

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

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BOARD OF SELECTMEN MEETING MINUTES

Memorial Town Hall

12/2/13

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

7:05 PM – Tri-Board 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

Mr. Smith stated that Mr. Surface is attending the meeting remotely by phone.

7:00PM-Public Hearing

Keon's Transfer of Liquor License, Transfer of Stock, Change of Manager, and new Officer/Director

Wayne Kingston, George Suslak, Attorney and James Holloway were present

Mr. Smith opened the Public Hearing

Mr. Suslak attorney explained that Mr. Swansburg bought stock from Alan Boisvert and will be running the business. Mr. Trapani asked for background on running business. Mr. Kingston stated that Mr. Swansburg does not have too much experience with restaurants but has brought in Mr. Holloway to run the restaurant and he gave his background. Mr. Trapani stated that they are making some changes to the restaurant. Mr. Kingston stated that they are making some small cosmetic changes now and some more substantial later. Mr. Fowler stated that he has not been supportive of the license because of the golf carts serving alcohol. He stated that if they put something in the lease to stop at 5 and not start as early he would be in favor. Mr. Smith asked if Mr. Fowler had concerns. Mr. Fowler stated not in favor of hospitality carts and those hours. Mr. Trapani stated that this board should not moralize but if complaints and concerns the board would have issues. He stated that the business has done a fabulous job since starting. Mr. Smith stated he agrees. Mr. Surface stated that he agrees and was one of the opponents of the license and Sunday hours but there have been no problems so is in favor.

No public comment

Mr. Smith closed the Public Hearing

Mr. Trapani moved to approve the Keon's Transfer of Liquor License, Transfer of Stock, new Officer/Director, and Change of Manager from Alan Boisvert to James Holloway. Mr. Egenberg seconded the motion.

Mr. Fowler asked if they are keeping the same name. Mr. Kingston stated that they were.
The motion was approved by a 4-1 vote.

NEW BUSINESS

Tri-Board Meeting- Penn Brook Elementary School Project

Board of Selectmen, School Committee, and School Building Committee

Members present School Committee: Barbie Linares, Rob Hoover, Laurene Polignone, and Pam Lundquist

Members present School Building Committee: Ellie Sinkewicz, Peter Durkee, Jeff Wade, George Comiskey, James Lacey, Stu Egenberg, and Rob Hoover

Both committees opened their meetings.

Mr. Smith stated that the board asks to keep this meeting to the facts and not to give estimates. He stated he wants to focus on what we know. He stated that we have contracts and attorneys and will let them deal with the legal aspects.

Ms. Sinkewicz stated Carl Franceschi will give an update to the boards.

Mr. Franceschi, DRA, Inc. stated that they are working with the entire team to move forward safely, efficiently, and quickly. He stated that they are working on how to handle this portion of the project. He stated that the largest cost is to get rid of the topsoil. He stated that in strategizing these costs they are looking into using a low field on site to stockpile soil until school is torn down. He stated that an option is to keep the soil in this area and not sure if it would level the field and then cover appropriately. He stated that they are looking to see if the project will allow excess soil to this area. He stated that the old school will come down the summer of 2015 and then they can move the soil to fill that space. He stated that the school would not be able to use that field until summer 2016. He stated that this is topsoil and will settle and discussed material that they could put down on top. He stated that the field would need maintenance because of settlement. He stated top fill will be 18' to 3 feet. He stated deeper to 2-3 feet if putting in an irrigation system. He stated that to get fill to this area would be to construct a road to get there and would be moving the soil during the school day but not at pick up and drop off. Mr. Trapani asked how they would deal with the tree line. Mr. Franceschi stated that they would have to slope the side and tapering at the back. Mr. Trapani asked if they will go off the property. Mr. Franceschi stated all will be on school property. Discussion on capping of the current field and access to the back field.

George Comiskey stated is there a current irrigation system on the front upper field. Mr. Franceschi stated that there is and it would have to be replaced.

Mr. Smith asked about safety measures of moving the dirt for kids. Mr. Franceschi stated that they have a tire wash system at boundary of lot and the trucks are covered to prevent dust. He explained the process and systems they would use. Mr. Smith asked for an expected cost to keep the soil on site. Mr. Franceschi stated it would be a \$1M savings to keep the soil on site. Ms. Sinkewicz asked if others are on board with this idea such as Environmental engineers, etc. Mr. Franceschi stated that they are and it is just as safe.

Ms. Sinkewicz stated that they asked for a peer review and where is that. Pat Saitta, Municipal Builders stated that he thinks this makes sense and agrees with the plan to keep the soil on site.

Mr. Surface stated if they store the soil then what happens with it at the end. Mr. Franceschi explained capping. Mr. Surface asked if it this would cause issues with water and runoff. Mr. Franceschi stated that they will stay out of ConCom areas and may need a swale but consultants are comfortable with this plan.

Mr. Wade stated in the meeting that they asked to keep it one level and not tier. Mr. Smith asked who owns the property. Mr. Farrell stated that the town owns the property but the School Committee is in charge of the care of the property. Mr. Wade stated that the project is under the SBC.

Mr. Smith asked if the School Committee has discussed this issue. Discussion that the School Committee will be talking about the soil at their January meeting. Mr. Wade stated that the decision to dump the soil on site needs to be made sooner. Ms. Lundquist asked if they could drive the trucks behind the school. Mr. Franceschi stated that the buffer zone is very close to the school and does not work.

Mr. Surface stated that the original budget included the field. Mr. Smith stated that the plan covered the new field where the current School is.

Mr. Fowler asked the route of the trucks and if the trucks are using the emergency access road. Mr. Saitta stated no trucks will be on the emergency access road. Mr. Fowler asked about stumps. Mr. Franceschi stated that they will be grinding stumps and explained if below standard then can be put on site or use as mulch.

Mr. Trapani asked if bid will include replacement of field. Mr. Franceschi stated were not designing a new ball field at the site of the fill. Mr. Trapani stated that this will cause a sports nightmare. He asked if they can hold off on the turf field while waiting for these fields to be ready. Mr. Smith stated he talked to GAA and the younger kids do not need a perfect field. He stated that the turf field will give more area. Ms. Jacobs stated she did not realize they would lose the top field and needs to know what they will lose and when.

Mr. Hoover asked if the \$1M includes replacing the field. Mr. Franceschi stated that the field is not included and just have to grass over. Mr. Wade stated that they will have to cover also.

Mr. Trapani asked what we are not asking.

Mr. Hoover asked about drainage and what kind of seepage.

Mr. Trapani stated do we have any review. Mr. Hoover stated could get a peer review. Mr. Saitta stating waiting for DEP to find out how much fill needed. Ms. Linares asked why we are waiting on DEP. Mr. Saitta stated that at the end of the week will know if arsenic is naturally occurring or not and that will make a difference. Mr. Hoover asked why discussing until we know the whole picture. Mr. Durkee asked if the contractor is working. Mr. Saitta explained the

process they are going through and working with the contractor. Ms. Jacob stated if no decision tonight what happens. Mr. Saitta explained that it will help to have a decision and be able to start up soon and move forward without more delay. He stated that the clearing contractor is done and site contractor is setting up now. He stated that they only want one change order.

Mr. Smith asked when we will see a number and date. Mr. Saitta stated once they have a decision then they can put numbers together and meet at the end of the week. He stated that this is a very complex process. He stated that only sub contractors working on site with contamination others will only be working in clean material on building with slab. Mr. Wade stated that the number will be to take off soil and stockpile onsite and to prepare site project for people to work on. Mr. Trapani stated if the cost is \$2M in site work that leaves \$2M for change orders. Mr. Saitta stated that funds for change orders is already in the budget. Mr. Trapani stated he has no problem voting to move the soil on the site. Mr. Lacey stated that the fields were not in the plan. Mr. Smith stated so overall we are building to a budget. He stated that it sounds like there is money in the budget for the monitoring. He stated that he feels it makes sense to move forward to move the soil on site.

Mr. Trapani asked what confidence do we have that adding the soil to the field we are not causing more issues are we going to have to fix this later. Mr. Franceschi stated the land will still be flowing the same as it is now and will have an engineer look at this over the next week. Mr. Wade stated that the soil levels are similar. Mr. Comiskey stated that if there is work in the buffer zone then they would have to go to the ConCom and the work would have to be reviewed. Mr. LaCortiglia stated that there is a soil importation rule and could cover in a ConCom meeting. Mr. Franceschi stated there will be two piles until the old school is taken down and then moved to grade that site. Mr. Trapani asked by what date they will know what needs to be done and who will get the total price for the project. Mr. Saitta stated next week he will have the numbers. Mr. Smith stated that this was not part of the original scope so what is the remediation plan for additional fields. Mr. Saitta stated the plan will be pretty straight forward and they should be able to be price up quickly. He asked who will be getting this information. Mr. Wade stated that he feels it should stay with the SBC as they are already involved. Ms. Linares and School Committee members agree with the SBC being on top of this.

Ms. Sinkewicz stated first a vote is needed on where to store the soil, then deal with the fields. She asked when they would be done with the stockpiling. Mr. Saitta stated over the winter and would know over the next month. Mr. Trapani stated if they stockpile the soil would we have a level field and if this will same money why wouldn't we do this. Mr. Surface asked if DEP has to approve the moving of the soil. Courtney Southwick, DRA stated that they do not believe so but will verify. Mr. Surface stated that they need to hear from an expert as he does not want to find out later that we have another problem. Mr. Saitta stated that during a recent meeting with the civil engineer he stated that he did not feel stockpiling the soil would affect anything. Mr. Hoover stated we do not want to hold up the project but they are looking for assurances. Mr. Wade stated that what they are asking is for the soil to be moved. He stated that the fields will have to be capped anyway. Mr. Smith stated that some of the soil will be used to fill the area of the current school. Mr. Franceschi stated that a vote is just for the concept. Mr. Smith asked if they vote yes what happens next.

Mr. Franceschi stated that the engineer will see if it proves that it can go there and then they can move forward and will go to ConCom for review. Mr. Trapani stated that the only risk would be to move the soil again. Mr. Surface stated that before he votes he wants to be sure this is where the soil will stay. Mr. Saitta stated that he agrees that they do not want to move twice. Mr. Saitta that they could start the move next week. Mr. Farrell asked if this will preclude placing the pad. Mr. Saitta explained the process that the contractor wants to do. Mr. Farrell asked if the School will still finish fall 2016. Mr. Saitta stated that the pricing will include finishing on time.

Mr. Wade stated steps he sees is approval for the concept tonight, end of week a hard number of savings with keeping the soil on site, assurance that the soils can be used as a sub base for fields, He is confident that they can make this work and next week start moving soils. Then work with the ConCom on a design for the new fields before all the stockpiling is done.

Mr. Surface asked if they can put in the motion that only to stockpile soil that will be used on site. Mr. Smith stated that there is topsoil to be moved and there would be an additional cost to move somewhere else. Mr. Smith asked if they can confirm that the soil will not need to be moved again and will not cause a drainage issue at the site where it is moved.

Ms. Sinkewicz asked if it is reasonable to give an amount of soil that they can move. Mr. Saitta stated they do have time to get some assurances. Mr. Smith stated that there is a potential to move some topsoil and a risk.

Mr. LaCortiglia stated eliminating 2 proposals if this is their vote. He asked if the town is precluded from lowering the stockpile if it is too high.

Mr. Smith asked who owns the project can the SC vote to move the soil. Mr. Farrell stated that the SC oversees the land and what happens and the SBC votes on the project. Mr. Farrell stated that the Selectmen handle the money. Mr. Wade stated that the SC has to vote to allow the stockpile and the SBC votes on the project. He asked when they have work on new fields does the SBC vote. Ms. Sinkewicz stated that incidental costs may include the fields. Mr. Trapani stated a change order would go to the SBC and a major change would come to the BoS. Mr. Smith stated that he appreciates them all coming in tonight to discuss the issue.

Mr. Trapani moved to support the General Contractor to move the soils from the new Penn Brook School site to the lower field as presented. Mr. Egenberg seconded the motion.

Mr. Surface stated at the next BoS meeting they will have a report. Mr. Franceschi stated that they could.

The motion was approved by a 4-1 vote.

Ms. Linares moved to allow the General Contractor to move the soils from the new Penn Brook School site to the lower field as presented. Ms. Lindquist seconded the motion. The motion was approved by a 3-1 vote. Mr. Hoover abstained.

Ms. Sinkewicz moved to allow the General Contractor to move the soils from the new Penn Brook School site to the lower field as presented. Mr. Wade seconded the motion.

Mr. Comiskey stated he was always in favor of stockpile on site.

The motion was approved by a 5-1 vote.

The School Building Committee and School Committee meetings were adjourned.

Brocklebank Museum/CPA Grant Agreement for Georgetown Historical Society, Inc.

Mr. Detwiller, Historical Society was present

Mr. Detwiller gave an update on the project and stated the Building Inspector has been down and looked at the project. Mr. Farrell explained that that the work was done without a grant agreement and the Town Accountant is holding the bills until she has a signed agreement. He stated that in the warrant article and based on legal counsel there should be a Grant Agreement.

Mr. Trapani moved to approve *Brocklebank Museum/CPA Grant Agreement for Georgetown Historical Society, Inc.* Mr. Egenberg seconded the motion.

Mr. LaCortiglia stated that the CPC feels that this was a waste of time and money. He stated that they have a deed agreement. He stated \$17, 500 has been released. Mr. Trapani stated that in the past we have done grant agreements and they need to determine in the future what projects require grant agreements. Mr. Detwiller stated that they had the agreement before.

Mr. Farrell stated that a historical restriction is different than the grant agreement. He stated that this is the same as the last agreement done on the Brocklebank Museum. He stated that he would not be doing his job if he was not getting an agreement and he would share the bill with Mr. LaCortiglia as it was not that expensive. Mr. Surface stated if they do not like the grant agreements then do not add them to the warrant article. Mr. LaCortiglia stated Kopelman & Paige adds the agreements. Mr. Surface stated that Mr. LaCortiglia is beating up on Mr. Farrell for doing his job.

Mr. Fowler asked if they were going to discuss the CPC vendor bill item from the DoR report after this.

Mr. Fowler moved to amend motion to change primary to review the bills for CPC approved projects to be CPC.

Mr. Trapani asked if the CPC is asking for this. Mr. LaCortiglia stated that they are not. Mr. Surface stated if other projects are the same. Mr. LaCortiglia stated that this is the same contract as others and he is okay with the contract.

Mr. Trapani seconded the amendment.

Mr. Fowler stated he is the BoS representative on CPC and they look at projects to see if the work has been done. Mr. Farrell stated he does not look at the project himself but the Building Inspector reviews and looks at the projects.

The amendment was not approved by a 1-4 vote.

Mr. Fowler stated that Mr. Farrell told him a grantor and a grantee. Discussion on this.

The original motion was approved by a unanimous vote.

OLD BUSINESS

Bond for approval-Turf Field and Conservation Restriction

Mr. Farrell explained that the bonds are for the Turf Field and Conservation Restriction and explained how much we will be using and reserve to be used for the School bills so we do not have a cash issue. Mr. Surface stated that funds for Conservation Restriction and Turf Field not to be confused with Penn Brook School. Mr. Farrell stated that \$800K is for cash flow.

Financial Management Review from DoR for discussion

o CPC-Review and Approval of Vendor Bills

Paul Nelson, Affordable Housing Trust; Jim DiMento, Park & Rec; Harry LaCortiglia, Planning and all CPC members

Mr. Farrell stated that one of the recommendations from DoR (number 21) addresses the CPC role in approving expenditures. He stated that their signatures are not required and this adds a layer of bureaucracy and delays the payments of bills by 30 days. He stated that they had some small bills over the summer to be paid and the CPC did not have a quorum and this further delayed bills being paid. Mr. Trapani read the recommendation of the DoR.

Mr. Nelson stated that the ConCom bills get held up by the agent and then brought to the committee. Mr. LaCortiglia stated that the bills go to the boards for approval that the work was done and then to CPC for approval.

Mr. Trapani asked if CPC is comfortable with the recommendation. Mr. LaCortiglia read from his minutes about the issue and he read a 2008 Kopelman & Paige recommendation. He stated that some communities do it this way and he talked to CPC and they recommend staying with the current policy. He stated that if you get legal opinion it states you do not have to have CPC approval. He stated that they follow section 13 in CPC bylaw. He stated that the section stated that the CPC keeps the records. Mr. Smith stated that there is no requirement to send bills to CPC and the bills can be sent to the Town Administrator. Mr. DiMento stated that the CPA looks over the bills and they make sure that the right payments go to the right appropriation. Mr. Nelson stated they act as project managers. Mr. Farrell stated that if any project requires procurement that goes through him as Chief Procurement Officer. He stated that this process adds an extra step. He stated that the Town Administrator and Selectmen are the only ones to execute a contract.

Mr. DiMento stated that the CPC review the bills for the Town Accountant. Mr. Surface stated that the Town Administrator makes decisions over the Town Accountant. He asked why they cannot have one member sign the bills. Mr. LaCortiglia stated that one member cannot authorize payment. Mr. Surface stated assign one member to a project and they view and sign. Mr. LaCortiglia stated that he is not going to air dirty laundry but people make mistakes. He asked that the board take a vote to remove oversight of the CPC. Mr. Trapani stated that he wants to reduce the redundancy. Mr. DiMento stated that he has enough meetings and does not want to get called in for a small bill. Mr. Surface stated wait and ask the FinCom for their opinion. Mr.

Smith stated that the board should make a vote either way and he values the opinion of the CPC. Mr. LaCortiglia stated that they may have to have a warrant article to make a change to the bylaw. He stated that if the board wanted to stop CPC from signing now you could, but it should not be arbitrary. Mr. Nelson stated that they have a process and it works. Mr. Trapani stated that it is not a formal process. Mr. Smith stated that we need to be efficient.

WARRANT & MINUTES

Warrant to be signed

Minutes General Meeting October 7, 2013, Executive Session November 18, 2013

Mr. Egenberg moved to approve the minutes of *October 7, 2013* and the *Executive Session minutes of November 18, 2013*. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

SELECTMEN'S REPORT

Winter Meetings: January 6, 27; February 10, 24; March 10, 24; April 7, 28; May 5 ATM, 19, 2014

APPOINTMENTS & APPROVALS

License Renewals

- All Alcohol Club: VFW

Mr. Egenberg moved to approve the VFW All Alcohol Club license to expire December 31, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

- All Alcohol Restaurant: Rybo's Bistro II, Inc.; Coach's Locker Room, LLC

Mr. Trapani moved to approve Rybo's Bistro II, Inc. All Alcohol Restaurant license to expire December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Trapani moved to approve Coach's Locker Room, LLC All Alcohol Restaurant license to expire December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

- Wine & Malt Restaurant: Pizza Factory

Mr. Egenberg moved to approve the Pizza Factory Wine & Malt Restaurant license to expire December 31, 2014. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

- All Alcohol Package Store: Georgetown Liquors, Inc; C. J. Liquors, Inc.

Mr. Egenberg moved to approve the Georgetown Liquors, Inc. All Alcohol Package Store license to expire December 31, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg moved to approve the C. J. Liquors, Inc. All Alcohol Package Store license to expire December 31, 2014. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

- Wine & Malt Package Store: Crosby's Markets, Inc.

Mr. Trapani moved to approve the *Crosby's Markets, Inc. Wine & Malt Package Store* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Common Victualler: VFW; Crosby's Markets, Inc.; Liquor Barn; Rybo's Bistro II, Inc.; Pizza Factory; Mystra, LLC (Dunkin Donuts); Theo's

Mr. Trapani moved to approve *VFW; Crosby's Markets, Inc.; Liquor Barn; Rybo's Bistro II, Inc.; Pizza Factory; Mystra, LLC (Dunkin Donuts); and Theo's Common Victualler* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Automatic Amusement: VFW

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

- Sunday Live Entertainment: VFW; Rybo's Bistro II, Inc.

Mr. Trapani moved to approve the *VFW Sunday Live Entertainment* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

Mr. Trapani moved to approve the *Rybo's Bistro II, Inc. Sunday Live Entertainment* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Weekly Live Entertainment: VFW; Rybo's Bistro II, Inc.

Mr. Trapani moved to approve the *VFW Weekly Live Entertainment* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

Mr. Trapani moved to approve the *Rybo's Bistro II, Inc. Weekly Live Entertainment* license to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Second Hand Shop: Instant Replays; Pratt Hobby Shop

Mr. Trapani moved to approve the *Second Hand Shop* license for *Instant Replays* and *Pratt Hobby Shop* to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Trap Shooting: Georgetown Fish & Game

Mr. Trapani moved to approve the *Trap Shooting* license for *Georgetown Fish & Game* to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

- Class II Used Car: B & B Auto Clinic, Inc.

Mr. Trapani moved to approve the *Class II Used Car* license for *B & B Auto Clinic, Inc.* to expire **December 31, 2014. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

Request from the AHTF to appoint Matthew Martin to the Affordable Housing Task Force appointment to expire June 30, 2016

BoS Minutes
December 2, 2013

Mr. Trapani moved to appoint *Matthew Martin* to the *Affordable Housing Task Force* appointment to expire **June 30, 2016. Mr. Egenberg seconded the motion and the motion was **approved** by a unanimous vote.**

CORRESPONDENCE

Winter Parking Ban-December 1st to April 1st

Mr. Smith read the letter from the Highway Surveyor

NEXT MEETING

Monday, December 16, 2013 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 10: 40PM.

Minutes transcribed by J. Pantano