

Memorial Town Hall, 1 Library Street, Georgetown, MA 01833
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BOARD OF SELECTMEN MEETING MINUTES
Memorial Town Hall
11/4/13
7:00 PM – General Meeting, 3rd floor meeting room

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

Pledge of Allegiance

Mr. Egenberg was Chairman for this meeting.

7:00 PM Public Hearing

Tax Classification Hearing

Jay Ferreira, Assistant Assessor and Thom Berube, Assessor were present for the Tax Classification Hearing.

1. Open Space Assessment
2. Residential Exemption
3. Small Commercial Exemption
4. Classification

No public questions

Mr. Fowler asked about the small commercial exemption and the town economic development. Mr. Ferreira explained that the town would need additional properties to have this exemption. Mr. Trapani stated that it would have to make the agreement with the State. Mr. Fowler asked if there is something the town would need to do. Mr. Berube stated that right now there is not one property would not fall under the small commercial exemption. Mr. Fowler stated that he wanted to be sure there was nothing the board has to do. He stated that the board talked in the past about relief for elders as taxes go up and while the assessors are here we should discuss. Mr. Surface stated that he and Mr. Smith are working on something. Mr. Fowler stated that he would like to see what they are working on in the open at a meeting. Mr. Surface stated that they are gathering information and will bring forward when they have all the information. Mr. Berube stated that they have added to the senior work-off program.

Board voted on each item

1. *Open Space Assessment*

Mr. Trapani moved to set an Open Space Assessment. Mr. Surface seconded the motion and the motion was not approved by a unanimous vote.

2. Residential Exemption

Mr. Trapani moved to establish a Residential Exemption. Mr. Surface seconded the motion and the motion was not approved by a unanimous vote.

3. Small Commercial Exemption

Mr. Trapani moved to accept the Small Commercial Exemption. Mr. Surface seconded the motion and the motion was not approved by a unanimous vote.

4. Classification

Mr. Trapani moved to recommend a Tax Classification factor of one. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Trapani moved to close the Public Classification Hearing. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Board Business

BP/71 East Main St-Class II Used Car Sales License

BP Gas

Elizabeth Ross, Attorney and Fadi Issa were present

Mr. Surface asked the plan for the property. Mr. Issa stated that he has a property in Groveland and wants to have 15 to 20 vehicles for sale at the 71 East Main St location and sell gas. Mr. Surface asked if there would be any banners as this is the entrance to town. Mr. Issa stated just American flags and the price of the vehicle. Mr. Issa stated that he would take good care of the property and has an Auto Repair shop just over the Georgetown line into Groveland. Mr. Trapani wishes them luck with the business.

Mr. Trapani moved to approve the Class II-Used Car Sales License for BP Gas 71 East Main Street with all taxes paid and the required Bond and a term to expire 12/31/2013. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Penn Brook Elem School Update/Joint meeting with the School Committee

Present from the School Committee: Carol Jacobs, Superintendent; Elana Peled; Pamela Lundquist; Laurene A. Polignone; Robert C. Hoover; Barbara M. Linares

Carl Franceschi, DRA, and Pat Saitta, Municipal Building Consultants were present

School Committee opened their meeting

Environmental Study discussion with Wilcox & Barton

Mr. Barton gave background on his staff and introduced them.

Cindy Fuller, MPH Health Risk Assessor; Amy Roth, Anthony Andronico, LSP.

Mr. Barton stated that his company did a Phase I site assessment at the Penn Brook School and explained what they did. He stated that they did the reviews and they found three issues heating oil tank with a recommendation to remove; floor drain system and slop sinks that discharge to septic and to leech field, and an electrical transformer to be removed during renovation. He stated that they were to determine if further identification was needed. He stated that on October

1st testing was done looking at shallow contamination and at one monitoring well, borings were done at the septic, and there is a lot of ledge on site so only one monitoring well was put in. He stated that on October 24th they had the evaluated data of the shallow and deep testing and Arsenic, Caladium, were found with elevated levels so additional shallow testing was done. He stated that the highest level was under the paving at the septic tank. He stated that the elevated levels had to be reported to the DEP within 3 hours. He stated that they did a 75ft grid and did sampling on the construction site to see if the levels were above the eminent threshold and also on the ball fields. He stated that their Risk Assessor Cynthia Fuller reviewed the data to determine if there is a risk to students and faculty. He stated that they found no imminent danger to students and faculty. There is a risk to faculty in the building for over 20 years. He stated that they are working to design a program with mulch to cover the fields. He stated that the construction site is closed the construction and putting a plan together. Septic levels are deeper depths. Will have to test at construction site to safety of construction.

Mr. Andronico stated that they need to find the source of the arsenic. Mr. Barton stated that they have to determine if naturally occurring or another source.

Mr. Surface asked when the Phase 1 testing was done. Mr. Barton stated that Phase 1 was done in December of 2011. Mr. Surface stated he wants to know when we should have known about this issue.

Mr. Franceschi stated that they may have dropped the ball the testing is part of the MSBA project. He stated that there were 3 issues noted at that time and they did not have any idea that testing would be required on the fields. He stated that they did do testing at the septic system. Mr. Surface and Mr. Trapani asked if this was done timely. Mr. Franceschi stated that they were not done timely. Mr. Surface stated this testing was done in November of 2013 and if the town had known of the contamination the committee would have slowed down and maybe not have used this site. He stated this is an embarrassment. Mr. Barton stated that the contamination is not from a transformer. Ms. Fuller stated that they believe the contamination is from the bedrock. Mr. Surface asked where the town goes from here. Mr. Trapani asked what will happen now from a remediation standpoint.

Construction

Mr. Barton stated that they are working on a health and safety plan to protect staff, workers, and students and to control the dust. He stated that the arsenic is the problem. He stated that they have to manage the dirt as it moves around and the goal is separation, paving, building, and possibly a synthetic surface. He stated that he does not have an answer on grading on the other parts of the site. He stated that they will be collecting additional data next week. He stated that they will determine if the arsenic level is higher at a shallower depth or at a deeper depth and then a plan will be put together.

Mr. Trapani asked where on the site the contamination was found. Mr. Barton stated on the baseball diamonds and playground and basketball court, around parking lot, and septic. Ms. Fuller stated that they may have to remove a 1ft layer over all fields. Mr. Trapani asked about other options. Mr. Barton stated that the area could be covered with a material.

Mr. Trapani asked the scope of the project, a time frame, and cost. He stated that to cover the areas list would take a large amount of soil. He stated that this could be from \$500k to \$5mil. Mr. Barton stated that there is a cost implication. He stated that it will be about \$10k for a plan and then there will have to be someone on site to see that the plan is followed. Discussion on the construction zone and bringing soil in. He stated that this will be an additional cost to the contractor. He stated that it will cost \$1200 a day for the duration of project when moving earth for a monitor onsite. He stated that there also will be additional data collection and reports to DEP. Mr. Fowler stated that we have moved discussion to ball fields to construction will we discuss the fields again. Mr. Trapani stated that the imprecation to the town is a couple \$100k. Mr. Saitta stated that he talked to the contractor and they want to move forward but they need to see the plan. Mr. Hoover stated that one of the biggest cost is the construction delays, change of drawings, and this site work will be on the town's dime.

Mr. Trapani summarized that mid next week a safety plan will be drafted. Mr. Barton stated that he will get a draft to the contractor and the DEP. He stated that DEP wants to see the plan and they have up to a 21 day review period. He stated that the plans will be done and submitted next week. Mr. Trapani asked about the deep bore testing. Mr. Barton stated that they are done with the deep bore testing. Ms. Lundquist stated that if the arsenic is found to be naturally occurring do they test water and other areas in the town. Mr. Barton stated one well on site was tested and the concentration was low. Ms. Fuller stated that the water would have standards that the Water Department has to adhere to and they have to report any high levels to the DEP. She stated that there could be an issue for long term staff. She stated that they will collect more samples.

Mr. Trapani discussed costs to the town and if Mr. Barton could give an estimate of costs for the town. Mr. Barton stated that they have not done any calculations. Mr. Andronico stated that a range may be from \$500k to \$5mil. Ms. Roth stated that right now they are dealing with the imminent issues.

Mr. Trapani asked where we are with the impact to the project. Mr. Saitta stated that until they have a plan they do not know the length of the construction delay, or additional cost to the contractors, and monitoring. He stated that there is a lot to talk about. Mr. Trapani stated if nothing found in the deep borings what is best or worst scenario to get back on track. Mr. Barton stated that the initial implementation takes a bit of time and they will be working with keeping the dust down coming off and on the site.

Mr. Andronico stated first the diagnosis and then the cure. He stated then they work with the construction team. He stated it would be a good 4 weeks away until construction starts again. Mr. Trapani stated that something has to be done onsite for the long term workers. He stated that it is a travesty that they are doing this at this late stage. He stated that they voted to not go through the typical Planning Board Site Plan Review that may have caught this. Mr. Hoover stated he was on Planning Board and this may have caught that Phase II had not been done. Mr. Surface stated that if we do not get the ball fields as part of the project they may not have gone with this plan in the woods.

Mr. Fowler asked for a copy of the plan of Phase 1. Mr. Farrell had the document and gave a copy to Mr. Farrell. Mr. Surface asked for the plan to be online. Discussion that Phase 1 is good

for 180 days. Mr. Egenberg asked why if only good for 180 days, why was Phase 2 not done. Mr. Saitta stated that in January there were 3 top items to be done and tested, monitoring of the removal of oil tank, testing the PCB's at the transformer, and Phase 2. He stated that he has never seen this happen before in all his years. He stated that Paul Brown worked on the documents and things were proceeding for a proposal for Phase 2 and testing was to be done. He stated that they never expected to have these levels and there was no evidence that they would have these levels.

Mr. Surface asked if a Phase 1 requires a Phase 2 then why was the testing not done and when did the bid go out for the GC. Mr. Saitta stated that the bid docs for the GC were done in August. Mr. Egenberg asked how the testing got to the fields. Mr. Barton stated that when levels at the septic came in high then they increased testing areas. Amy Roth stated that once the shallow testing was done and they received increased levels they are required to notify DEP. Ms. Jacobs stated that at that time they closed the fields.

Mr. Egenberg asked what would be a moderate scenario. Mr. Barton stated that the grades will be issue. He stated that the worst case would be to remove top soil and bring in clean fill a case of remove and replace.

Mr. Hoover asked when students would be able to go outside on the fields. Mr. Barton stated that he has no answer and did not know. Mr. Andronico stated that they may want to keep the fields closed until winter. Mr. Hoover stated that he wanted to acknowledge Ms. Jacobs and that she has done yeomen's work on this issue. He stated that it pains him to say that he has lost confidence on the site work for this project and what do we do as a town on the incurring costs and how do we move forward. Mr. Trapani stated he agrees and he has been vocal on the board and what does he recommend. Mr. Hoover stated that he would like to have a second LSP done and that this would be a small step to help him feel better. He stated that the town needs to look at how we look at Town projects and look at errors and omissions. Mr. Surface stated that he has confidence the OPM and Architect can move forward but upset that the ball was dropped and the additional cost to the Town. He stated that they will consult legal counsel and the Town should not bear all the cost.

Barbie Linares asked about the long term effect to staff. Ms. Fuller summarized the effect and stated that the DEP makes a summary on the risk. She stated that the touching of the dirt, dirt in your mouth, inhalation and how often the staff is exposed make a difference. She stated that staff exposed for over 20 years are at a higher risk. Ms. Linares asked what we are doing for the teachers. Ms. Jacobs stated that they have a list of 10 teachers that have retired and may have a risk. Mr. Farrell stated that he talked to town counsel and our insurance carrier and the town has no liability as this is not gross negligence it was unknown.

Mr. Surface stated that they do not need to remove teachers. Ms. Fuller stated that they have to have a plan and cover the dirt. She stated that they will look at daily risk. Mr. Trapani asked about the other metals found. Ms. Fuller explained less risk with the other metals and just a small amount.

Mr. Trapani asked the history of the site and if this contributed to the contamination. Mr. Barton explained background that they have found. Mr. Fowler asked if the contamination is from the surface. Ms. Roth stated that the depth makes them feel it is naturally occurring.

School committee asked how to monitor in future with erosion. Ms. Roth stated that they have monitoring controls. Mr. Barton stated that they will do a swab in the school to test the levels.

Ms. Linares asked about checking other fields in town. Mr. Barton stated that to do so is a risk management issue.

Mr. Trapani asked to review time frame for the next 60 days.

Mr. Barton stated that they will provide a health and safety plan, and imminent risk assessment plan, and collect samples. Mr. Trapani asked then what. Mr. Barton stated that depends on what is found and then another plan will be due in 60 days. He stated that construction may start in the next two weeks.

Mr. Trapani asked the delay cost. Mr. Saitta stated \$100k if they can start soon and they can negotiate with the contractor. Mr. Trapani stated that he would like cost for a start on Feb 1st or March 1st etc. He asked for a better estimate as soon as possible. He stated that he needs to get the scope of this change and if the town needs to go to town meeting for additional funds. Mr. Saitta stated that the contractor did come under budget by \$4Mil.

Mr. Fowler stated that he wants to echo the concerns of Mr. Hoover. He stated that he is concerned things have been broken with their partnership with MSBA. He stated that they have to look forward and address the concerns of the parents for their children.

Paul Sadoski, 2 Tall Tree Way, agrees with the board on safety of the children in school and would like to discuss when kids can go out to play and if not until spring. Ms. Jacobs stated she will not lift the closing until new testing. He asked if there is a plan. Ms. Jacobs stated that they have a process and she has met with teachers. She stated that they are looking at from 11AM-1:30PM using the circle in front of the school and the parking lot. She stated that they cannot get to fields and when ground freezes and snow then they could play on the fields. He stated that his daughter has asthma and there is dust in the school and he wants to know if his kids are safe in school. He stated that right now the quality of life at the schools for the kids stinks. Ms. Fuller stated that they will take samples of dust in the school. She stated that there is not an imminent risk to children. Ms. Jacobs stated that if dust tests high then they will clean the school. She stated that they will deal with the school being clean and covering bare areas with mulch. Ms. Fuller stated soil born contaminants and inhalation is low the direct contact is higher. Mr. Sadoski stated that he is not comfortable sending his kids to school

Joy Bonavita, 7 Bernay Way, stated that the State is contributing to this school does the MSBA know of the issue. Mr. Saitta stated that the percentage is already determined and set aside. He asked if the town will test at the Perley and High School. Mr. Trapani stated that they can look at testing. Ms. Linares stated she feels that it is important to test the other schools. She stated that the School Committee oversees the property. Mr. Trapani stated that they will have to look

at risks. Ms. Roth stated that there is a calculation on how much soil kids eat in a day. Ms. Fuller stated that the DEP has a number for this and it is high.

Discussion on risk and contamination, washing hands, etc.

Resident explained that she has numerous children and wants to know what their exposure is.

Elizabeth Tollman, 28 Littles Hill Lane stated concerns. She stated concerns on this school and the other schools. She stated that this may be a financial situation for the town, but they have questions and concerns for their children.

Mr. Barton stated that the documents will be done and published at the end of the week and they will have all the numbers then. He stated that this will be a public record.

Ms. Tollman asked for nurse analysis.

Mr. Surface stated take a step back. He stated that the town is taking precautions and have to wait for more information. Ms. Jacobs stated that the school will be having an information night on Wednesday, November 13 at the High School at 6:30PM. She stated that a State Public Health official will be at the meeting.

Kathy Hogan, 7 Hawk way, asked if they would have known of this if not for the MSBA funding.

Mr. Trapani stated that the testing should have been done sooner but the results would have been the same. He stated that right now the issue is getting the building started again. Ms. Hogan stated that we would not cancel this project. Mr. Trapani stated that if the cost is high enough and we need supplemental funds the town would have to go to town meeting.

Mr. Egenberg stated that they will move to their agenda. He stated that they will have the whole picture in the next few weeks. He stated that we all are concerned for the safety of the children and staff. He stated that they need to get the data. He stated that the forum next Wednesday would be another opportunity for more questions.

Mr. Surface moved for a 5-minute recess. Mr. Trapani seconded the motion and the motion was approved by a unanimous vote.

Veterans' Day Proclamation

Dough Dawes, Gagnon Post was present

Mr. Dawes invited the Selectmen and public to the Veterans' Day events at Harry Murch Park on Monday, November 11. He invited Veterans' to march and stated that there would be refreshments at the VFW after the event.

Mr. Trapani moved to approve the *Veterans' Day Proclamation for November 11, 2013*. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Community Tree Lighting at New Life Community Church

Mr. Trapani stated that they would be glad to see the event happen. Mr. Farrell stated that this would not be a town event but the town is invited to the Tree Lighting.

Mr. Egenberg stated that the Highway Department has planted a spruce tree on town land by NAPA on East Main Street.

Town Administrator's Report

Holiday Schedule-Town Hall

Mr. Farrell stated that town hall staff will be using their floating holiday for Thursday December 26 and town hall will be closed.

Declaration of Surplus Property

Mr. Trapani moved to surplus the law books in the Selectmen's office. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Appointments & Approvals

Hazard Mitigation Planning Committee-Michael Farrell, Town Administrator; Deb Rogers, BoH; Howard Snyder, Planner, Steve Przyjemski, ConCom; Donald Cudmore; Police Chief; Albert Beardsley, Fire Chief; Peter Durkee, Highway, David Schofield, Light; Lou Mammolette, Water; term to expire June 30, 2014

Mr. Farrell stated that the town is working with MVPC in rewriting the Hazard Mitigation Plan and they need a committee set up. Mr. Trapani asked if the committee can help with the plan for the School. He asked if the safety committee should be involved. Mr. Farrell stated that they need this plan done for any FEMA Grants.

Mr. Trapani moved to appoint Michael Farrell, Town Administrator; Deb Rogers, BoH; Howard Snyder, Planner, Steve Przyjemski, ConCom; Donald Cudmore; Police Chief; Albert Beardsley, Fire Chief; Peter Durkee, Highway, David Schofield, Light; Lou Mammolette, Water to the Hazard Mitigation Planning Committee term to expire June 30, 2013. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Mr. Egenberg stated that he is deeply disappointed on the Penn Brook School issue and the testing not been done timely. He stated taking 180 days for the second testing is too long. Mr. Fowler asked if it was not done until the funding was in place and was it held up until it was approved by the town. Mr. Trapani stated he is disappointed and they will have to see if there are any legal ramifications. Mr. Farrell stated that he is talking with counsel and also with our insurance carrier. Mr. Surface stated that if a timely report had been done then the committee may have made a different decision on where to locate the school. Mr. Trapani stated that the order is correct but the timing should have been done 6 months earlier. Mr. Surface stated that we may have halted some site work if we had known. Mr. Farrell stated that they need to find out if the testing should have been done in the feasibility stage or in the design phase.

Mr. Fowler asked to keep on the agenda once a month. Mr. Egenberg stated should have this on every agenda and he will be at the next School Building Committee meeting.

BoS Minutes
November 4, 2013

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

Meeting adjourned at 9:55PM.

Next Meeting

Monday, November 18, 2013 at 7:00PM, 3rd floor meeting room, Town Hall

Minutes transcribed by J. Pantano