

**Memorial Town Hall, 1 Library Street, Georgetown, MA 01833**

**Ph. (978) 352-5755 □ Fax (978) 352-5727**

**BOARD OF SELECTMEN MEETING MINUTES**

**Memorial Town Hall**

**11/18/13**

**6:00 PM – Executive Session, 2<sup>nd</sup> floor meeting room**

**7:00 PM – General Meeting, 3<sup>rd</sup> floor meeting room**

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**Selectmen Present:** C. David Surface; Philip Trapani; Gary Fowler; Stuart M. Egenberg, Clerk

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

**Absent:** Stephen Smith, Chairman

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**6:00 PM Executive Session- Union Negotiations**

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body **and the Chair so declares ...;**

Mr. Egenberg was acting Chair for the meeting.

Pledge of Allegiance

**7:00 PM Public Hearing**

*Georgetown Realty Trust dba Townsend Oil-Application for Amended License for storage of Flammable liquids and gases*

Attorney Martin Arsenault, Robert Ceppi Engineer, Fire Chief Albert Beardsley, and Deputy Rusty Ricker were present

**Mr. Surface moved to open the public hearing for *Georgetown Realty Trust dba Townsend Oil*. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.**

Attorney Arsenault stated they are here for approval of an amendment to a flammable license. He stated that he sent out the 7 day notice to abutters. He stated that right now the license allows 12,200 gallon LP gas and was granted in 2010. He stated that all this is above ground and any containers are considered full even if they are not. He stated that they are asking to allow additional above ground and to allow for a 30,000 gallon LP underground tank. He stated that they will provided additional fencing to close in the tanks but would still allow access to Milton Way for residents. He stated that the change is for the changing market and demand by the customers. He stated that they will increase safety, and aesthetics of the site. He stated that part of the plan is to clean up the site for the residents and planting some arborvitaes to block view of site.

Mr. Trapani asked where the railroad easements were. Mr. Ceppi showed where on the site the railroad easement was. Mr. Fowler asked about the increase of 42,220 gallons of LP GAS. Mr. Arsenault explained primarily most tanks are empty but they still are required to count them as full if they are on site. Bob Townsend stated that this also includes 3 delivery trucks. Mr. Trapani asked about the tanks. Mr. Arsenault stated that some tanks are empty going to customers or are new tanks. Mr. Surface asked how many customers are in Georgetown. Mr. Townsend gave numbers. Mr. Surface stated that he is leery of underground tanks and concerns with safety of tanks. Mr. Ceppi stated that as they are filled with a gas there would not be and ground pollution and a leak would release into the air. Mr. Surface asked how long tanks have been put underground. Mr. Ceppi stated that National Grid has been putting tanks underground for a long time.

Mr. Ceppi stated that they have left alone the oil area and the plan shows the flow of traffic and where the fence would go. He stated that the tank would go underground and that this is safer as it cannot be hit by a vehicle. He showed where the pipes will go and the safety pipes around the area. He stated that they plan to add concrete pads to clean up the yard. Mr. Trapani asked about traffic. Mr. Townsend stated that there would be a vehicle transport every other day. Mr. Arsenault stated that he could not find any town easement over their site. Mr. Trapani asked if they would enter into an easement with the town over the road. Mr. Townsend stated that he prefers to protect the area and access to the park. He stated that they would be willing to discuss an easement. Mr. Egenberg asked about the type and height of the fencing. Mr. Ceppi stated that it would be a 6ft chain-link fence. Mr. Surface stated that they are requesting an additional 30,000LP above ground and 30,000LP underground. He asked if there has been an increase in usage.

Jim Townsend stated propane does not have a pipeline and there has been an increase in the demand and time when product is allocated. Mr. Fowler asked gas on site is if for Townsend customers or others. Mr. Bob Townsend stated only for Townsend customers. Mr. Trapani stated a chain link fence why not a vinyl picket fence. Mr. Ceppi stated do not want something that kids cannot climb. Mr. Surface stated keep the aesthetics. Jim Townsend stated under the security act they are required to have fencing and they would look at something more aesthetic. Mr. Egenberg agreed. Mr. Fowler asked if they have a small propane filling area. Bob Townsend stated that they do not they put gas in tanks for new service but do not fill tanks for barbeques.

Fire Chief Al Beardsley stated that he has had numerous discussions with the Townsends and they will have tie downs and the tank will be anchored in the ground in case of flooding. Mr. Surface asked their track record. Chief Beardsley stated no issues and have had no problems. Mr. Surface asked if the Fire Chief would recommend approval. Chief Beardsley stated he has had no issues with the applicants. Mr. Trapani stated that he has seen underground tanks catch on fire, so do we have the equipment if there were an issue. Chief Beardsley stated that we do not. He stated that with the underground tanks you do not have the hazards and they are safe. He stated that the Townsends have added extra protection in the plans. Mr. Trapani asked if other towns have the equipment. Chief Beardsley stated no they do not.

Mr. Egenberg opened the hearing to the public for comments

Pam Sheehan, 13 Prospect Street stated that she represents her parents and that they oppose the project. She stated that they have lived here for 52 years. She stated that they were here from when the Elliott's owned the site. She stated that the tankers come all year long and in winter they are an eyesore. She stated that the noise is very loud when the 18 wheelers come in the middle of the night and leave their engines running. She stated that it is not safe enough for the residents. Bob Townsend stated that the tanks are protected and that there is no fence now and there will be a fence if approved. He stated that they have not added additional tanks same as when the Elliott's owned the property. He stated that trucks should not be on site late at night. He stated that they have told trucks not to come in until 6-7 AM. He stated that 7AM they start. He stated that idling in the AM is something he can address.

Todd Bellefeuille, 1 Jackson Way stated that trucks idle before 7AM. He stated that he disputes if they cannot get control of this then he has a problem. Mr. Fowler stated that he is familiar with the area and has lived in the area. He stated that a business has been in this area and has been operating since late 1800's. He stated that we have to try to work together. He stated neighbors may not be happy about this but have to work together.

Carolyn Bellefeuille, 1 Jackson Way stated that there are fumes in the air and it affects her children

Mr. Fowler stated that there have been no complaints. Mr. Bellefeuille stated that in 2000 there was a complaint to the Fire Marshall. Mr. Beardsley stated that in 2004 they received a new license. Mr. Ceppi stated that this is a closed system no fumes. Bob Townsend stated that only smell is when they have returned tanks and they pump into the tank and that is the only smell.

Mr. Trapani stated that this is a significant increase is there a way to do this in a small way.

Jim Townsend stated that they would have to handle their business differently. He stated that they do not refurbish or do any painting onsite it is all done offsite.

Carol Sheehan, 13 Prospect Street stated that the tankers are an issue for her as they idle many nights and manly in the winter that they hear them. She stated that she has complained and they have done nothing.

Barbara Angelopolus, 11 Prospect St stated that her issue is the amount of trucks that come up the street. She stated with more propane more traffic and why they do not use their own driveway off of West Main Street but use Prospect Street. Mr. Townsend stated that they used to use West Main St but there was a complaint of traffic. He stated that they could change that and re-route trucks to use West Main Street. Ms. Angelopolus stated who she can complain to. Mr. Townsend stated that he would hope they could call them and try to be good neighbors. He stated that he has learned some things tonight and can change some patterns.

Mr. Surface asked if they have other locations. Mr. Townsend stated that they have a location in Danvers with a 100,000LP tank and explained the property. Mr. Surface asked if they can just

do the underground tank and not the additional storage. Mr. Townsend stated that they are adding the 10,000LP for trucks.

Fire Chief Beardsley stated that the issue with odor is with the smaller tanks and this approval should reduce the number of tanks. He stated that if they reduce the tanks then they will not have smell and other tanks are all enclosed.

Tillie Evangelista, 10 Baldpate Road asked why they are not going to the ZBA and Planning Board what happened to the process. Attorney Arsenault stated that he talked to the Building Inspector and that they are not required to go to the ZBA or Planning Board for the changes requested. Ms. Evangelista asked if we could check with Town Counsel on this. Mr. Fowler stated that he would feel comfortable with checking with Town Counsel.

Christopher Roy, 77 West Main Street stated that his concern is with the slab and truck storage and concern of idling trucks. He stated that his property is right next to the lot and would like to make sure they will not be making noise during off hours. Mr. Townsend stated that they can modify their behavior and work with their staff to not have trucks idling in off hours. He stated on occasion that they have to operate at these hours. He stated that they have trucks for customers who run out un-expectantly.

Lou Mammolette, 14 Marlboro Road and Water Department Superintendent and has a question as a resident is the whole lot to be paved? If it will be all covered over and designed with off gassing? He stated that what he sees is not safe. He stated that they are depending on their and the Fire Chiefs opinion should they not get another opinion. He stated that he is not concerned with the above ground storage but is with the underground and somebody other than the town reviewing.

Mr. Ceppi stated that tonight is for the license to go forward and then they will go for the building permit. He stated that they are not changing the use of the facility. He gave his credentials. Mr. Farrell stated that the Building Inspector is the Zoning Code Enforcement Officer and will review the application.

Mr. Trapani asked if there are any regulations on capacity in neighborhoods. Chief Beardsley stated that he was not aware of any.

Deputy Chief Ricker asked how many LP's will be on site. Mr. Ceppi stated not as many as it seems as if the tanks are empty they are still counted.

Mr. Surface stated they could approve 22,220LP aboveground and 30,000LP underground. Mr. Trapani asked the towns recourse. Mr. Farrell stated that the Fire Chief would handle any issues and Police would handle any traffic issues. Attorney Arsenault stated that they have a yearly license renewal. Mr. Surface stated that their track record has been good. Mr. Townsend stated that they have heard that they are not good neighbors and they will work with the neighbors to improve this.

Mr. Fowler asked if we should continue to talk with Town Counsel. Mr. Arsenault stated that this is the correct licensing authority and Zoning is another issue. Mr. Farrell stated that this is the licensing authority.

Mr. Trapani stated that he is a frequent visitor to the park and this business has been here for a long time and they have had no negative comments on operation. He stated that Georgetown is a growing community and we have to grow with it. He stated that the business was built in a neighborhood and there are challenges living with the business and they need to work to address the concerns.

Pam Sheehan asked if the board can ask for restrictions as to idling time, etc. Mr. Farrell stated that those are zoning issues not a licensing issue. He stated that they could petition at Town Meeting for a change.

Ms. Evangelista stated that with the zoning a fire at the site would be hazardous. She stated that in her opinion this should go to the ZBA. Mr. Trapani stated that the applicant did go to the Building Inspector and he stated that they do not need to go to the ZBA. Mr. Evangelista stated that this is a non-conforming use and should have restrictions.

Mr. Roy stated that he talked to the neighbors would like to see a traffic plan. Mr. Townsend stated that they could work on the traffic.

Mr. Mammolette stated he had some concerns with the widening of the road on the plan and will check with the Highway Department.

Mr. Ceppi stated that there would be concrete pad in some areas and hard pack in others. Mr. Mammolette asked if something leaks how does the area get vented. Mr. Ceppi stated 1inch thick tank will not leak so any leaks would be from the top and are vented.

Mr. Egenberg closed the public hearing.

Mr. Farrell stated that the license has to be renewed annually. Mr. Surface asked if approved when they would the work start up. Mr. Townsend stated that they hope to get started as soon as possible. Mr. Surface asked for a meeting with the BoS and residents in March to see if concerns are addressed. Mr. Townsend stated that they would do this and they would hope to address any issues before then.

Mr. Egenberg asked that they talk with the Building Inspector and keep open communications with the residents. He stated that they coexist with residents in Danvers. Mr. Townsend stated that they will work with the truck drivers tomorrow to address issues raised this evening.

**Mr. Trapani moved to approve the amended license for Georgetown Realty Trust dba Townsend Oil for an *underground LP-gas tank maximum storage 30,000 gallons and the increase to the above ground storage of LP-gas of 22,220 gallons for a total of 52,220 gallons.* Mr. Surface seconded the motion.**

Mr. Fowler stated changing to 52,220 gallons on front page of application. He stated that we are the licensing authority and are approving with Building Inspector guidance. Mr. Surface stated that he would like to meet back here in March. Mr. Townsend stated they would be willing to discuss the easement. Mr. Farrell stated that he has this on his list.

**The motion was approved by a unanimous vote.**

**Mr. Surface moved for a two minute recess. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.**

### **Board Business**

#### *Georgetown Liquors-Change of Directors*

Dana DeLorenzo, Manager was present

Mr. DeLorenzo stated that with the change they made to the liquor license they have to add another director. He stated that he and Lisa Burke would be listed as directors. Discussion on change of directors.

**Mr. Trapani moved to approve Lisa Burke as a director for Georgetown Liquors. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.**

#### *Park & Recreation list of properties for discussion*

Jim DiMento and Suzanne Caulfield, Park & Rec members were present

Mr. DiMento stated that they were here to discuss who oversees the listed parks in town:

- American Legion Park and Pentucket Pond Beach
- Harry Murch Veteran Park
- Civil War Monument Park (in front of Town Hall)
- West Street Soccer Fields
- Little's Hill Soccer Field (currently not officially named)
- Area across street from Harmony Cemetery, future access to Rails Trail upon completion (marked with a sign and large rocks currently not officially named)
- East Main Street Recreational Park (future development, currently not officially named)
- Martel Way (future development, currently not officially named)

Mr. Egenberg asked about a parcel Mr. LaCortiglia emailed the board Lot 16-4 that this should be under Park & Rec. Mr. DiMento stated that that lot has to be discussed at another time. He stated that the West Street fields are owned by the Water Department and there are limitations as to what they can do to them. He stated that they cannot expand or fertilize these fields. Mr. Surface stated that they will be discussing the fields on the list sent to the board and not the Lot 16-4 from Mr. LaCortiglia. Mr. Surface stated that the use of American Legion has to be looked at there was an issue with public drinking at the park. Mr. DiMento stated that the committee has bylaws and are looking to update them. Ms. Caulfield stated that the police are driving through more often. Mr. DiMento stated that the parking area is listed as a parking area for the rail trail and no one asked them about that and this would bring non-residents to the park. Mr. Trapani asked if the park is listed for Town Residents only. Park & Rec members stated that it is. Mr. DiMento stated that the water count at the beach this year was under 50 the best it has been in a long time. He stated that the changes to storm water runoff have helped. Mr. Trapani stated Historical Commission had concerns on use.

Mr. Desjardin, Historical Commission stated that communication has been an issue. He stated that the planting of Mums at Harry Murch Park and then the problem mowing around the plants, etc. He stated that Harry Murch and Civil War monument are where they have concerns. He stated that there has been a lot of CPC funding and a lot of work done at Harry Murch. He stated in future if something planned if they could let them know and maybe use a movable cart with flowers would be best. Mr. Trapani stated if anything is changed a letter could be sent informing the Historical Commission. Mr. Egenberg stated that there should be a maintenance plan.

Mr. Desjardin stated that the Rail Trail came to them regarding signage and they spotted five places.

DiMento stated that the ConCom wants them to tear down the foundations of the ice house so the Historical Commission has to let Park & Rec know how they feel about this.

Mr. Surface stated that the Fire Department takes care of lowering and raising the flag now.

George Comiskey asked about the West Street Fields and area for water protection under Art 97. He stated that it would take a legislative act to change who manages the West Street property. He stated that he wanted to be sure they do not change who maintains the West Street fields. Mr. DiMento stated that they do not want to change their agreement with the Water Department. Mr. Farrell stated that except for an easement the only area the Park and Rec oversee is the American Legion Park. Mr. Trapani asked the management that they do at the Parks. Mr. DiMento stated that they pay the bills on American Legion, manage the staff, renting of the property, and maintenance, and manage Harry Murch Park. He stated that they worked on the purchase of the East Main St site for the Skate Park. He stated that they have agreements with GAA on the West St fields and with Peter Durkee on maintenance for Harry Murch Park. Mr. Surface stated that it is taking a long time to get the skateboard park done. He stated that they need to move forward on this project. Mr. DiMento agreed and stated that they will need the fields there if they are not going to be able to use fields at Penn Brook during construction. Mr. Surface stated that if they need the boards help to let him know. Mr. Egenberg stated that this park ties into other projects such as the rail trail. Discussion on working with the Planning Board and ConCom.

**Mr. Trapani moved to approve the Park and Recreation to oversee *American Legion Park, Pentucket Pond Beach, Harry Murch Veteran Park, Civil War Monument Park, West Street Soccer Fields, Little's Hill Soccer Field, Area across the street from Harmony Cemetery for Rail Trail, East main Street Recreational Park, Martel Way (future development)* as presented. Mr. Surface seconded the motion.**

Mr. Fowler asked if other areas would be added later. He asked about the old site of the Fireman's Memorial at Elm St. Mr. DiMento stated that he has worked with Peter Durkee to plant a Holiday tree near Napa on East Main Street.

**The motion was approved by a unanimous vote.**

Mr. Farrell stated that he has been working with Juliette Rec and Suzanne Caulfield on a contract for building a pavilion at American Legion Park he explained the bidding process that he worked

with them on and that the project will be under \$25k. He stated that they did a great job and had great attention to detail. He stated that he has two copies of a contract and it should be done before the end of the year. He stated that he needs the board to authorize the acting chair to sign the contract.

**Mr. Trapani moved to authorize the acting chair Selectmen Stuart Egenberg to sign the contract for the Park & Recreation Pavilion at American Legion Park. Mr. Surface seconded the motion.**

Mr. DiMento explained where the project was and that the funds will come from CPC. Mr. Fowler stated that he is glad that to hear the board worked with Mr. Farrell. He stated other boards should also come in and talk with Mr. Farrell on their projects and bidding requirements. Mr. Farrell stated that the Historical Commission also work well and meet with him when they have projects. Mr. DiMento stated that he has heard a lot of good comments on the Building Inspector and he has work well with their board.

**The motion was approved by a unanimous vote.**

### **Warrant & Minutes**

Warrant to be signed

*Minutes of September 23, 2013 General and Executive Session*

**Mr. Trapani moved to approve the *minutes of September 23, 2013*. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.**

Ms. Pantano to check on the Executive Session minutes.

### *Planning Board/Tolman*

Chris Rich and Tillie Evangelista, Planning Board members were present

Mr. Farrell stated he explained an applicant came to the PB for an ANR and decision date was missed as they had 21 days to act and thought they had 28 days. He stated that with no decision the project was approved with constructive approval. He explained that the applicant went to the Town Clerk to sign the plan and she would not sign without Town Counsel approval. He stated that Town Counsel stated she has to sign and the applicant can register the project. He stated that there is a 20-day appeal period that started on November 14 and the Planning Board has to vote to appeal and the BoS must approve them to have counsel. He stated that Town Counsel stated that the BoS can vote to approve the appeal. He stated that the plan is for a 4-lot subdivision on an unapproved road.

Mr. Rich stated Mr. LaCortiglia has called an emergency meeting on Thursday to vote on the appeal. Mr. Trapani asked what the reason to appeal is. Mr. Rich stated that this could be a subdivision on an unapproved way. The road would have to be built to acceptable standards if approved by the board. Mr. Trapani stated so the Planning Board missed the deadline and now the developer can go forward. Mr. Rich stated if he was to argue before court he would state that the board had been waiting for additional material from the applicant but it was their mistake with the date. Mr. Trapani asked what the cost to the town would be. Mr. Farrell stated that it



depends on if the go to land court. Mr. Trapani asked if the town should appeal. Mr. Farrell stated that an issue is the road they have one plan showing it is a private road, one as an unaccepted road, and they have not proved who owns the road. Mr. Surface stated that this could be settled by the applicant out of court. He stated that the board should be reserving the right to appeal. He stated that his sense is do not want to fight for an ANR. Mr. Rich stated that the applicant showed that this road was a main street in the 1800's. Mr. Farrell stated that it was Rowley then. Mr. Rich stated that they could not show records without the applicants name and name varies. He stated that the board is so open minded that is why they asked for additional documents. He stated that because they requested the addition information and by the time they got the information the time went by them. Mr. Rich stated if the road was public then why is there a gate stating "No motorized vehicles". He stated that he would like to see documents indicating a public way. Mr. Trapani stated that he has never had a request before by the Planning Board to appeal a project in his 7 years and he has confidence they get things done. Mr. Rich stated that this will be discussed in depth. Mr. Fowler stated that he did talk to Mr. Metivier as to what will happen with the property they can put in 4 lots. Mr. Farrell stated the appeal can come from the Planning Board of the Building Inspector and would appeal to have Land Court or Superior Court.

**Mr. Trapani moved to approve the Planning Board and/or the Building Inspector to appeal the Tolman ANR constructive endorsement. Mr. Surface seconded the motion.**

Mr. Fowler asked if the BoS can stop the decision. He stated that he has been in town a long time and tries to not be too restrictive. Ms. Evangelista stated that first time that they saw this ANR and the applicant did not present any information on utilities and they would have to put in wells as there is not water service to the lots. Mr. Fowler stated that if we spend money to appeal where does the town loose. Ms. Evangelista stated that a couple thousand is small amount to appeal. Mr. Fowler stated that he does not see the need to appeal.

Discussion on vote and road.

**The motion was approved by a 3-1 vote.**

Mr. Fowler asked that the Tolman ANR be kept in old business.

*Winter Parking Ban*

Mr. Egenberg read the notice on the Winter Parking Ban December 1<sup>st</sup> to April 1<sup>st</sup>, 2014.

*DECA (Distributive Education Clubs of America prepares emerging leaders and entrepreneurs in marketing, finance, hospitality and management in high schools and colleges around the globe)- Request the board proclaim November DECA Month*

**Mr. Surface moved to approve the proclamation to proclaim November DECA Month. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.**

**Selectmen's Report**

*Financial Management Review from DoR for discussion*

Mr. Egenberg stated that we will hold this until the next meeting.

### **Town Administrator's Report**

#### *Penn Brook Elementary School update*

Mr. Farrell stated that the State approved the remediation plan and the builder will give change orders on the additional cost. He stated that the plan will have strict dust control measures. He stated that the deep samples in construction area are all over the place to very high to very low. He stated that he was on a conference call today with Russ Barton and they are still analyzing the data to see if the arsenic is naturally occurring. He stated that there is a difference on how to treat. He stated that the SBC will have a meeting Thursday night and will have another plan beside the Wilcox and Barton plan. He stated if all goes to plan the contractor can start back up on Monday. He stated that there will be some advance training needed, 40 hour OSHA for all site workers dealing with dirt. Mr. Surface stated that he would like to see the expense of the delay of construction because of the late testing. Mr. Egenberg stated that if they had this information before we went to bid the work would not be additional it would be in the number. Mr. Fowler asked about the more shallow tests. Mr. Farrell stated the testing was all over the limit for adults and under for children because of the length of time exposed. He stated they did testing in the building and only place with high concentrations where inaccessible on high beams and pipes. He stated that there was an area on one shelf. He stated as part of the ESCO all filters were changed and ducts cleaned. He stated that the School changes filters every 6 months now do every 2 months. Mr. Trapani stated that thank you for the plan. Mr. Farrell stated that he should have a plan with dollar figures on Wednesday. He stated that with his conversation with the State only have to have separation with the soil, only were you disturb the soil you will have an issue. Mr. Surface stated that they do have a \$3-4M contingency. Mr. Farrell stated not a contingency an underbid the contingency is \$400K.

Mr. Surface stated that the first concern is are the Children safe and staff are not exposed.

### **Appointments & Approvals**

#### *Draft recruitment letter for discussion*

Mr. Egenberg asked for an update list and send out full list to the board. He stated that he has a candidate for ConCom and FinCom. He asked that members come up with 3-5 names and send out a letter. Mr. Trapani stated that he would rather contact people on his own. Mr. Surface stated he is uncomfortable with the letter. He stated that sending in the Electric bill and on the web is good. He would rather ask on his own also. Mr. Egenberg read the letter looking for residents to fill positions. Mr. Trapani asked about an Open House at an event.

### **Next Meeting**

*Monday, December 2, 2013 at 7:00PM, 3<sup>rd</sup> floor meeting room, Town Hall*

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

Meeting was adjourned at 10:02PM.

Minutes transcribed by J. Pantano.