

Memorial Town Hall, 1 Library Street, Georgetown, MA 01833
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BOARD OF SELECTMEN MEETING MINUTES
Memorial Town Hall
3/10/14
7:00 PM – General Meeting, 3rd floor meeting room

Selectmen Present: Stephen Smith, Chairman; Philip Trapani; C. David Surface; Gary Fowler

Others Present: Michael Farrell, Town Administrator; Janet Pantano, Administrative Assistant

Absent: Stuart M. Egenberg, Clerk

Pledge of Allegiance

Mr. Smith gave notice of the passing of Chris Rich a town resident and an elected and appointed board member.

7:00PM-Public Hearing

*All Alcohol Restaurant License-The Spot, Another Spot, Inc. 19 West Main Street
Common Victualler License, Weekly & Sunday Entertainment License*

Jill Mann, Attorney, Cai Walkowiak, Mark McDonough, and Tom Walsh were present. Ms. Mann introduced the principals present Mark McDonough, Owner; Cai Walkowiak, Manager and gave background information. She stated that the building owner Tom Walsh is also present. She explained the documents that they provided.

Mr. Surface asked if the servers are Tip Certified. Ms. Mann stated yes they all will be and that they have a staff member who is trained to do the certification. Mr. Trapani asked who Michael Smith was on the forms. Ms. Mann stated an office manager. Mr. Smith asked when they plan to open. Mr. McDonough stated in a few months. Mr. McDonough stated that he is in the business of building neighborhood businesses with comfort food. Mr. Walkowiak stated that they serve high quality food. Mr. Fowler asked if Mr. Smith should have a Cori Check also. Ms. Mann stated that he is an office manager and makes no business decisions. Mr. Fowler asked about Mr. Walkowiak's resume and his jobs listed on the paperwork and if he will still hold these jobs after opening. Mr. Walkowiak stated some information listed was not up to date and that he will be full time at the restaurant when it opens. Mr. Trapani asked the hours. Mr. McDonough stated that they will open large and see how it goes. Ms. Mann asked if the town allows early opening on Sunday for brunch. Mr. Farrell stated that the town does allow 10AM opening on Sunday and opening hours are what is allowed by the State. Ms. Mann stated that if allowed they would like to be open early on Sunday and standard hours during the week.

Mr. Smith asked if there was any questions from the public.
No public input

Mr. Smith closed the public hearing.

Mr. Trapani moved to approve the *All Alcohol Restaurant License for Another Spot, Inc. dba The Spot 19 West Main Street with 10:00AM opening on Sunday and regular hours during the week.* Mr. Surface seconded the motion.

Discussion

Mr. Surface moved to amend the motion to include opening hours to be *Monday thru Sunday 10AM-1:00AM.* Mr. Trapani seconded the amendment and the amendment was approved by a unanimous vote.

The original motion was approved by a unanimous vote.

Mr. Surface moved to approve the *Common Victualler and Weekly and Sunday Entertainment License for Another Spot, Inc. dba The Spot 19 West Main Street to expire December 31, 2014.* Mr. Trapani seconded the motion.

Mr. Fowler stated he would like to have them come back for the Entertainment License as they have had a violation. Mr. Smith stated that we have not done this before and does not want be unfair to an applicant. Mr. McDonough explained the violation and with all 6 restaurants this was their only violation. Mr. Farrell stated that they also still need the department signoffs for the Common Victualler license.

Mr. Surface moved amend the motion for the *Common Victualler to be contingent that the applicant *The Spot* receive all the department sign offs.* Mr. Trapani seconded the amendment and the amendment was approved by a unanimous vote

Mr. Trapani stated that with six restaurants and only one violation he is okay with approval of the entertainment license.

The original motion was approved by a unanimous vote.

Board Business

Joint Meeting with School Committee - Artificial Turf Field Soil Testing Discussion

Barbie Linares, Rob Hoover, Elana Peled, Pam Lindquist, School Committee members; Carol Jacobs, Superintendent; and James Luker, Green Seal Environmental, Inc. were present
The School Committee opened their meeting.

Ms. Linares stated that the STAC committee has been meeting and they would like a decision on what to do with the soil as far as testing for arsenic after the levels found at the Penn Brook School. Mr. Luker gave his background on environmental testing and an explanation of the regulations. He stated that the town does not have to test. Mr. Smith stated that there is a movement of earth to install the field. Ms. Jacobs stated that they must also remove soil from the site. Mr. Luker explained the State standards for arsenic and the levels found at the Penn Brook School. He explained how the arsenic is naturally formed in Georgetown. He stated that if naturally occurring then you can get an exemption from DEP and will not be a hazardous site. He stated that the likely hood of arsenic in other areas in town is possible. He stated that the

question is are they obligated to test. He stated that they are not. Mr. Smith asked how far they are digging down for the field. Mr. Hoover stated that they have to go down 18-20 inches. Mr. Smith asked the square footage. Mr. Hoover stated that the turf will cover the football field and softball field. Mr. Surface asked if there is a regulation that we should test for environmental reasons. Mr. Luker stated that they may have issues getting rid of the soil because of the issue at Penn Brook School. Mr. Surface asked the cost of the testing. Ms. Jacobs stated inexpensive \$50 a sample. Mr. Surface asked the cost if they find arsenic. Mr. Luker stated that it would delay the project and an additional cost to dispose of the soil. Mr. Surface stated that the total cost at Penn Brook was \$1.2Mil and how much would this site be for remediation. Mr. Luker stated 20% additional cost to the project. Mr. Smith asked if there is a potential to move soil to the Penn Brook site. Mr. Surface asked if no testing then when will construction start. Ms. Jacobs stated construction is planned April to July. Mr. Surface stated that if there is arsenic and we do the construction it would be better to do when school is out of session. Mr. Smith stated that he is concerned of the exposure to students and neighbors. Mr. Luker stated if a dust cloud then could be ingested. He explained the limits of when you must notify DEP and if you take the exemption. Mr. Smith asked if the resulting turf field is a cap. Mr. Luker stated that it would be. Mr. Surface stated knowing what we know they have an obligation to test unless you can tell me there would be no dust.

Mr. Fowler stated that the work at the Middle/High School does not need LEED Certification so are not required to test. He stated that if not required to do the testing he does not feel we need to. He stated that he has grown up in town and his relatives have and all are healthy and if not required he could say no and sleep well at night. Mr. Trapani asked if we find arsenic in the field do we have to test other areas such as West St and Upper fields. He stated that if they find in fields should they test other areas. He stated that they could do some minimal remediation. Mr. Trapani asked what would have to be done if tested. Mr. Luker stated that if arsenic then they would have to prove that the arsenic is naturally occurring and explained the remediation. Mr. Trapani stated that this would be an additional \$250K cost and where would the funds come from. Ms. Jacob asked how long the prep would be and the dust an issue. Mr. Hoover stated about a month of disturbance to the soil. Mr. Trapani stated that the health & safety plan for Penn Brook took a few weeks. Ms. Jacobs stated that the DEP notification triggers the process. Discussion on timing and work order.

Mr. Smith stated that for \$100 testing he hates to mess up the project and a safety issue for students. He stated that he feels it is better to know if something is safe are we doing this for safety. Mr. Hoover stated that contractors already know of the arsenic at Penn Brook and may increase cost. Mr. Smith stated that they have to focus on construction project. Mr. Fowler stated that we will be tearing up Elm St are we going test that. Mr. Fowler asked if the tests have the same levels as Penn Brook then we will get the exemption from the State. Mr. Surface stated does not want to test all areas and already know we have an illness and this is the cost of doing business. He stated the town cannot be afraid to test because of the cost. Mr. Surface stated he feels the town should only test when a shovel is put in the ground. Discussion on what other towns have done and difference of naturally occurring.

Mr. Smith stated that if the cost is \$100k to remediate this could be added to the warrant. He stated funds could come from CPC or Free Cash and as an issue with a town project bring to the

town to vote. Mr. Farrell stated that this could go on the STM warrant so the funds could be available for this fiscal year. Mr. Smith stated that he is willing to fight for this project if there is a simple solution and he wants to do the right thing. Mr. Trapani stated if the M/H School rehabilitation would be a part of the project. Mr. Hoover explained the project at the M/H School and where they would be breaking ground. Ms. Lundquist asked if tested and if we find arsenic and what would be the worst case beside the \$250K and then what would be the best solution. Mr. Luker stated no arsenic. Mr. Smith stated that they need to find out if the soil can go to the Penn Brook School if needed. Mr. Trapani asked who is paying for the samples. Ms. Jacobs stated that there will be 5 tests at \$50 each for \$250. Mr. Farrell stated that the funds can come out of the project funds. Mr. Smith asked if the School Committee had an opinion or were they just waiting for the BoS meeting. Ms. Linares stated that the School Committee did not vote. She stated that this was a town liability. Mr. Hoover stated that both should vote on the decision.

Mr. Surface moved to support testing at the Middle/High School Synthetic Turf Field project as presented by the LSP. Mr. Trapani seconded the motion.

Mr. Fowler stated Penn Brook School was naturally occurring and the Thurlow Street site was also so this area most likely will also.

The motion was approved by a 3-1 vote.

School Committee vote

Ms. Linares moved to test at the Middle/High School Synthetic Turf Field project for lead, arsenic and cadmium. Mr. Hoover seconded the motion and the motion was approved by a 4-0.

Mr. Fowler asked if the School Committee and Superintendent could stay for the discussion on the polling location.

Polling location vote pending report from Town Clerk

Janice McGrane, Town Clerk was present

Mr. Smith asked what was found by the State. Ms. McGrane stated that the State came out and looked at three locations (3 Church's) and only one passed the HP accessibility. Mr. Trapani stated that if there would be an issue with Church and State. Ms. Lundquist asked if this move from Penn Brook School is temporary. Ms. McGrane stated she believes it will be. Ms. Jacobs stated that there have been traffic issues. She stated that they have not had the discussion for the future. Mr. Surface stated why not give the kids the day off. Ms. Jacobs stated that there are more than one election. Mr. Fowler asked if teachers could park on Elm Street for the day. He stated that Newbury moved the polling place and it was a short distance from where it had been and there were a lot of issues and residents not knowing where to go.

Discussion on safety.

Mr. Trapani asked if they could move a professional day to an election day. Mr. Smith stated that there is an issue of recess on the turnaround and blocking of busses, pick-up, and safety of students. He stated some issues are the same and could students skip recess. He stated that there is a rush in the morning and then at night. He stated that if they are voting on the M/H School

project will have a little higher turnout. Discussion on options and parking monitors with using the School. Mr. Hoover stated that there needs to be a discussion with the contractor on safety with the trucks in and out. Ms. Linares stated that they will discuss safety issue at the School Committee meeting on Thursday and work out a plan to still use the School.

The School Committee adjourned their meeting.

Town Charter Discussion with Michael Ward, Director of Municipal Services, Edward J. Collins, Jr. Center for Public Management

Mr. Farrell introduced Mr. Ward and gave some background information. He stated that the DoR report number one recommendation was a Town Charter and Collins Center works on helping towns achieve this goal.

Mr. Ward gave a presentation on what the Collins Center can do for the Town.

Mr. Smith asked how long it takes to establish a Charter. Mr. Ward stated a Charter commission 2-3 years, a Charter Committee route 18 months to 2 years. Mr. Fowler stated do towns go for a question before to see if the town wants to go forward. Mr. Ward stated that town could.

Mr. Smith thanked Mr. Ward for coming in. He asked Mr. Farrell for examples of Charters for the board to review.

Correspondence

Correspondence Policy – Discussion/Adoption
Hold for next meeting

Old Business

Rehabilitation of Elm Street-Engineering Contract for approval
Hold for next meeting contract under review

Selectmen's Report

Mr. Surface stated he talked with Representative Mirra and funds for the Pond Street project of \$52K has been included in the transportation bond and the Governor just needs to sign the bond. He stated that Senator Tarr also supported this project.

Middle/High School Bond

Mr. Fowler asked if there could be a joint meeting with FinCom, School Committee, and BoS as there are some important decisions coming forward on the High School project. He stated that he would like to have a discussion on funding options for the project.

Mr. Smith asked that at the next meeting have sponsors of articles come in.

Town Administrator's Report

BoS Minutes
March 10, 2014

Mr. Farrell stated that FinCom is starting to deliberate on the budget but they do not have any numbers. Mr. Fowler asked if we should move Town Meeting later in the year. Discussion

Mr. Farrell stated that the Treasurer asked if the board could move their April 7th meeting to April 14th for the vote on the Penn Brook bond. He stated that at the rate of spending on the project they want to borrow all the funds. He stated our financial advisor from UniBank will be coming in to the next meeting to discuss.

Next Meeting

Monday, March 24, 2014 at 7:00PM, 3rd floor meeting room, Town Hall

Mr. Trapani moved to adjourn. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Meeting adjourned at 10:00PM.

Minutes transcribed by J. Pantano.