

2016 SPECIAL TOWN MEETING – OCTOBER 24, 2016

The **Special Town Meeting** was called to order at 7:30 p.m. by Scott N. Blackburn, Moderator.

The Meeting said the Pledge of Allegiance.

The Town Clerk, Lisa M. Ferolito, read the notice of the posting of the warrant.

Registrars checking voters in were Jane E. Eshleman, Kathryn P. Pries, and Sharon T. Tetreault.

The Counters were John Dee, III, Christopher F. DeSimone and Arnold Silva, Jr.

The Moderator announced that a quorum was present and announced the location of exits.

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 24th of October, A.D. 2016 at 7:30 PM to act on the following articles:

SPECIAL TOWN MEETING October 24, 2016

The Town Clerk introduced State Representative Sheila C. Harrington who spoke about early voting and applauded the proactive effort made in town regarding opioid awareness.

PRELIMINARY MOTION:

Motion by: Stephen C. Themelis, Board of Selectmen

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

Motion required a majority and no action was taken.

“Free Cash” as of 8/5/2016 Certified by the Department of Revenue for the Town of Pepperell is:

General Fund	\$ 2,161,330.00
Sewer Enterprise Fund	\$ 1,133,730.00
Water Enterprise Fund	\$ 463,965.00
Transfer Station Enterprise Fund	\$ 106,431.00
Stabilization Fund Balance as of 9/30/16	\$ 661,943.98

ARTICLE 1

POST-EMPLOYMENT BENEFIT TRUST FUND (MA GENERAL LAW c32B s20)

To see if the Town will vote to accept MA General Law, Chapter 32B, Section 20 Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

- ✓ *Moody's and Standard & Poor bond rating agencies look favorably upon OPEB trust funds.*
- ✓ *Reported OPEBs include post-retirement health insurance costs including pharmacy costs.*
- ✓ *OPEB liabilities are trending upward... for states that have completed new OPEB actuarial studies since our last survey (which used 2013 or prior studies), total liabilities increased \$59.4 billion, or 12% over a span of two years.*
- ✓ *Massachusetts added \$515 million or +3.3% from FY 2014 to FY 2015.*
- **Source:** *S&P Global Ratings' latest survey of U.S. states report dated 9/7/2016.*

Finance Committee approval given at Town Meeting.

Motion by: Roland P. Nutter, Board of Selectmen

I move that the Town vote to accept Massachusetts General Law, Chapter 32B, Section 20 Other Post-Employment Benefits Liability Trust Fund.

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 2

By: Town Administrator and Board of Selectmen

PERSONNEL BY-LAW COMPENSATION PLAN

To see if the Town will vote to amend its Compensation Plan established pursuant to Chapter 41, Section 108A, of the Massachusetts General Laws, and Pursuant to Chapter 31 of the Code of the Town of Pepperell, by deleting Appendices B, C and D of the Compensation Plan, and by inserting the text of said Appendices as follows, which reflects a Fiscal Year 2017 increase of 2.5% effective July 1, 2016.

Explanation: This action places a new "Personnel Bylaw Compensation Plan" in place for non-union employees and reflects a Fiscal Year 2017 increase of 2.5% effective July 1, 2016.

APPENDIX B - HOURLY
COMPENSATION PLAN

FISCAL 2017 (EFFECTIVE JULY 1, 2016)

REGULAR FULL-TIME AND REGULAR PART-TIME HOURLY EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	14.71	15.30	15.91	16.55	17.21	17.90
2	15.58	16.20	16.85	17.53	18.23	18.96
3	17.16	17.84	18.56	19.30	20.07	20.88
4	18.85	19.60	20.39	21.20	22.05	22.93
5	20.77	21.60	22.46	23.36	24.29	25.27
6	22.84	23.75	24.70	25.69	26.72	27.78
7	25.11	26.12	27.16	28.25	29.38	30.55
8	27.63	28.74	29.89	31.08	32.33	33.62
9	30.39	31.61	32.87	34.19	35.55	36.98
10	33.43	34.76	36.15	37.60	39.10	40.67

APPENDIX C - SALARY
COMPENSATION PLAN

FISCAL 2017 (EFFECTIVE JULY 1, 2016)

REGULAR FULL-TIME AND REGULAR PART-TIME SALARIED EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	14.71	15.30	15.91	16.55	17.21	17.90
2	15.58	16.20	16.85	17.53	18.23	18.96
3	17.16	17.84	18.56	19.30	20.07	20.88
4	18.85	19.60	20.39	21.20	22.05	22.93
5	21.13	21.97	22.85	23.76	24.71	25.70
6	23.67	24.61	25.60	26.62	27.69	28.79
7	26.51	27.57	28.67	29.82	31.01	32.25
8	29.70	30.89	32.13	33.41	34.75	36.14
8a	31.50	32.76	34.07	35.43	36.85	38.32
9	33.23	34.56	35.94	37.38	38.87	40.43
9a	35.37	36.79	38.26	39.79	41.38	43.04
10	37.24	38.73	40.28	41.89	43.56	45.31

APPENDIX D
COMPENSATION PLAN

FISCAL 2017 (EFFECTIVE JULY 1, 2016)

SEASONAL, TEMPORARY & NON-REGULARLY SCHEDULED EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
0	9.75	10.14	10.54	10.96	11.40	11.86
1	14.71	15.30	15.91	16.55	17.21	17.90
2	15.59	16.21	16.86	17.54	18.24	18.97
3	17.16	17.84	18.56	19.30	20.07	20.88
4	18.87	0.00	0.00	0.00	0.00	22.97
4a	20.38	0.00	0.00	0.00	0.00	0.00
5	20.76	0.00	0.00	0.00	0.00	25.26
6	22.84	0.00	0.00	0.00	0.00	27.79
7	25.11	0.00	0.00	0.00	0.00	30.56
8	27.62	0.00	0.00	0.00	0.00	33.62

This action places a new "Personnel Bylaw Compensation Plan" in place for non-union employees and reflects a Fiscal Year 2017 increase of 2.5% effective July 1, 2016.

Finance Committee approval given at Town Meeting.

Motion by: Melissa M. Tzanoudakis, Personnel Board

I move that the Town vote to amend its Compensation Plan established pursuant to Chapter 41, Section 108A, of the Massachusetts General Laws, and Pursuant to Chapter 31 of the Code of the Town of Pepperell, by deleting Appendices B, C and D of the Compensation Plan, and by inserting the text of said Appendices as listed above, which reflects a Fiscal Year 2017 increase of 2.5% effective July 1, 2016.

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 3

By: Town Administrator and Board of Selectmen

GENERAL FUND FREE CASH APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from General Fund Free Cash certified as of 8/5/16, or take any other action relative thereto.

Finance Committee approval given at Town Meeting.

Motion by: Melissa M. Tzanoudakis, Board of Selectmen

I move that the Town vote to appropriate the following sums of money from General Fund Free Cash certificate as of 8/5/16:

<u>Amount</u>	<u>To</u>	<u>Reason</u>
\$100,000.00	OPEB Trust Fund	Initial Funding of Other Post-Employment Benefits Liability
\$ 31,000.00	FY17 Capital Outlay	Railroad Square Survey and Feasibility Study
\$ 7,500.00	FY17 Capital Outlay	Athletic Fields and Hard Court Facilities Master Plan
\$ 16,073.00	FY17 Capital Outlay	Library Boiler – Quotation
\$ 4,400.00	FY17 Capital Outlay	Dam Inspection - Heald Street
\$ 18,800.00	FY17 General Gov't	Town Administrator/BOS - Contract Negotiations
\$ 15,724.00	FY17 General Gov't	2.5% Increase - Non-Union Employees
\$ 14,836.00	FY17 Public Safety	2.5% Increase - Non-Union Employees
\$ 9,500.00	FY17 Public Safety	New Ambulance Billing Company Hired in June
\$ 5,140.00	FY17 Public Works	DPW Union Contract – FY17 Negotiated Increase
\$ 6,497.00	FY17 Public Works	2.5% Increase - Non-Union Employees
\$ 3,269.00	FY17 Human Services	2.5% Increase - Non-Union Employees
\$ 725.00	FY17 Culture & Recreation	2.5% Increase - Non-Union Employees
\$ 30,619.00	FY17 Liability Insurance	MIIA Increase & Deductible Requirement
\$264,083.00	TOTAL FROM FREE CASH	

Motion to exclude the \$7,500 for Athletic Fields and Hard Court Facilities Master Plan and make the new total from free cash \$256,583.00 was made by Michelle R. Gallagher and seconded and did not pass by a majority voice vote.

Motion made by move the question was made and seconded and passed by a majority voice vote.

Motion required a majority vote and passed by a majority voice vote.

Motion Carried

ARTICLE 4

By: Board of Public Works

SEWER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from the Sewer Enterprise Fund Retained Earnings certified as of 8/5/16, or take any other action relative thereto.

Explanation: This transfer is necessary to fund increase in the sewer operating budget (wages & salaries) due to the increases in pay rates that are to be retroactive to July 1st.

Motion by: William M. Kenison, Board of Public Works

I move that the Town vote to appropriate the following sums of money from the Sewer Enterprise Fund Retained Earnings certified as of 8/5/16:

Amount	To	Reason
\$4,753.00	FY17 Wages	2.5% Increase – Non-Union Employees
\$9,318.00	FY17 Wages	DPW Union Contract – FY17 Negotiated Increase
\$14,071.00	TOTAL FROM RETAINED EARNINGS	

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 5

By: Board of Public Works

WATER ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from the Water Enterprise Fund Retained Earnings certified as of 8/5/16, or take any other action relative thereto.

Explanation: This transfer is necessary to fund increase in the water operating budget (wages & salaries) due to the increases in pay rates that are to be retroactive to July 1st.

Motion by: William M. Kenison, Board of Public Works

I move that the Town vote to appropriate the following sums of money from the Water Enterprise Fund Retained Earnings certified as of 8/5/16:

Amount	To	Reason
\$4,862.00	FY17 Wages	2.5% Increase – Non-Union Employees
\$5,499.00	FY17 Wages	DPW Union Contract – FY17 Negotiated Increase
\$10,361.00	TOTAL FROM RETAINED EARNINGS	

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 6

By: Board of Public Works

TRANSFER STATION ENTERPRISE FUND RETAINED EARNINGS APPROPRIATIONS

To see if the Town will vote to appropriate sums of money from the Transfer Station Enterprise Fund Retained Earnings certified as of 8/5/16, or take any other action relative thereto.

Explanation: This transfer is necessary to fund increase in the transfer station operating budget (wages & salaries) due to the increases in pay rates that are to be retroactive to July 1st.

Motion by: William M. Kenison, Board of Public Works

I move that the Town vote to appropriate the following sums of money from the Transfer Station Enterprise Fund Retained Earnings certified as of 8/5/16:

Amount	To	Reason
\$2,605.00	FY17 Wages	DPW Union Contract – FY17 Negotiated Increase
\$490.00	FY17 Wages	2.5% Increase – Non-Union Employees
\$3,195.00	FY17 Wages	New Hire – Truck Driver/Laborer
\$6,290.00	TOTAL FROM RETAINED EARNINGS	

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 7

By: Board of Public Works

SEWER ENTERPRISE FUND – REPURPOSING OF BORROWING

To see if the Town will vote to repurpose the \$75,000.00 unexpended balance of an existing line item for the Sewer Enterprise Fund UV Treatment System Enclosure which was originally authorized under Article 39 of the Annual Town Meeting on 5/7/2007, and use the repurposed monies for Sewer Plant Upgrades, or take any other action relative thereto.

Explanation: In order for the Wastewater Treatment Facility (WWTF) to comply with the recently issued EPA / NPDES Discharge Permit, the WWTF will need several significant upgrades. A study performed by the consultant (Wright Pierce) recommended many upgrades to various components and processes and may likely include the UV system. The previous \$75k borrowing was for a simple weather enclosure for the UV system. While it is not 100% certain at this point whether a UV upgrade will be necessary, we wish to repurpose the existing \$75k borrowing towards the overall WWTF upgrade project.

Motion by: John Dee, III, Board of Public Works

I move that the Town vote to repurpose the \$75,000.00 unexpended balance of an existing line item for the Sewer Enterprise Fund UV Treatment System Enclosure which was originally authorized under Article 39 of the Annual Town Meeting on 5/7/2007, and use the repurposed monies for Sewer Plant Upgrades.

Motion required a 2/3 vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 8

By: Board of Public Works

SEWER ENTERPRISE FUND – AUTHORIZATION TO BORROW FOR PLANT UPGRADES

To see if the Town will vote to appropriate a sum of money for the Design of Waste Water Treatment Facility Upgrade and Comprehensive Waste Water Management Plan and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project, or take any other action relative thereto.

Explanation: In order for the Wastewater Treatment Facility (WWTF) to comply with the recently issued EPA / NPDES Discharge Permit, the WWTF will need significant upgrades. A study performed by the consultant (Wright Pierce) recommended many upgrades including treatment processes, structural repairs to the buildings, enhanced process controls (SCADA), etc... The upper end of the estimated construction costs for all of the proposed upgrades is \$8M. Based on the widely accepted practice of estimating engineering costs at 10% of the construction value, the engineering costs for a project of this magnitude would not exceed a borrowing ceiling of \$800k.

Motion by: John Dee, III, Board of Public Works

I move that the Town vote to appropriate \$800,000.00 for the Design of Waste Water Treatment Facility Upgrade and Comprehensive Waste Water Management Plan and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project.

Motion required a 2/3 vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 9

By: Board of Public Works

WATER ENTERPRISE FUND – AUTHORIZATION TO BORROW FOR BEMIS WELL UPGRADES

To see if the Town will vote to appropriate a sum of money for the Design of Upgrade for the Bemis Well and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project, or take any other action relative thereto.

Explanation: The Bemis Well has been experiencing an increase in levels of iron (Fe) and manganese (Mn) in the water source for many years. These levels are now approaching the upper limit where MADEP will require treatment (filtration) to remove these minerals. The most viable solution appears to be the design and construction of a filtration system, and for a facility of the size of Bemis, this is estimated to cost approximately \$3.5M. Based on the widely accepted practice of estimating engineering costs at 10% of the construction value, the engineering costs would not exceed a borrowing ceiling of \$350k.

Motion by: John Dee, III, Board of Public Works

I move that the Town vote to appropriate \$350,000.00 for the Design of Upgrade for the Bemis Well and any other costs incidental or related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44 of the MA General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, and that the Board of Public Works, with the approval of the Board of Selectmen, may apply for, accept, and expend any federal, state or other grants or gifts from any sources that may be available for the project.

Motion required a 2/3 vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 10

By: Board of Public Works

TRANSFER STATION ENTERPRISE FUND – PRIOR YEAR BILL

To see if the Town will vote to appropriate a sum of money for the payment of a Transfer Station Enterprise Fund unpaid bill from the prior fiscal year FY2016, or take any other action relative thereto.

Explanation: Due to several unforeseen expenses during FY16, the last solid waste disposal invoice for FY16 created an expense that exceeded the FY16 ‘appropriated budget’. Although there was sufficient revenue generated during FY16 to cover this cost, the enterprise funds are legally unable to expend anything beyond the approved appropriation without authorization from the town meeting body (usually at a Special Town Meeting or STM). This is a directive of the MA Dept. of Revenue. Therefore the staff and vendor agreed to remittance of an amount equal to the remaining balance of the FY16 operating budget, and to then process the remaining balance of this invoice as a ‘prior years unpaid bill’ at the Fall STM.

Motion by: William M. Kenison, Board of Public Works

I move that the Town vote to authorize the payment of \$2,923.95 from FY17 Transfer Station Enterprise Fund Expense for the payment of an unpaid bill from the prior fiscal year FY2016.

Motion required a 9/10 vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 11

By: North Middlesex Regional School District

AUTHORIZATION TO BORROW FOR VARNUM BROOK SCHOOL REPAIRS

To see if the Town will approve the \$140,000 borrowing authorized by the North Middlesex Regional School District, for the purpose of paying costs of a feasibility study/schematic design for a roof, window and door replacement project at the Varnum Brook Elementary School, 10 Hollis St, Pepperell, MA 01463, including all costs incidental and related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further, that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA; or to take any other action relative thereto.

Finance Committee recommendation given at Town Meeting.

Motion by: Jonna M. Clermont, North Middlesex Regional School District School Committee

I move that the Town vote to approve the \$140,000 borrowing authorized by the North Middlesex Regional School District, for the purpose of paying costs of a feasibility study/schematic design for a roof, window and

door replacement project at the Varnum Brook Elementary School, 10 Hollis St, Pepperell, MA 01463, including all costs incidental and related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. The town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; and provided further, that the amount of borrowing authorized by the District for the Project shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

Motion required a 2/3 vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 12

By: Town Administrator and Conservation Commission

TO PROTECT PUBLIC LAND AND INSURE CONSERVATION RESTRICTIONS

To see if the inhabitants of Pepperell will authorize the Pepperell Board of Selectmen to declare approximately 35 acres of town-owned land known as Assessor’s maps and parcels 16-10-0, a portion of 25-44-0, and a portion of 25-22-1 (Book 31512, Page 494, dated June 16, 2000 from Adamowitch) surplus and sell said parcels to the Commonwealth of Massachusetts acting by and through its Department of Fish and Game for wildlife habitat and passive recreation consistent with and subject to the purposes and protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts for the appraised value up to \$2,000 per acre, or take any other action relative thereto.

Explanation:

- *This article “permanently protects” the former Adamowitch property owned by the Town, which is in a floodplain.*
- *The State will purchase this land for the appraised value, up to \$70,000 and the land will remain open to the public.*
- *This permanent protection ensures that wildlife habitat and our 35 acres of pristine conservation land is safeguarded forever.*
- *This transfer has no impact on the Senior Center or any plans for the future. This article has been unanimously approved by the Pepperell Council on Aging, the Friends of Pepperell Seniors, and the Pepperell Conservation Commission.*

Motion by: Stephen C. Themelis, Board of Selectmen

I move that the inhabitants of Pepperell will authorize the Pepperell Board of Selectmen to declare approximately 35 acres of town-owned land known as Assessor’s maps and parcels 16-10-0, a portion of 25-44-0, and a portion of 25-22-1 (Book 31512, Page 494 and Book 31512, Page 499, dated June 16, 2000 from Adamowitch) surplus and sell said parcels to the Commonwealth of Massachusetts acting by and through its Department of Fish and Game for wildlife habitat and passive recreation consistent with and subject to the purposes and protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts for the appraised value up to \$2,000 per acre.

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 13

By: Board of Selectmen

STREET ACCEPTANCE – EMERSON CIRCLE, FAIRCHILD COURT, WINSLOW COURT

To see if the Town will vote to accept and maintain as public ways the layouts of Emerson Circle, Fairchild Court and Winslow Court, as laid out by the Board of Selectmen and shown on a plan entitled “Street Acceptance Plan, Emerson Village, Plan of Land in Pepperell, MA” prepared by Hancock Associates, dated September 30, 2016 and consisting of two (2) sheets, which plan is on file with the Town Clerk; and to authorize the Board of Selectmen to accept instruments conveying for nominal consideration the aforesaid roadways or interest(s) therein, together with all easements and appurtenances thereto, as are shown on the aforementioned plan; or take any other action relative thereto.

Explanation:

- *The approval of this project, which was reviewed and supported by all relevant Town departments, was predicated upon the acceptance of these streets as public ways.*
- *The Town Engineer reported that these roads were constructed in accordance with the approved plans and the construction standards of the Town of Pepperell.*
- *The Planning Board recommended approval of these ways in a report, The Board of Selectmen have laid out these ways at a duly authorized public hearing and the Zoning Board of Appeals concurred with the Town Engineer’s recommendation.*

Motion by: Roland P. Nutter, Board of Selectmen

I move that the Town vote to accept and maintain as public ways the layouts of Emerson Circle, Fairchild Court and Winslow Court, as laid out by the Board of Selectmen and shown on a plan entitled “Street Acceptance Plan, Emerson Village, Plan of Land in Pepperell, MA” prepared by Hancock Associates, dated September 30, 2016 and consisting of two (2) sheets, which plan is on file with the Town Clerk; and to authorize the Board of Selectmen to accept instruments conveying for nominal consideration the aforesaid roadways or interest(s) therein, together with all easements and appurtenances thereto, as are shown on the aforementioned plan.

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 14

By: Board of Public Works

ACCEPTANCE OF EASEMENT

To see if the Town will vote to accept a permanent easement for the purposes of owning, operating and maintaining drain lines on the following property. Executed full copy of said easement being on file in the office of the DPW Director/Town Engineer:

Record Owner: **Rolling Meadows LLC**

Mailing Address: 7 Tucker Street, Pepperell, MA 01463

Title Reference: Book 34776, Page 159

Interests Taken: Utility Easement B (Permanent Easement)

Area: 7,253 sq. ft.

or take any other action relative thereto.

Explanation: The Town of Pepperell has long discharged road runoff from Tucker St. to the Varnum Brook via the Rolling Meadows drainage system. This existing drainage system contained a section open channel. Rolling Meadows recently rebuilt this open channel section to incorporate underground piping. Because runoff from Tucker St., a public way, utilizes this portion of that system, the Town of Pepperell will take the responsibility to operate and maintain this section drainage system going forward. The easement will allow the Highway Dept. to properly and legally access this closed drainage system to perform these tasks.

Motion by: John Dee, III, Board of Public Works

I move that the Town vote to accept a permanent easement for the purposes of owning, operating and maintaining drain lines on the following property. Executed full copy of said easement being on file in the office of the DPW Director/Town Engineer:

Record Owner: **Rolling Meadows LLC**

Mailing Address: 7 Tucker Street, Pepperell, MA 01463

Title Reference: Book 34776, Page 159

Interests Taken: Utility Easement B (Permanent Easement)

Area: 7,253 sq. ft.

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

ARTICLE 15

By: Town Administrator and Board of Selectmen

ADOPTION OF BYLAW TO ALLOW THE TOWN TO ENTER INTO PERSONAL SERVICES CONTRACTS WITH CERTAIN EMPLOYEES

To see if the Town will vote to amend the Personnel Bylaw by deleting the next to the last paragraph of section 1a and inserting in lieu thereof a new section 1b authorizing the Town Administrator to provide employment contracts to appointed department heads, involving wages, hours and other terms and conditions of employment.

Explanation:

- *This article provides the opportunity for the Town Administrator to provide employment contracts per Section 4 of the Town Charter to the Board of Selectmen for review and approval (Charter 4-2-J).*
- *This article will provide a standard process for contract development and solid public management.*
- *This article was approved and endorsed by the Town's Labor Counsel.*

Motion by: Melissa M. Tzanoudakis, Board of Selectmen

I move that the Town vote to amend the Personnel Bylaw by deleting the next to the last paragraph of section 1a and adding a new section 1b as follows:

1b. The Town, acting through the Town Administrator, may provide an employment contract for appointed department heads for a period of up to three (3) years, involving wages, hours and other terms and conditions of employment.

Such employment contracts shall prevail over and preempt any provision of any local personnel bylaw, rule or regulation covering the subject matter of the employment contract. This bylaw does not cover the Town Administrator, Police Chief, Fire Chief or any other Town official authorized by statute to have an employment contract. Nothing contained in this section shall affect the appointment or removal powers of the Town Administrator over the department heads. This section does not grant tenure. From time to time, the Town Administrator may adopt rules and regulations relative to the administration of this section. All such contracts and agreements shall be subject to the approval of the Board of Selectmen.

Motion required a majority vote and passed by majority voice vote.

Motion Carried

ARTICLE 16

By: Town Administrator and Board of Selectmen

ADOPTION OF PROVISIONS OF MGL CHAPTER 48, SECTIONS 42, 42A, 43 and 44

To see if the Town will adopt the provisions of MGL Ch. 48, Sections 42, 42A, 43 and 44 to be consistent with Section 5-3 of the Pepperell Rule Charter governing the powers, duties and responsibilities of the Fire Chief, or take any other action relative thereto.

Explanation:

- *This article puts the Town in compliance with Massachusetts General Law, Chapter 48, relative to the duties and responsibilities of the Fire Chief.*
- *This article clearly defines the role of the Fire Chief in the Town of Pepperell.*
- *This article is intended to bring the Town Charter in accordance with Massachusetts General Laws.*

Motion by: Stephen C. Themelis, Board of Selectmen

I move that the Town vote to adopt the provisions of MGL Ch. 48, Sections 42, 42A, 43 and 44 to be consistent with Section 5-3 of the Pepperell Rule Charter governing the powers, duties and responsibilities of the Fire Chief

Motion required a majority vote and passed by unanimous voice vote.

Motion Carried

Motion to adjourn made and seconded and passed by unanimous voice vote.

The Meeting was adjourned at 9:30 p.m.

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 3rd day of October, A.D. 2016.

Stephen C. Themelis, Chairman

Melissa M. Tzanoudakis, Clerk

Roland P. Nutter

PEPPERELL BOARD OF SELECTMEN

CONSTABLE OF PEPPERELL