

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
12/16/13
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:

Pledge of Allegiance

WARRANT & MINUTES

Warrant to be signed

Minutes General Meeting October 21, 2013.

Mr. Trapani moved to approve the minutes of October 21, 2013. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Board Business

Common Victualler License-Par 97; Par 97-Sunday opening hours change from Noon to 10:00AM

Mr. Trapani moved to approve the *Automatic Amusement* license for *Par 97* to expire December 31, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Trapani moved to approve the *Common Victualler* license for *Par 97* to expire December 31, 2014. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Trapani moved to approve the *Par 97* operating hours from *noon to 10AM on Sunday*. Mr. Egenberg seconded the motion.

Mr. Surface asked why they want to open earlier.

Mr. Clifford stated that he wants to have a Sunday brunch.

Mr. Fowler stated this would carry over from year to year. Mr. Farrell stated that it would. Mr. Surface stated because of the Black Swan County Club open early on Sunday he is in favor but does not like the early opening on Sunday. Mr. Trapani stated he is in favor of the earlier

opening. He stated that they have not had any issues in Georgetown with the early openings and will keep an eye on the license. Mr. Clifford stated that he plans to open on January 6th, 2014. **The motion was approved by a unanimous vote.**

ZBA fee waiver for the Middle/High School new sign
Mr. Surface moved to allow the ZBA to waive their \$200 fee for the M/H School new sign. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

MMA Annual business meeting January 25th

Mr. Smith asked if the board has to attend this meeting. Mr. Farrell stated that they do not have to attend the business meeting but the seminars would be good for the board to attend.

MMA Annual Business meeting January 25th-Credential vote form

Mr. Trapani moved to approved Mr. Farrell to vote for the board at the MMA Business meeting January 25th, 2014. Mr. Surface seconded the motion.

Mr. Fowler asked what the votes would be for. Mr. Farrell stated election of new officers, etc. **The motion was approved by a unanimous vote.**

Mass State Lottery Commission-Notice of Keno to Go at Georgetown Mobil

Mr. Smith stated that this is just a notice to the board.

Appointments & Approvals

Personnel Board joint appointments of Christopher Rich, Robert Watts, and Alan P. Aulson, Sr.
Personnel Board Appointment-Tri-Board Appointment
Jim Lacey, FinCom member was present; Beverly Enos, Town Moderator was present

Mr. Smith stated that there are 4 candidates for appointment to the Personnel Board. He asked Mr. Farrell to explain the process to board. Mr. Farrell stated that this is a BoS, Moderator, and FinCom appointment and each board has one vote.

Mr. Lacey stated that the FinCom voted to not recommend any appointments and agree with the DoR that the board is no longer needed. He stated that they have had issues getting members and the town now has Mr. Farrell as Personnel Director. He stated that the FinCom agreed that it is not a good idea to appoint a new board. Mr. Smith stated that the BoS took that into account this fall and did not want to make a significant change at Fall Town Meeting and wanted to look at the board with an overall look at town government. He stated that the town voted for a personnel board and his take is that this issue will come up again in the spring. He stated that for now they feel it is fair and appropriate to keep the board active until a decision is made. He stated boards need to work under the bylaw of the town. Mr. Lacey stated that he does not agree with appointing and then disbanding in the spring. He stated that there does not appear to be any major issues before the Personnel Board at this time so why reinstate. Mr. Smith stated that he wanted this information on the table. Mr. Surface asked when was the Personnel Board was established. Mr. Smith stated that the board was established in 1977 and was effective in that time. Discussion on what the process would be without a PB. Mr. Rich gave some history on a case that went to the Personnel Board. He stated that any decisions could be appealed to BoS. Mr. Surface stated that the issue is whether to go forward with the Personnel Bd. He stated that he was not aware of the FinCom vote and this does influence his vote. Mr. Fowler stated that we

have used the Personnel Board and they are used for hiring procedures. He stated when hiring the Town Planner and splitting the hours it went before the Personnel Board. Mr. Fowler asked if the PB was dysfunctional. Mr. Farrell stated that there have been issues with setting up meetings and having a quorum. Mr. Rich stated that he does remember having any issue with meetings. Mr. Farrell stated one part of the Personnel Board is the changing of positions and job descriptions. He stated that the Library wanted to upgrade a position and three meetings were canceled while trying to meet with the Personnel Board. He stated under the State statute the Library Trustees ended up under their autonomy made the change. Mr. Smith stated the issue is the Towns people have bylaws and we voted against the change this fall. He stated as of right now we have four people who have stepped up and we should be voting and this spring bring an article to town meeting and vote. He stated the positions will not be short term if the town does not vote. He stated our obligation to vote as we have the volunteers. Mr. Surface stated that we are elected to manage the affairs of the town and if the boards are not doing their job then we should not reappoint. Mr. Smith stated that if we have the right people then appoint them and he stated he does not see any danger in the appointments.

Ms. Enos stated that their job is to follow the bylaws and that is what we should do. Mr. Fowler stated that if the board is dysfunctional that is because the Selectmen had not reappointed the board since June 2013. Discussion on the vote and process. Mr. Trapani stated he is on the fence and does recognize we have a bylaw but if things are not happening and if DoR, FinCom, and Town Administrator agree that this board impedes the process and decisions should be made by professionals. He stated that three entities stated that we do not need this and does not want to impede the town. Mr. Smith stated that DoR does not run the town and the FinCom is advisory and Town Administrator is present. He stated that his concern is the board not appointing a board. Mr. Smith stated that there can be no new positions without the Personnel Board. Mr. Surface stated only if a newly created position is requested. Mr. Farrell stated in the day to day operations he does not have to go to the Personnel Board but new positions, pay scale, job descriptions, etc. go through the board. Mr. Farrell stated he did a salary classification, and job descriptions were given to the Personnel Board and they never acted on them. He stated he gave the information to the board in 2010 and the current classifications and job descriptions are from 2003. Mr. Surface stated that there are things that have to be done.

Mr. Fowler moved to nominate Christopher Rich to the Personnel Board term to expire June 30, 2014. Mr. Trapani seconded the motion.

Mr. Smith asked if the appointments should go longer than June 30, 2014 and see what happens in the spring. Mr. Surface stated that he would not commit to staggered terms after TM. Mr. Smith stated that the board can reevaluate after TM. Mr. Trapani stated that he does not see why they cannot appoint for longer term. Mr. Egenberg asked if the board will put a review of the Personnel Board to spring TM. Mr. Smith stated that they need to move forward.

The nomination was approved by a unanimous vote.

Mr. Surface moved to nominate John Smolinsky to the Personnel Board term to expire June 30, 2014. Mr. Egenberg seconded the motion. The nomination was approved by a unanimous vote.

Mr. Trapani moved to nominate Robert Watts to the Personnel Board term to expire June 30, 2014. Mr. Fowler seconded the motion.

Mr. Surface stated that Mr. Watts is on the Planning Board and asked if this would be an issue with two Planning Board members on the board. Mr. Rich stated that Mr. Watts approached him to be appointed. Mr. Surface stated that this is not about the person but having two appointees from one board. Mr. Rich stated it is hard enough to find more people. Mr. Smith stated that with a small board this can be an issue. Mr. Farrell stated that if there was an issue with the Planning Board there could be an issue.

The nomination was approved by a 3-2 vote.

Mr. Trapani moved to nominate Alan Aulson, Sr. to the Personnel Board term to expire June 30, 2014. Mr. Fowler seconded the motion. The nomination was approved by a unanimous vote.

Mr. Smith moved for a revote on Robert Watts nomination to the Personnel Board. Mr. Surface seconded the motion.

Mr. Smith stated that he does not want to see two board members from a same board on the Personnel Board. Mr. Fowler stated that he understands and agrees to go forward as we have said and that it has been an issue getting a quorum for this board. He stated that he would hope that they would recuse themselves if an issue. He stated that there should be a policy on whether members can serve on multiple boards. Mr. Smith stated that this is not a reflection on the appointee.

Mr. Surface stated he would volunteer to be on this board.

The nomination of Robert Watts was not approved by a 2-3 vote.

Mr. Trapani moved to nominate David Surface to the Personnel Board term to expire June 30, 2014. Mr. Egenberg seconded the motion.

Mr. Fowler asked Mr. Surface if two people came forward would he step down. Mr. Surface stated that he would. Discussion on Selectmen on Personnel Board.

Mr. Fowler stated that he cannot support Mr. Surface on the Personnel Board as this can create a conflict.

The nomination was approved by a 3-1-1 vote.

Mr. Smith stated that there are 4 nominations: Christopher Rich, John Smolinsky, Alan Aulson, Sr. and David Surface.

Mr. Smith moved to appoint John Smolinsky to the Personnel Board term to expire June 30, 2014.

The motion was approved by a 2-0-1 vote. BoS and Moderator-yes FinCom-abstain

Mr. Smith moved to appoint Christopher Rich to the Personnel Board term to expire June 30, 2014.

The motion was approved by a 2-0-1 vote. BoS and Moderator-yes FinCom-abstain

Mr. Smith moved to appoint Alan Aulson, Sr. to the Personnel Board term to expire June 30, 2014.

The motion was approved by a 2-0-1 vote. BoS and Moderator-yes FinCom-abstain

Mr. Smith moved to appoint David Surface to the Personnel Board term to expire June 30, 2014.

The motion was approved by a 2-0-1 vote. BoS and Moderator-yes FinCom-abstain

RecPath Exhibit E for approval-Jeff Wade to be present

Mr. Farrell stated that Jeff Wade asked to move this item to a meeting in January after he meets with National Grid.

National Grid Right of Way-Notice of Appeal

Mr. Farrell stated that the National Grid Right of Way ConCom decision is being appealed by DEP. He stated the DEP felt that they were not strict enough. Mr. Farrell stated that Mr. Wade could not be present tonight and would be able to address the issue in more detail and will attend a future meeting. He stated that the ConCom is handling this and this is an FYI to the board. Mr. Smith stated have Mr. Wade or Mr. Przyjemski come to a meeting to explain.

CPC-Request for flagpole at Union Cemetery-Under who's jurisdiction

Mr. Farrell stated that the CPC wants to know who is in charge of the Union Cemetery. He stated that a resident asked for the funds to put in for a new flagpole at Union Cemetery. Mr. Farrell stated that someone has to be the funding authority. Mr. Fowler stated that when a citizen comes forward the CPC directs them to a committee. Mr. Egenberg stated that the Historical Commission came in asking to make someone the caretaker and the board did not take a vote. Discussion on whom to appoint.

Mr. Surface moved that the *Historical Commission* be in charge of the *flagpole and lighting at Union Cemetery*. Mr. Egenberg second the motion and the motion was approved by a unanimous vote.

Mutual Aid "Opt-In" form-Public Works Municipal Mutual Aid Agreement

Mr. Surface moved to participate in the *Public Works Municipal Mutual Aid* and sign the *Mutual Aid Agreement*. Mr. Egenberg seconded the motion.

Mr. Fowler asked if this is new. Mr. Farrell stated that this is new for the Highway Department. Discussion on the policy. Mr. Fowler stated that he does not want to support tonight as not always as simple as seems.

The motion was approved by a 4-1 vote.

Rehabilitation of Elm Street-Engineering Contract for approval

Mr. Surface asked about Elm St contract. Mr. Farrell stated that the contract is not ready as it is still with town counsel. Mr. Trapani stated that the street is historical and the Historical Commission should see the contract. Mr. Surface stated that there should be a public hearing. Mr. Fowler stated who put this forward. Mr. Farrell stated that this was voted at a Fall Town

Meeting. Mr. Farrell stated \$1.8 mil voted and with town doing in kind work. He stated there may be some grant funds available in the Safe Routes to Schools program once the school is a member for a year. He stated that this contract is for the construction documents and bid docs and OPM for the town. He stated that we could put a clause in for a public hearing and consultation with the Historical Commission.

Mr. Smith asked to have the School Building Committee and School Committee to a meeting in January.

Town Administrator's Report

Mr. Smith asked for an update on the Penn Brook School project.

Mr. Farrell stated that a week ago the School Building Committee met with the Builder and to get them back to work and under the Health and Safety Plan. He stated that Brait had to put together the cost to clean the trucks, safety training, etc. He stated there is an issue with dust and all parties need to come together. He stated that the cost for one month delay, Health and Safety Plan \$1.75K. He stated that there has to be monitoring of the site and the dust has to be controlled and they have to mist when working and hose down the trucks. He stated that there will have to be a LSP site professional on site. He stated that Wilcox and Barton did a peer review. He stated that the School Building Committee has asked for a price to implement the plan and exemption from 30B. He stated that Green Seal who the town has worked with on the Tidd site gave the town a much lower not to exceed cost. He stated that the good news is the original school bid came in \$4M under budget so we have the additional funds. Mr. Surface asked if this plan includes the fields. Mr. Farrell stated that the fields will be loamed and seeded but not groomed. Mr. Trapani asked how we will pay for the cost to make the fields into ball fields. Mr. Smith stated that there is only one field and backstops in the plan. Mr. Surface stated GAA put in a sprinkler and the cost was \$8K. Mr. Smith stated that they told them not to put in the system until the project was done. Mr. Trapani stated get a price to put the fields back in. Mr. Fowler asked if these may be in the project now. Mr. Farrell stated there was talk of putting in a geothermal layer and then cover. Mr. Surface asked if the monitoring can be covered under the MSBA share of funds. Mr. Farrell stated that this is being pursued with MSBA.

License Renewals

Bowling: Georgetown Bowling Lanes

Mr. Trapani moved to approve the *Bowling License for Georgetown Bowling Lanes to expire December 30, 2014*. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Common Victualler: Barisal Convenience Inc. DBA Richdale, Georgetown Bowling Lanes, Niki's Roast Beef & Pizza, Udderly Devine

Mr. Trapani moved to approve the *Common Victualler License for Barisal Convenience Inc. DBA Richdale, Georgetown Bowling Lanes, Niki's Roast Beef & Pizza, and Udderly Devine to expire December 30, 2014*. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Second Hand Shop: Sedler's Antiques, Little Block of Shoppes

Mr. Trapani moved to approve the *Second Hand Shop License for Sedler's Antiques and Little Block of Shoppes* to expire December 30, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Correspondence

Fire Department announcement

Mr. Smith read the announcement asking residents to keep 3ft clear of snow from around fire hydrants.

Volunteer Flyer

Mr. Smith stated that we had nine volunteers step forward from the flyer in the Electric Bills.

NEXT MEETING

Discussion on conflicts on January 6th so that meeting will be moved to January 13, 2013.

Next meeting Monday, January 13, 2014 at 7:00PM, 3rd floor meeting room, Town Hall

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

Meeting adjourned at 9:20PM.

Minutes transcribed by J. Pantano