



Town of Petersham
Office of the Town Clerk

Diana L. Cooley

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At the Special Town Meeting, held on September 21, 2015, at which a quorum was present, the following votes were taken:

A motion was made and seconded to allow Atty. David Doneski to sit on stage as a non-voter. **Unanimous**

A motion was made and seconded to allow Moderator Bart Wendell to call a 2/3 vote. **Unanimous**

Article 1: The Town voted to hear any and all reports necessary. A report was read by Nancy Allen, Chair of the Board of Selectmen, Henry Woolsey on behalf of the Selectboard re: Nichewaung Inn, Ross France, Chair of the Advisory Finance Committee and Chip Bull on behalf of the Broadband Committee.

Tom Cahill made a motion to use paper ballots on Articles 6-10 in an effort to keep this meeting expeditious and accurate.

Roy Nilson made an amendment to remove Article 10 from the motion. **137 in favor 60 opposed.** Motion passes.

Sworn in as tellers by the Town Clerk were Kathleen Geary, Chuck Berube, Richard Nicoletti, Roger Almedia, David Davis and Clarisse Hart.

The town voted to have articles 6-9 to be voted by secret ballot. **154 in favor 52 opposed**

Article 2: The Town voted to transfer the sum of \$984.58 from the Reserve Fund Account 015132.000 to pay unpaid FY2014 bills owed to R. J. McDonald Oil Company of Barre. **Unanimous**

Article 3: The Town voted to authorize the Selectboard to grant an easement for the encroachment of an existing 1 1/2 story wood frame barn on Assessors' Parcel No. 364, 100 East Street, Petersham, Massachusetts, onto the right of way for East Street as established by the Worcester County Commissioners and as further shown on a survey entitled, "Plan of Land on East Street, Petersham, Massachusetts, Property Owners Frederick F. Day, Patricia C. Brannon, & Constance D. Smith" by GRAZ Engineering LLC dated April, 2014, and recorded with the Worcester South District Registry of Deeds in Plan Book 912, Plan 61, and to execute all documents necessary in connection therewith. **Unanimous**

Article 4: The Town voted to appropriate the sum of \$380,000.00 and authorize the Treasurer, with the approval of the Selectboard and subject to a positive grant award notification from the "L.A.N.D. Grant Program" of the Commonwealth of Massachusetts, to take said sum from a "Gross Property Conservation Restriction Acquisition Account" to be set up with funds to be transferred to the Town by the East Quabbin Land Trust, or its designee, for the purpose of acquiring a conservation restriction on the so-called Gross property, containing 235 acres more or less, consisting of two parcels shown on Petersham Assessors' Maps as Parcel Numbers 407 and 351, including no more than two building envelopes, by negotiated purchase, said conservation restriction to be conveyed to the Town of Petersham under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as it may hereafter be amended and such other Massachusetts statutes relating to conservation as may be applicable, to be managed and controlled by the Conservation Commission of the Town of Petersham; and to authorize the Conservation Commission to file on behalf of the Town of Petersham any and all applications deemed necessary for grants and/or reimbursements from the

Commonwealth of Massachusetts under Chapter 132A, Section 11 of the General Laws and/or any other provisions of law in any way connected with the scope of this Article; and to authorize the Selectboard and/or Conservation Commission and Town Treasurer, with the approval of the Selectboard, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Petersham to effect said purchase. **190 Yes 17 No**

Article 5: The Town voted to authorize the Selectboard to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services. Voted by secret ballot **205 Yes 26 No Passed by 2/3**

Rebecca Fraser made a motion to limit the speaking time to 2 minutes per person per article. **172 in favor 18 against Motion Passes**

Sherry Berube made a motion to take Article 10 before the remaining articles. **Motion failed 18 in favor**

Article 6: The motion was made to transfer the custody and control of the Town-owned property known as the former Nichewaug Inn and Maria Assumpta Academy located at 25 Common Street, and shown on the Assessors' Maps as Parcel Number 48, to the Selectboard for the purpose of sale, and to authorize the Selectboard to sell and convey the property to an interested developer chosen by the Selectboard in accordance with all applicable provisions of the Massachusetts General Laws, and pursuant to the Request For Proposals process initiated by the Selectboard in November of 2014, for the purpose of redevelopment of this property upon such terms and conditions as the Selectboard deems necessary or appropriate, such terms and conditions to include the following provisions:

- preservation of the historical appearance of the original inn building as visible from public ways;
- incorporation into the re-development plan designs accommodations for the septic and water needs of the adjacent Petersham Memorial Library;
- an overall project re-development time-frame schedule of 24-36 months, starting from the date of conveyance of the property from the Town to the chosen developer;
- the posting of a surety bond of not less than \$2 Million Dollars payable to the Town of Petersham to ensure compliance with project redevelopment benchmarks, including the abatement or encapsulation of hazardous materials present in the buildings;
- a grant to the Town of a right of first refusal to re-purchase the entire property if the selected developer decides to sell the property;

And to authorize the Selectboard to take all actions and execute all documents necessary or convenient to accomplish such sale and conveyance provided that a Purchase and Sale agreement is signed by both parties by the time of the 2016 Annual Town Meeting.

A secret ballot was held. **67 Yes 160 No ~ The motion fails**

Article 7: There was a motion made to transfer from the Stabilization Fund \$358,792.00 and borrow \$750,000.00 (**\$ 1,108,792.00**) for the costs of abatement and/or removal of asbestos and other hazardous materials and for the complete demolition, deconstruction, and removal of all buildings and structures except the garage as detailed in Alternate 2 in the bid documents advertised in the Massachusetts Central Register issue of July 15, 2015, on the Town-owned property known as the former Nichewaug Inn and Maria Assumpta Academy located at 25 Common Street, Assessors' Map Parcel Number 48, as may be possible with funding provided for the purposes, over a period of one or more years, as determined by the Selectboard, said removal to include site clearance, filling, soil restoration, grading, and seeding of the land upon completion of demolition, and all costs incidental and related thereto, including design, engineering, environmental consulting and project monitoring costs; and to authorize the Selectboard, subject to obtaining a "Permit for Demolition" from the Town of Petersham's Historic District Commission, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Petersham to effect said abatement and/or removal of hazardous materials, demolition, deconstruction and removal of buildings and structures; and to authorize the Treasurer, with the approval of the Selectboard, to issue bonds or notes therefor in accordance with the provisions of General Laws Chapter 44, Section 7(3A), Chapter 181 of the Acts and Resolves of 2013: An Act Authorizing the Town of Petersham to Borrow Outside the Debt Limit for a Certain Town Project enacted by the General Court of Massachusetts and signed into law on December 19, 2013 by his Excellency the Governor, and any other enabling authority.

A secret ballot was held. **115 Yes 106 No – 2/3 required ~ Motion Fails**

Article 8: The motion was made take \$357,872.00 from the Stabilization Fund and borrow \$380,000.00 (**\$737,872.00**) for the costs of abatement and/or removal of asbestos and other hazardous materials and for the demolition, deconstruction, and removal of the approximately 4,860 square foot brick connector building as detailed in Alternate 1 in the bid documents advertised in the Massachusetts Central Register issue of July 15, 2015, on the Town-owned property known as the former Nichewaug Inn and Maria Assumpta Academy located at 25 Common Street, Assessors' Map Parcel Number 48, as may be possible with funding provided for the purposes, over a period of one or more years, as determined by the Selectboard, said removal to include site clearance, filling, soil restoration, grading, and seeding of the land upon completion of the demolition of the Connector Wing, and all costs incidental and related thereto, including design, engineering, environmental consulting and project monitoring costs, and remedial repairs; and to authorize the Selectboard, subject to obtaining a "Permit for Demolition" from the Town of Petersham's Historic District Commission, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Petersham to effect said abatement and/or removal of hazardous materials, demolition, deconstruction and removal; and to authorize the Treasurer, with the approval of the Selectboard, to issue bonds or notes therefor in accordance with the provisions of General Laws Chapter 44, Section 7(3A), Chapter 181 of the Acts and Resolves of 2013: An Act Authorizing the Town of Petersham to Borrow Outside the Debt Limit for a Certain Town Project enacted by the General Court of Massachusetts and signed into law on December 19, 2013 by his Excellency the Governor, and any other enabling authority.

A secret ballot was taken. **79 Yes 73 No Motion Fails – 2/3 vote needed**

Article 9: The motion was made to raise transfer \$354,202.00 from the Stabilization Fund and borrow \$230,000.00 (**\$ 584,202.00**) for the costs of abatement and/or removal of asbestos and other hazardous materials as detailed in the base bid scope in the bid documents advertised in the Massachusetts Central Register issue of July 15, 2015, at the Town-owned property known as the former Nichewaug Inn and Maria Assumpta Academy located at 25 Common Street, Assessors' Map Parcel Number 48, as may be possible with funding provided for the purposes, over a period of one or more years, as determined by the Selectboard, and all costs incidental and related thereto, including design, engineering, environmental consulting and project monitoring costs, and remedial repairs; and to authorize the Selectboard to enter into all agreements and execute

any and all instruments as may be necessary on behalf of the Town of Petersham to effect said abatement and/or removal of hazardous materials; and to authorize the Treasurer, with the approval of the Selectboard, to issue bonds or notes therefor in accordance with the provisions of General Laws Chapter 44, Section 7(3A), Chapter 181 of the Acts and Resolves of 2013: An Act Authorizing the Town of Petersham to Borrow Outside the Debt Limit for a Certain Town Project enacted by the General Court of Massachusetts and signed into law December 19, 2013 by his Excellency the Governor, and any other enabling authority.

A secret ballot was held. **77 Yes 66 No - 2/3 required Motion Fails**

Article 10: The motion was made to authorize the Selectboard to hire a consultant to work with the community: to investigate fiscally sound options for the future use, development, redevelopment, disposition, and/or sale of the Town-owned property located at 25 Common Street, Assessors' Map Parcel Number 48; to evaluate how the property could help address the water and septic needs of the adjacent Petersham Memorial Library; to identify relevant grant and other funding opportunities; and to prepare a plan for this property presenting various options prior to September 30, 2016.

10 opposed ~ Motion Passes

The Town voted to adjourn the STM at 11:57 PM.

This is a true copy attest.


Diana L. Cooley, Town Clerk