



# **SPECIAL TOWN MEETING MINUTES**

**Monday, October 1, 2018**

Uploaded to the website on: October 4, 2018

*A true copy*

*Attest:*

Jeanne M. Survell, Town Clerk

At 7:30pm on Monday, October 1, 2018 the Special Town Meeting was held in the Nissitissit Middle School at 33 Chace Avenue in said Town of Pepperell. There was a quorum present of seventy-five (75) registered Pepperell voters; 422 voters attended the meeting.

Town Moderator Scott Blackburn opened the meeting. The Moderator noted the proper posting of the Warrant for the Special Town Meeting by Constable, Frank Quattrochi. The Moderator declares majority vote and all votes requiring a 2/3rds vote per the rules and regulations outlined in Town Meeting Time. The Town Clerk, Jeanne M. Survell, read the opening of the meeting from the posted warrant.

All non-voters or non-residents of the Town were asked to stand, to be recognized by the Moderator:

- Lori Bolasevich, Town Accountant
- Jeanne M. Survell, Town Clerk
- Edward Richardson, Esq. Town Counsel
- Joan Moak, Interim Town Administrator
- Tracie Looney, Board of Selectmen Administrative Assistant
- Martin Cadek, IT Director
- Ken Kalinowski, Town Engineer

The following tellers were appointed by the Moderator:

- Arnold Silva
- Michael Recco
- Louis Lunn

There was a moment of silence for Diane Karr who passed earlier this year. She was a devoted election worker and dedicated PATCH volunteer.

**Balance of "Free Cash" Certified by the Department of Revenue as of 7/1/18 for the Town of Pepperell is:**

General Fund	\$ 1,186,349.00
Sewer Enterprise Fund	\$ 1,423,953.00
Water Enterprise Fund	\$ 515,176.00
Transfer Station Enterprise Fund	\$ 58,031.00

**Stabilization Fund Balance as of 6/30/18** \$ 663,512.44

**PRELIMINARY MOTION: Majority vote required for passage.**

**MOTION MADE:** Roland P. Nutter, Board of Selectmen

I move the Moderator allow non-voters or non-residents to speak on issues related to Town Meeting warrant articles where appropriate.

**MOTION PASSED AS DECLARED BY THE MODERATOR**

**ARTICLE 1 – 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.

**Submitted by Town Administrator and Board of Selectmen**

**Summary:** *A vendor billing error occurred for services rendered in June 2018 resulting in an additional invoice issued after the close of fiscal year 2018.*

**Recommendation:** The Finance Committee recommends the passage of this article by a vote of 4-0-0

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**A 9/10th vote required for passage.**

**MOTION MADE:** Lisa Ferolito, Board of Selectmen.

I move that the Town vote to authorize the payment of \$2,660.00 for a prior year FY2018 legal bill from the current year FY2019 legal budget.

**MOTION PASSED AS DECLARED BY THE MODERATOR**

**ARTICLE 2 - FY2019 FREE CASH APPROPRIATIONS**

To see if the Town will vote to appropriate sums of money from Free Cash certified as of July 1, 2018, or take any other action relative thereto.

\$ 93,350 – **Part I General Government** (for legal, elections, contract negotiations & town hall repairs)

\$ 66,400 – **Part II Public Safety** (for police repairs & maintenance, fire wages and fire vehicle repairs)

\$ 20,000 – **Part V Public Works** (for highway street paving & marking and highway vehicle repairs)

\$ 60,000 - **Part IX Employee Benefits & Insurance** (for insuring the Peter Fitzpatrick building)

\$ 44,200 – **Part X Capital Outlay** (for highway front end loader lease payment and COA building repairs)

**\$283,950 – TOTAL**

*General Fund Free Cash balance is \$1,186,349 less \$283,950 above = \$902,399*

**Summary:** The following appropriations from free cash are needed to cover unforeseen costs.

**Recommendation:** The Finance Committee recommends the passage of this article by a vote of 4-0-0

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**Majority vote required for passage.**

**MOTION MADE:** Bill Greathead, Board of Selectmen

I move that the Town vote to appropriate the following sums of money from Free Cash certified as of 7/1/18, for the FY2019 General Fund Budget:

**MOTION PASSED AS DECLARED BY THE MODERATOR**

**ARTICLE 3 – 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.

**Summary:** *This article is being submitted as a result of the Citizen’s Petition under Article 19 of the 5/7/18 Annual Town Meeting for the purchase of a replacement ladder truck by debt exclusion. Although the article was approved by voters at the 5/7/18 meeting, it was determined that the article wording did not include the authorization to borrow which is required by MA General Law.*

**Recommendation:** The Finance Committee IS NOT IN FAVOR AS WRITTEN of the passage of this article by a vote of 4-0-0

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**2/3 VOTE REQUIRED**

**MOTION MADE:** Roland P. Nutter, Board of Selectmen

I move that the Town appropriates \$1,400,000 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; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that this appropriation and debt authorization 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.

**MOTION MADE: TO MOVE THE QUESTION**

**MOTION SECONDED AND PASSED AS DECLARED BY THE MODERATOR**

**MOTION PASSED BY A 2/3RDS VOTE AS DECLARED BY THE MODERATOR WITH A HAND COUNT OF 381 IN FAVOR AND 14 AGAINST**

**ARTICLE 4 – 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.

**Summary:** *Effective July 01, 2018, the Town of Pepperell is under the jurisdiction of the NPDES MS4 storm water permit program operated by US Environmental Protection Agency. Compliance with the requirements of this program is mandatory, and noncompliance can result in the assessment of significant fines. Every community covered under this permit is solely responsible for funding and administering a program to ensure*

*compliance with permit requirements. The establishment of an enterprise fund would create the most consistent and transparent funding mechanism to achieve compliance with this program. This article was put on the draft warrant as a place holder.*

**Recommendation:** The Finance Committee recommends the passage of this article by a vote of 4-0-0

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**Recommendation:** The Conservation Committee recommends the passage of this article by a vote of 5-0-0

**Majority vote required for passage.**

**MOTION MADE:** Thomas Nephew, Board of Public Works

I move that the Town vote to accept the provisions of Massachusetts General Law Chapter 44, Section 53F 1/2 to establish a Storm Water Enterprise Fund.

**MOTION PASSED AS DECLARED BY THE MODERATOR**

**ARTICLE 5 - 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.

**REVENUES**

Estimated User Charges \$100,000

**TOTAL ESTIMATED REVENUE \$ 100,000**

**EXPENSES**

Estimated Professional Consulting and Assistance \$85,000

Estimated Materials and Expenses \$15,000

**TOTAL ESTIMATED EXPENSES \$ 100,000**

**Summary:** *If approved, the Storm Water Enterprise Fund will need to be funded for the remainder of FY19 in order to complete the tasks required to comply with NPDES MS4 permit. It is proposed to raise revenue via a flat rate user fee assessed to all parcels of land in Pepperell.*

**Recommendation:** The Finance Committee recommends the passage of this article by a vote of 4-0-0

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**Recommendation:** The Conservation Committee recommends the passage of this article by a vote of 5-0-0

**Majority vote required for passage.**

**MOTION MADE:** Thomas Nephew, Board of Public Works

I move that the Town vote to appropriate the following sums of money in accordance with the provisions of MA General Law Chapter 44, Section 53F1/2 to operate the Storm Water Enterprise Fund for the period July 1, 2018 to June 30, 2019 with \$100,000 appropriated from Enterprise Fund revenue:

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

## **ARTICLE 6 - NON-BINDING RESOLUTION**

Submitted By: Citizens' Petition

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

**Recommendation:** The Finance Committee takes no action on this article

**Recommendation:** The Board of Selectmen recommends the passage of this article by a vote of 3-0-0

**Majority vote required for passage.**

**MOTION MADE:** Caroline Ahdab

I move that the Town vote to adopt the non-binding resolution as written opposing the proposed “Soil Reclamation Project” at 161 Nashua Road in Pepperell, Massachusetts.

**MOTION PASSED AS DECLARED BY THE MODERATOR**

**TOWN MEETING CONCLUDED AT 9:36PM**