

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 7:00 PM. Pledge of Allegiance was said. Mr. Nutter announced that the meeting is being broadcast live and re

9/24/2018 - Minutes

1. Acceptance Of Minutes

1.1. April 9th, 2018 Meeting Minutes

The April 9th minutes were signed as submitted by Mr. Nutter. Ms. Ferolito was absent at that Board meeting and Mr. Greathead was not a Selectmen at that time. Ms. Looney will have Ms. Tzanoudakis sign the minutes in the office.

1.2. September 10th, 2018 Meeting Minutes

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was unanimously voted to accept the regular minutes of the meeting of September 10th, 2018, as submitted.

2. Approve Warrant And Sign Purchase Orders

The Board members signed the warrant prior to meeting.

3. Public Communications

Mr. Greathead read the Habitat for Humanity Fundraiser to be held on October 18th, 2018 from 6:00 PM-8:00 PM at the Devens Common Center, Devens, MA. This will be a Toast to Hope with Habitat for Humanity NCM, Join us for a wine, whiskey, craft beer and more for \$30/pp. Mr. Greathead also read a Charter Communications update. Mr. Nutter read a letter from PACH Outreach that addressed the denial of the One-Day Liquor License that occurred at a Board of Selectmen meeting on September 10th, 2018. The letter recounted the Board vote, and conversations with both the two Board members in attendance, Ms. Ferolito and Mr. Greathead. Mr. Nutter recused himself during the September 10th meeting due to his affiliation with PACH.

There was follow up conversation with the audience regarding the Boards decision for the denial of the One-Day Liquor License. Mr. Greathead spoke on why he voted to not approve the license and that it was his personal feeling and experience as a Police Officer that lead him to his decision and does not regret the decision. He also apologized if he offended anyone. Jim Casserly asked the Board if there was an error in the application for the License and was responded by no. Mr. Moak mentioned that the Town is looking into a better process/form for the One-Day Liquor license after a recent meeting with Chief Scott. He also mentioned that the ABCC no longer has the approving authority for the One-Day Liquor licenses, it is up to the Local Licensing Authority which is the Board of Selectmen. Mr. Durno asked Ms. Ferolito why she did not vote for the License and she responded with she did not feel it was appropriate to have liquor at a food pantry event. Mr. Lavender asked why the Board decided to share this letter from PACH. Mr. Nutter explained that he considers email to be a less formally form of communication. Letters sent to the Board should be read in open session.

Mr. Nutter read a public communication from Nashoba Valley Regional School District regarding the Board of Selectmen voting to designate a position of the Town's Representative on the NVTHS Committee as a "Special Municipal Employee". This will be put on the agenda for October 15th, 2018.

4. Town Administrator's Report

- Finance Committee met that afternoon and discussed the warrant for the Special Town Meeting to be held on October 1st, 2018. The FinCom recommended to have the town accept Article's #1, 2, 4 and 5 but did not recommend Article 3 as written.
- Ramp issue on the outside of Town Hall- There is a lot of work that needs to be done to repair it and is looking for quotes from masons.
- Insurance coverage for the newly vacated Peter Fitzpatrick School- He has a range of \$25-60K for insurance. The insurance needs the building to be 40% occupied to be considered not vacant. There is also a concern for security with the empty building.
- The Town Hall will be busy from October 22-November 2 for early voting

- The Board will be having a regular Board meeting prior to the Special Town Meeting on October 1st, 2018

5. Appointments / Resignations

5.1. Town Administrator's Appointment Of Administrative Assistant To Board Of Health/Planning Board
On a motion by Mr. Greathead and seconded by Ms. Ferolito, it was unanimously voted to approve the Town Administrator's appointment of Brynn Montesanti to the position of Administrative Assistant to Board of Health / Planning Board.

5.2. Board Of Selectmen Appointment For Labor/ Town Counsel Services

Mr. Moak informed the Board about the RFP that was sent out to seven legal firms on behalf of the Town for both a combined labor and town counsel. KP Law and Merrick O'Connell were the two that responded that would offer full legal services which Mr. Moak favored for the town. Mr. Moak opinion is that KP Law is good, however Merrick O'Connell is already aware of the town's issues. Both firms are comparable in price. Mr. Nutter also agreed that Merrick O'Connell has a history with the town that would make the transition easy instead of starting over with a new firm. Mr. Greathead voiced his opinion that the town needs to start over on a clean slate so would prefer KP Law. Ms. Ferolito also stated she would like a change from Merrick O'Connell and didn't like the way things were done in the past with Merrick O'Connell. Mr. Nutter stated he believes Merrick O'Connell did a great job for the town regarding labor counsel.

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was voted 2-1 to appoint KP Law to the town's new Labor/Town Counsel Service. Mr. Nutter voted nay.

6. Action Items

6.1. Proclamation For Jim Triehy Celebration Of 100 Years

Mr. Greathead read a Proclamation dedicated to Jim Triehy. Susan McCarthy from the Council on Aging also read a letter describing how Jim Triehy has been a valuable and contributing Pepperell citizen. There will be a Birthday Celebration at the Senior Center on October 13th, 2018 from 1:00-3:00 PM and all are welcome to celebrate.

6.2. Warrant For The State Election

The Board signed the warrant for the State Election.

6.3. Setting Hearing For Dangerous Dog Issue At 50 Blood Street

Mr. Nutter read the complaint regarding the 50 Blood Street dog nuisances. The Board decided to hold the hearing on October 15, 2018.

7. Old Business

7.1. Town Administrator Search Committee Update

Ms. Ferolito said the TA Search Committee will most likely be bringing 4 candidates to the Board for an interview in open session. The Committee will be making the final vote tomorrow night as the number of candidates to bring forward to the Board. Mr. Greathead mentioned he will be away from October 18th-25th, 2018.

7.2. Peter Fitzpatrick Discussion

Mr. Greathead spoke to the Board about what the Peter Fitzpatrick Feasibility Committee has made progress on since he is on the Committee. The Committee is looking at all options and had an appraiser look at the property.

7.3. 161 Nashua Road Proposal

Request for Zoning Determination regarding 161 Nashua Road Soil Reclamation Project

On a motion made by Ms. Ferolito, and seconded by Mr. Greathead, it was unanimously voted for the Board of Selectmen to issue a request to the Building Inspector for a zoning determination on whether the proposed soil reclamation facility at 161 Nashua Road is a permitted use under the Pepperell Zoning Bylaw, including a determination as to whether the proposed use is prohibited as a "Commercial

Dumping Ground,” pursuant to Section 10000 of the Zoning Bylaw.

- Attorney Update on 161 Nashua Road Soil Reclamation Project

Mr. Moak read the following update:

- MCGI submitted a supplemental response to MassDEP on September 7, 2018 in connection with its application. MCGI agreed to make several revisions to its proposed Soil Management Plan as requested by MassDEP. It also promised to provide updated engineering plans, a stormwater management plan, etc. Special Town Counsel has reviewed the supplemental submission and asked our LSP consultant to do the same.

- Special Town Counsel received a call from MCGI’s counsel, Robin Main, and they spoke yesterday. Special Town Counsel indicated that the BoS will want MCGI to appear before it once again with regard to the September 7, 2018 supplemental submission and the additional information requested by MassDEP. MCGI is to provide an expected timetable for submission of the additional information requested by MassDEP and promised by MCGI. The BoS intends to schedule a public meeting promptly thereafter.

- In consultation with Special Town Counsel, the Interim Town Manager sent two letters, one to MCGI and another to MassDEP, alerting both to the fact that the BoS will require another hearing on MCGI’s proposal. The letters are posted on the Town’s website.

- The BoS will make a decision as to the timing of issuing its determination on MCGI’s proposal after the next public meeting. The BoS intends to allow MCGI and residents an opportunity at that public meeting to present and submit further questions to MCGI. The BoS will prepare its determination to MassDEP and MCGI on MCGI’s request for the Town’s support on the project proposal.

- Board of Health: Special Town Counsel and the Town’s LSP have received and reviewed the BOH’s proposed Fill Importation Regulations. They have provided their comments on the proposed regulations. The BoH will determine if, when and if what form they will issue the regulations.

- Conservation: MCGI takes the position in its September 7th supplemental submission to MassDEP that “Based on work performed by Oxbow Associates, an Order of Conditions will not be required.” See p. 10. The Conservation Agent and Commission are expected to review that issue and determine what further action the Commission will take at this time. They may consult Special Town Counsel as needed on that issue.

- Zoning: The BoS will consider whether to request that the Building Inspector issue a zoning determination on whether the proposed project is prohibited as a “Commercial Dumping Ground” under the Zoning Bylaw.

- Discussion of TERRA Environmental, LLC. Memorandum/Response to MassDEP comments

The town was in receipt of a letter from Hinkley Allen which represents 161 Nashua Road property owner. The attached letter was TERRA Environmental, LLC’s submission to MassDEP addressing the Department’s July 27th, 2018 review of the Soil Management Plan. There was general discussion about the response from TERRA Environmental, LLC from the citizens in attendance. Citizens showed concern as to when TERRA Environmental, LLC was going to provide the rest of the answers to MassDEP and what was taking them so long. The Board made note that TERRA will respond directly to MassDEP, however Mr. Moak said he is in constant contact with Mary Jude Pigsley, Regional Director MassDEP. The Citizens also inquired what the next steps will be for the Special Town Counsel which was met with the Board explaining that they are waiting for MCGI to provide sufficient information to MassDEP. They are also looking at the zoning by law.

8. **New Business**

9. **Executive Session**

ADJOURNMENT:

On a motion made by Ms. Ferolito and seconded by Mr. Greathead, it was unanimously voted to adjourn the meeting at 8:26 PM.

Respectfully submitted,

Tracie Looney, Administrative Assistant

APPROVED:

Roland P. Nutter, Chairman

Lisa M. Ferolito, Clerk

Bill Greathead