:00 PM, Ms. Ferolito made a motion to adjourn the executive session and return to open session. Mr. Greathead seconded. A roll call vote was taken as follows:

Roland Nutter Aye

Lisa Ferolito Aye

Bill Greathead Aye

Respectfully submitted,

Tracie Looney, Administrative Assistant
APPROVED:

Roland P. Nutter, Chairman

Lisa M. Ferolito

Bill Greathead

The Board reconvened at 7:00 PM for the Regular Board Meeting. Pledge of Allegiance was said. Mr. Nutter announced that the meeting is being broadcast live and recorded for rebroadcast.

2. Acceptance Of Minutes

2.1. August 27th, 2018 Meeting Minutes

On a motion made by Mr. Greathead and seconded by Ms. Ferolito, it was unanimously voted to accept the regular minutes of the meeting of August 27th, 2018, as submitted.

3. Approve Warrant And Sign Purchase Orders

The Board members signed the warrant prior to meeting.

4. Public Communications

Mr. Greathead read the updates from Charter Communications in regards to Channel changes. Mike Levesque mentioned the American Legion meeting to be held on September 12th at 7:00 PM at the Senior Center. Also he will be at the Pepperell Fall Festival this upcoming weekend where he will be selling shirts.

5. Town Administrator's Report

6. Appointments / Resignations

6.1. Extension Of Interim Town Administrator's Contract

On a motion made by Ms. Ferolito and seconded by Mr. Greathead it was unanimously approved to extend John Moak's Interim Town Administrator's contract another 3 months. The Board thanked Mr.

Moak for all he has done.

6.2. Zoning Board Of Appeals Resignation

The board noted that Jan Adamczyk has resigned from the Zoning Board of Appeals. Ms. Looney made note that both the Zoning Board of Appeals Appointments were not in attendance due to work and traffic delays.

6.3. Zoning Board Of Appeals Member Appointment

On a motion made by Ms. Ferolito and seconded by Mr. Greathead it was unanimously voted to move Sean McCaffery from Associate Member of Zoning Board of Appeals to a full time Board member.

6.4. Zoning Board Of Appeals Associate Member Appointment

On a motion made by Mr. Greathead and seconded by Ms. Ferolito it was unanimously voted to appoint Alan Leao to the Zoning Board of Appeals as an Associate Member.

6.5. Master Plan Committee Appointment

On a motion made by Mr. Greathead and seconded by Ms. Ferolito it was unanimously voted to appoint Ken Hartlage to the Master Plan Committee.

7. Action Items

7.1. Licensing Authority- One Day Liquor License For PBA Networking Reception And Meeting

Licensing Authority- One Day Liquor License for PBA Networking Reception and Meeting/ September 12th, 2018 at Conway Service and Sales, 23 Hollis Street from 5:00 PM-8:00 PM

Ms. Ferolito read the application for the One Day Liquor License for PBA Networking and Meeting. Ms. Ferolito said in light of the decision of a denial they made for the PACH One Day Liquor License, they will decline this license. On a motion made by Ms. Ferolito and seconded by Mr. Greathead it was voted to deny the One Day Liquor License for PBA. Mr. Nutter recused himself for this vote since he is affiliated with the PBA organization.

Dick Conway was in attendance and asked if he could still speak on behalf of the application for the PBA Networking Reception. Dick Conway said he is expecting 30-35 people to attend which will be local business people affiliated with the PBA. He also mentioned that he has liability insurance coverage so the town will not be liable if there is an accident. He is asking the Board for consideration. Ms. Ferolito said they have to stick with the same decision they just voted on for PACH.

7.2. Licensing Authority- One Day Liquor License For PACH Open House

Licensing Authority- One Day Liquor License for PACH Open House/September 21st, 2018 at 66 Hollis Street from 5:00 PM- 8:00 PM

Ms. Ferolito read the application for the One Day Liquor License from PACH. Patricia Thorpe spoke to the Board about the open house to celebrate the new location of PACH with beer and wine. Mr. Greathead asked Ms. Thorpe about the TIPS certified server and proof of certification. Ms. Thorpe anticipates about 100 guests for the event. Mr. Greathead followed up with questions regarding the event. The alcohol will not be sold to the clients. PACH will also be hoping to have a raffle as well. Ms. Thorpe said PACH will increase the insurance policy for this one day event. Lori Levesque from the audience mentioned that PACH could list the town as the additional insured. Mr. Greathead said he would like to speak with the Chief of Police regarding the insurance policy. Ms. Ferolito said she had spoken to the Chief of Police and is not in favor of issuing so many licensees for one day permits. The Interim Town Administrator suggested that if the Board wanted to approve the license it could be approved with the contingency that the town would be held harmless if a police detail is needed. Ms. Ferolito said she would say no to the license. Ms. Thorpe said that she would get the additional insurance and would have a drink limit if need be. Interim Town Administrator asked Ms. Thorpe if it was being held indoors and was responded with yes. On a motion made by Mr. Greathead and seconded by Ms. Ferolito it was voted to deny the One Day Liquor License for PACH Open House. Mr. Nutter was recused of the vote as he is affiliated with the organization.

7.3. Town Of Pepperell And The International Association Of Firefighters Local 5018 Contract

The Board signed the contract to formalize the contract. All three Selectmen signed the contract.

7.4. Special Town Meeting

The Town Administrator spoke to the Board regarding the Warrant for the Special Town Meeting to be held on October 1st, 2018.

ARTICLE 1

By: Town Administrator and Board of Selectmen

PRIOR YEAR BILL PAYMENT

To see if the Town will vote to authorize payment of a prior year legal bill from the current year budget, or take any other action relative thereto.

This is a payment that needs to be paid from services rendered in June 2018 around \$2,000 for legal services

ARTICLE 2

By: Town Administrator and Board of Selectmen

FY2019 FREE CASH APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from Free Cash certified as of 7/1/18, or take any other action relative thereto.

This is a general warrant article that at the Special Town Meeting will be broken down into Department which totals \$223,950. Mr. Moak went through the items that needs the funding.

- Contract Negotiations \$1,700
- Law-Town Counsel \$65,000
- Election Workers \$1,500
- Election Prof & Tech \$800
- Election- Public Safety \$1,550
- Reg-Printing \$1,800
- R&M Building & Grounds/Police and Town Hall \$21,000
- Police R & M Building and Grounds \$19,000
- Police R & L Communications Equip \$2,700
- Fire Wages-Hourly \$13,700
- Fire- R & M vehicles \$31,000
- HWY-Street Paving & Marking \$8,000
- HWY – R & M vehicles \$12,000
- HWY Capital- Repl Front End Loader 5 year lease/pur \$16,7000
- COA Capital-Co-Funding Green Communities Weatherization \$27,500

Total \$223,950

Available Free Cash Funds \$1,186,349

ARTICLE 3

By: Town Administrator and Board of Selectmen

FIRE TRUCK-BORROWING BY DEBT EXCLUSION

To see if the Town will appropriate \$1,400,000 or some lesser amount, to pay costs of purchasing a replacement ladder truck for the use of the Fire Department, including the payment of any other expenses incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise. Any borrowing authorized pursuant to this article shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under M.G.L. c. 59, § 21C(k); said appropriation to be under the control of the Board of Selectmen and Town Administrator; or take any other action relative thereto.

The Fire Chief requested that this be put on the warrant to request the Town appropriate \$1,400,000 or some lesser amount, to pay costs of purchasing replacement ladder truck.

ARTICLE 4

By: Board of Public Works

ADOPT MGL CH.44, SECT. 53 F ½: STORM WATER ENTERPRISE FUND

To see if the Town will vote to accept the provisions of Massachusetts Gen. Law Chapter 44, Section 53F ½ which would authorize establishment of an Enterprise Fund for the Pepperell Storm Water Utility, or take any other action relative thereto.

ARTICLE 5

By: Board of Public Works
FISCAL YEAR 2019 STORM WATER ENTERPRISE FUND

To see if the Town will vote to fund from estimated receipts a sum of money to defray the regular expenses of the Storm Water Enterprise Fund, in accordance, with the provisions of MA General Law Chapter 44, Section 53F1/2 for the Fiscal Year July 1, 2018 through June 30, 2019, or take any other action relative thereto.

Ken Kalinowski, Town DPW Director/Engineer and Joe Jordan, Town Water Superintendent, informed the Board about Article 4 and 5 regarding the Storm water Fund. Effective July 1, 2018, the Town of Pepperell is now under the jurisdiction of the NPDES MS4 storm water permit program operated by the US Environmental Protection Agency. This program has been going on for 20 years but up until now, Pepperell has gotten a waiver but that will no longer be the case. Other communities have gotten a head start with this program but now the Town will need to catch up. This is not optional and compliance is mandatory. Mr. Kalinowski went through the options to fund this programs. He feels an Enterprise fund would be the most successful in this town with a good history of Enterprise funds in the past. Ken mentioned the thought process would be to levy a flat fee across town around \$50 a year that would be billed out quarterly to the Town residents. The Board thanked both staff for informing the Board and the Board mentioned they knew this was coming to town and needed to be addressed.

ARTICLE 6

By: Citizens' Petition

NON-BINDING RESOLUTION

To see if the Town will vote to adopt the following non-binding resolution opposing the proposed "Soil Reclamation Project" at 161 Nashua Road in Pepperell, Massachusetts or take any other action relative thereto.

WHEREAS, a proposed "reclamation" project consisting of four million cubic yards of soil from construction and expansion projects across New England may come through Pepperell and our neighboring communities; and

WHEREAS, said proposed "reclamation" project would make use of 55,000+ tractor-trailer trucks travelling one-way to 161 Nashua Road across state and town roads; and

WHEREAS, said proposed "reclamation" project would make use of 55,000+ tractor-trailer trucks travelling one-way from 161 Nashua Road back across state and town roads in order to return to their point of origin; and

WHEREAS, these 110,000+ trucks would – in the course of their travel – pass in front of numerous small businesses, churches, schools, and the Pepperell Senior Center; and

WHEREAS, said proposed "reclamation" project is projected to last seven to nine years; and

WHEREAS, the track record for analytical testing protocols has been deemed insufficient for similar "clean" fill/"reclamation" projects in Massachusetts (e.g., Rutland and Uxbridge, which had hazardous waste, volatile inorganic compounds, and other wastes deposited at these project sites); and

WHEREAS, any project containing hazardous waste, by its nature, carries the potential for leaks or explosion causing untold damage to property, water, and lives; and

WHEREAS, the proposed project site lies in close proximity to the Nashua River, and due to the site's soil composition consisting largely of sand and gravel, likely has a direct hydrologic connection to the Nashua River; and

WHEREAS, the Nashua River Watershed Association – with over 50 years of stewardship of our rivers - has grave concerns that the proposed project at 161 Nashua Road in Pepperell threatens our natural resources and river ecosystems and opposes this project; and

WHEREAS, a portion of the proposed site is within the Zone II Nashua Well water supply for the town of Pepperell, and potential contaminants flowing from the proposed site could flow rapidly into the Nashua River and Pepperell water supplies, thereby threatening them; and

WHEREAS the proposed project may include work within the 200' Riverfront Area, priority habitat for rare species, and a portion of the 100' buffer of a wetland; and

WHEREAS said proposed project would adversely affect property values, adversely affect residents' livelihood, adversely affect the efficacy of businesses, and otherwise negatively impact the integrity of the town's bucolic character due to the noise, dust, and disruption 110,000+ tractor-trailer trucks will bring; and

WHEREAS, the cost of the Special Counsel and the Licensed Site Professional the Town is forced to hire falls on private citizens.

NOW THEREFORE BE IT RESOLVED THAT the people of Pepperell, Massachusetts

1. Hereby call on our Select Board, Planning Board, and Board of Health to stand in opposition to the proposed "reclamation" project at 161 Nashua Road and not allow it within town borders;
2. Stand in opposition to all similar projects that may be later proposed;
3. Oppose any project carrying potentially contaminated soils within the borders of our town; and
4. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against the Town of Pepperell's commitments to life, the environment, our economic well-being, and our bodily safety.

Dated: August 20, 2018

This is a Citizen's Petition regarding 161 Nashua Road Soil Reclamation Project.

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was unanimously voted to accept the Warrant for the Special Town Meeting scheduled for October 1st, 2018.

7.5. Discussion Of Meeting Schedule For October

The Board decided to hold the next regular Board meeting on October 15th and October 29th. The Special Town meeting is scheduled for October 1st and the following Monday is Columbus Day Holiday.

8. Old Business

8.1. 161 Nashua Road Proposal

The Town Special Counsel and LSP believe it is important for the town to wait until MCGI responds to MassDEP's questions they had for the project and then the Town can determine its next move. Ms. Ferolito asked if an application had been submitted to the Building department and was answered no. The LSP and Special Town Counsel have been working with the Board of Health regarding their recommendations for the project. Mr. Greathead asked if the property owners of 161 Nashua Road had responded to any of the Town's questions that were proposed to them at the August 20th meeting and the answer was no. According to the Interim Town Administrator there is nothing concrete to report but there is lot in the works. Caroline Ahdab asked if he MassDEP is asking for the Noise Study. Mr. Moak said they are asking us for our concerns on noise, dust and trucks impacts. Mr. Nutter said NEMCOG does yearly traffic studies that could be helpful.

9. New Business

Deb Fountain made a note that there is a Master Plan Visionary meeting being held on September 13th at the Senior Center that is open to the public regarding zoning, land use and housing.

Dave Lavendar asked about the Town Warrant and the Free Cash Appropriations. Mr. Moak replied that most of the items were to cover unexpected issues.

ADJOURNMENT:

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was unanimously voted to adjourn the meeting at 8:15 PM.

Respectfully submitted,

Tracie Looney, Administrative Assistant

APPROVED:

Roland P. Nutter, Chairman

Lisa M. Ferolito, Clerk

Bill Greathead

