

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

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BOARD OF SELECTMEN MEETING MINUTES

Memorial Town Hall

6/3/13

6:00 PM – Executive Session, 2nd floor meeting room

7:00 PM – General Meeting, 3rd floor meeting room

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

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

Absent:

6:00PM-Executive Session

To conduct strategy sessions in preparation for negotiations with non-union personnel, or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

Executive Session Informal Grievance Meeting

To discuss the reputation, character, physical condition or mental health, rather than the professional competence of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

7:00PM Pledge of Allegiance

Warrant & Minutes

Warrant to be signed

Minutes of Executive Session May 13, 2013

Mr. Surface moved to approve the Executive Session Minutes of May 13, 2013. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Board Business

Police Chief

Mr. Smith announced that a contract has been negotiated and Lt. Donald Cudmore will be the new Chief of Police and congratulated him.

Declaration of Surplus Property

Mr. Smith asked what we do with the surplus property. Mr. Farrell stated Lt. Cudmore has a company that does property auctions and they pick up the property and reimburse the town what it sells for minus their fee.

Mr. Egenberg moved to approve the surplus property of used air conditioners and old office chairs. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Keon's request to extend hours of Entertainment License on August 24, 2013 for a wedding

Allen Boisvert of Keon's at The Black Swan explained that they have a Greek wedding in August and the family would like to extend the dancing to 2PM. He stated that they only serve alcohol for 5.5 hours for a wedding so the bar will close earlier and they will require a Police Detail until 2PM. He stated that there would be no Alcohol after midnight. Mr. Smith asked the usual hours. Mr. Boisvert stated that they can stay open until 1PM. Mr. Surface stated that he would not want guests going out to the parking lot to their cars and drinking. Mr. Boisvert stated that is why he wants a police detail. Mr. Fowler stated that the restaurant is open with a bar downstairs that they guest could go to. Mr. Boisvert stated that they do not allow quest to go downstairs and use the bar. Mr. Smith and Mr. Trapani stated this is only an hour extension. Mr. Surface stated that he frequents the restaurant and it is well run and the managers are always present.

Mr. Surface moved to extend the Entertainment License at Keon's at the Black Swan for a Wedding in the function room on Saturday, August 24, 2013 until 2PM. Mr. Egenberg seconded the motion and the motion was approved by a 3-1 vote. Mr. Trapani abstained

Proclamation for Forest (Duffy) Bridges retiring from the Fire Department after 44 years
Mr. Smith read the proclamation to Mr. Bridges and thanked him for his years of service.

Correspondence

ABCC Advisory

Mr. Smith stated ABCC has issued advisory regarding changes to the retail license approval.

Party in the Park-June 9th

Mr. Smith read announcement on the Park and Recreation Party in the Park on Sunday, June 9th at the American Legion Park.

Resignation of C. David Surface from the School Building Committee

Mr. Smith thanked Mr. Surface for his time on the School Building Committee.

Board Business

Pond Street chain link fence removal discussion

Mr. Smith asked Mr. Farrell to explain the Highway Surveyor plan as Mr. Durkee is at the ceremony for Duffy Bridges. Mr. Farrell stated that Mr. Durkee told him it would cost over \$50K to replace the guardrail and that he does not have the funds in his budget or in Chapter 90. He stated that Mr. Durkee spoke with CPC chair and that CPC would consider the project under Conservation and could have funds next year at this time. Mr. Smith stated that this may be frustrating for residents but that they need time for CPC to review the project and vote at the ATM. Mr. Fowler asked if there is a Chair of the group that can work on this. Mr. Smith stated that advocacy and do diligence will be needed. Mr. Trapani stated that Mr. Farrell sent an email on a car that hit the fence and the fence

did its job and kept the car out of the pond. Mr. Surface stated that he is going to talk with Mr. Moultrie about why the fence was put up.

Food Truck Regulations

Lt. Cudmore was present to discuss the Food Truck Regulations. Mr. Smith asked Mr. Farrell to explain Selectmen Regulations and Bylaws. Mr. Fowler stated that a bylaw you need to change at Town Meeting and a Regulation the board can make changes.

Ice Cream Truck Regulations

Lt. Cudmore stated on February 15, 2013 the State came out with a new regulation on Ice Cream Trucks under MGL 270. He explained the forms required and that no sex offenders are allowed to operate Ice Cream Trucks. He read the law on who can apply. He asked if the board wants the licensing authority to be the BoS or Police Chief. He stated that there is an Ice Cream Truck and a Food Truck Regulation.

Mr. Smith stated that the BoS need to decide who will have the authority to issue the license. Mr. Fowler stated that the difference would be that the Ice Cream truck moves around town and a Food Truck is stationary. Mr. Surface asked if we have to adopt the MGL. Mr. Farrell stated that they do not have to adopt the law it is in place but the board could set the fee. Mr. Trapani stated they have to get a Cori but can the findings be discussed with the board. Lt. Cudmore stated that he could not give out the details of a Cori unless it is a sexual offense. Lt. Cudmore stated that if the Police Chief issues the permit they would have access to the full Cori. Mr. Surface stated that the board can expand the authority of the Cori under a Selectmen regulation. Lt. Cudmore stated that there is a fee for a Cori check. Discussion on the Cori check and having all the regulations the same. Mr. Smith stated that they should have the issuing authority the same as the Solicitation Bylaw. Mr. Egenberg stated that they should all align the same.

Mr. Smith stated that they need to decide who will have the authority to approve the BoS or Police Chief. Mr. Surface stated that we can make the regulation tougher for our residents but other towns may not be as diligent. Lt. Cudmore asked if someone calls to apply for the Ice Cream Truck License they have 10 days to approve. Mr. Smith stated that this would be difficult for the BoS.

Mr. Surface moved to allow the Police Chief to approve Ice Cream Truck applications. Mr. Egenberg seconded the motion.

Mr. Fowler asked if the board wants to attach a fee. Board stated that they will first vote on the approval process.

The motion was approved by a unanimous vote.

Mr. Trapani moved to require a \$25 application fee for the Ice Cream Truck application. Mr. Surface seconded the motion.

Mr. Fowler stated that \$25 seems low how much time goes into the request. Lt. Cudmore stated that this amount is fine.

The motion was approved by a unanimous vote.

Discussion on the Food Truck Regulation

Mr. Fowler asked the board how they feel about the regulation. Do they want food trucks in town? Mr. Egenberg stated that is a good question do we want to play with these trucks. He stated that he is okay with a few. Mr. Smith asked if any board member is against food trucks in town. Mr. Fowler stated he would ask that they be licensed and they have an application process. Mr. Surface stated that he does not want stationary food trucks. Mr. Fowler stated that he does not mind a stationary food truck. Mr. Smith stated that we need a simplified license process. Mr. Farrell stated that if you don't limit the trucks on how many and where they can be then it puts the brick and mortar businesses in jeopardy. Mr. Surface stated he would like to see just a one day license for events. Mr. Smith stated that they could issue a summer license. Board to review draft Food Truck Regulation.

Second Hand Shop Regulations

Lt. Cudmore stated in 2009 the PD approached the board regarding a Junk Dealer license and Second Hand Shops. He stated that some are receiving stolen goods. He explained what is happening. He stated that a change was made in section 4 regarding a hold of merchandise for 30 days and they would like to see held for 60 days. Lt. Cudmore explained the process in Georgetown and that the shops work with them but we do not have a process with the stores to hold property. Lt. Cudmore stated that in Section 4 last sentence he would change so that the PD holds an item if suspected to be stolen instead of the shop and the person who thinks it may be theirs can come to the PD to view and identify. Mr. Fowler asked if similar towns have something the same. Lt. Cudmore stated that they do.

Mr. Smith stated that at the next meeting have final comments and feedback. He stated that he would like to invite shop owners to the next meeting to discuss.

Lt Cudmore thanked the board for signing his contract and that he and his family are very excited about his new position.

Committee Handbook Approval

Mr. Smith stated that this handbook is proactive and can be updated as needed. He stated that the handbook should go out to all Boards and Committees.

Mr. Surface moved to approve the Committee Handbook as presented. Mr. Egenberg seconded the motion.

Discussion on minutes and how and where they are kept

The motion was approved by a 4-0 vote. Mr. Fowler abstained

Financial Management Review from DoR for discussion

Mr. Smith stated that he would like to put off discussion to another meeting because of the time. He explained how he would like to review the document and the process. Mr. Surface asked if they could have a special meeting for just this. Next Monday June 10th at 6PM is a possibility. Mr. Trapani asked for a clear agenda on what they want to achieve.

Selectmen's Report

Town Administrator's Report

Mr. Farrell stated that the Insurance Advisory Committee met and will be meeting again tomorrow and will have a plan design in by August 1. He stated only 5 bargaining units attended and that the process starts a 30 day negotiating time. He stated that if they do not reach an agreement in 30 days they it would go to a State committee.

Mr. Farrell stated that the Public Safety Septic bid will be going out soon and that he is working on several others.

Appointments & Approvals

Reappointments/Appointments for FY2014

Mr. Smith stated that he would like to hold off on the Personnel Board appointment and that this is a joint appointment with the FinCom and Moderator. He stated that he would like to go over the DoR report as the report recommends disbanding the Personnel Board.

Mr. Egenberg moved to reappoint *Shawn P. McGee* as an *Affordable Housing Task Force Member* term to expire June 30, 2016. Mr. Trapani seconded the motion and the motion was approved by a 5-0 vote.

Mr. Egenberg moved to reappoint *C. David Surface, Philip Trapani* as an *Affordable Housing Trustees* term to expire June 30, 2015. Mr. Fowler seconded the motion and the motion was approved by a 3-0 vote. Mr. Surface and Mr. Trapani abstained.

Mr. Egenberg moved to reappoint *Charles Keilty* as an *Affordable Housing Trustee* term to expire June 30, 2015. Mr. Trapani seconded the motion and the motion was approved by a 5-0 vote.

Mr. Egenberg moved to reappoint *Charles Davis, Frank Hauser, and Dan Walsh* to the *Cable Advisory Committee* term to expire June 30, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint *Lyn Lutzykowski* to the *Cable Advisory Committee* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint *Donald Cudmore* to the *Capital Improvement Planning Committee* term to expire June 30, 2016. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Lilibeth Weis* to the *Conservation Commission* term to expire June 30, 2016. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Jean Perley, Cynthia Tardif, and Diane Prescott* to the *Council on Aging* term to expire June 30, 2016. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint *Donald Cudmore, Police Chief* as Emergency Management Director effective July 1, 2013 and term to expire June 30, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Albert Beardsley, Fire Chief* and *Thomas E. Dejoy* as Assistant Emergency Management Directors term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Peter Durkee, Highway Surveyor* and *Deborah Rogers, Health Agent* to the Emergency Management Team term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint *Donald Cudmore, Police Chief* as Emergency Response Coordinator effective July 1, 2013 and term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Albert Beardsley* as FEMA Assistant Director term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Thomas Dejoy* as FEMA Team Member term to expire June 30, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Michael Farrell, Town Administrator* as the *Acting Finance Director* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Albert Beardsley, Fire Chief* as the *Forest Warden* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *James D. Davenport* to the Historical Commission term to expire June 30, 2016. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Joseph Knapp, Edward Desjardins, and Philip Trapani* as Associate members to the Historical Commission term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to reappoint *Deborah Rogers* as the *Insect pest Control Superintendent* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint *Howard Snyder* as the *Merrimack Valley Planning Commission Representative* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to appoint Robert Watts as the *Merrimack Valley Planning Commission Alternate Member* term to expire June 30, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Deborah Rogers* as the *Mosquito Larviciding and Spraying Coordinator* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Donald Cudmore* as the *Police Chief* effective July 1, 2013 and term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Lt. David Thomson* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Sgt. Kevin Defeo, and Sgt. Scott Hatch* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Detective Supervisor Thomas Dejoy* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Detective James Rodden* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Master Patrolmen Michael Goddu* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Patrolman Dennis Sullivan, Derek Jones, Adam Raymond, and Phillip Klibansky* to the *Police Department* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Trapani moved to reappoint *Mark Anderson, Tyler Dechene, Timothy P. McGuire, Joanne Vallone, Neil Turmenne, Keith D. Deguio, Dean A. Julien, Joanne Ballard, Jay Martel, Michael Broderick, Jeffrey French, Heather Lifebvre, Jonathan Henriquez, Matthew Carapellucci, and Christopher S. Pelusi* as *Reserve Police Officers* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Donald Cudmore, Police Chief* as a *Constable* effective July 1, 2013 term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Carl Shreder* Harbormaster term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Kenneth Woodbury, George Comiskey, and Joseph Bouchard* as *School Crossing Guards* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Michael Farrell, Town Administrator* as the *Sexual Harassment Grievance Officer* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Donald Cudmore, Police Chief* effective July 1, 2013 to the *SATURN (Statewide Anti-Terrorism Unified Response Network)* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Albert Beardsley, Fire Chief and Thomas Dejoy* to the *SATURN (Statewide Anti-Terrorism Unified Response Network)* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Douglas Baird* to the *Registrar of Voters Democrat member* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Bill Hastings, Bill Monroe, Jeff Wade, Christian Roop and Sandra Martin* to the *Recreational Path Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Kenneth Woodbury, Pamela McKay, and Deborah Mulligan* to the *Scholarship Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Stuart Egenberg, Selectmen to the School Building Committee* term to expire June 30, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Tillie Evangelista, Rob Hoover, Peter Durkee, Jeff Wade, George Comiskey, Ellie Sinkewicz, Michelle Smith, Kerry Stauss, Eric Zadina* to the *School Building Committee* term to expire June 30, 2014. Mr. Trapani seconded the motion and the motion was approved by a 3-0 vote. Mr. Fowler and Mr. Smith abstained

Mr. Surface moved to reappoint *Michael Farrell, Town Administrator; Carol Jacobs, School Superintendent; Dr. Donna Tanner, Penn Brook Principal; Margaret Maher, Perley Principal; Peter Lucia, M/H Principal; and Joan Liporto, Business Manager* as *Non-Voting members of the School Building Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a 4-0 vote. Mr. Fowler abstained

Mr. Surface moved to reappoint *Robert Rose* as the *Sealer of Weights & Measures* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Deborah Rogers, Steven Przyjemski, Howard Snyder, Peter Durkee, and Michael Farrell* to the *Stormwater Management Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Jim DiMento, Jon Pingree, Mark Perry, Michael Anderson, Peter Durkee, Barbie Linares, Sandy Gerraughty*, as voting members and *Carol Jacobs and Joan Liporto* as non-voting members of the *Synthetic Turf Advisory Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Kopelman & Paige* as *Town Counsel* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface asked when Town Counsel was last bid out. Mr. Farrell stated that a review was done before he arrived by the previous Town Administrator. Board stated that this appointment should be reviewed every few years and also reviews the fee structure.

Discussion on the Traffic Committee not having enough members and no quorum.

Mr. Surface moved to remove two seats on the *Traffic Review Committee* to make it a five member committee. Mr. Egenberg seconded the motion and the motion was approved by a 4-1 vote.

Mr. Surface moved to amend the motion and to reduce the Traffic Review Committee to a three member committee. Mr. Egenberg seconded the amendment and the amendment was approved by a 4-1 vote.

Mr. Fowler stated that he would like to see the committee stay at a five member board.

Mr. Surface moved to reappoint *Peter Durkee and Sgt. Kevin Defeo* to the *Traffic Review Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to appoint *Philip Trapani* to the *Traffic Review Committee* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Peter Durkee* as the *Tree Warden* term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Philip Trapani* as the *Veterans' District Representative* term to expire June 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a 4-0 vote. Mr. Trapani abstained.

Mr. Surface moved to reappoint *Jeffrey Moore* to the *Zoning Board of Appeals* term to expire June 30, 2017. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface moved to reappoint *Dave Kapnis* to the *Zoning Board of Appeals* term to expire June 30, 2018. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Next Meeting

Monday, June 10 at 6PM

Monday, June 17, 2013 at 7:00PM, 3rd floor meeting room, Town Hall

Mr. Egenberg thanked all board members that they reappointed and new appointees.

Mr. Surface stated that he can not make June 10th he asked that they work on a new date.

Mr. Smith thanked all who were involved in the Memorial Day activities.

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

Meeting adjourned at 9:18PM.

Minutes transcribed by J. Pantano.