

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
12/14/15
7:00PM-General Meeting~3rd floor meeting room, Town Hall

Selectmen Present: Philip Trapani, Chairman; Gary C. Fowler, C. David Surface,
Douglas W. Dawes, Clerk

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

Absent:

Call to order

Invocation-Douglas W. Dawes
Pledge of Allegiance

Warrant & Minutes

Warrant to be signed

Minutes of July 30, 2015

Mr. Dawes moved to approve the minutes of July 30, 2015. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

CORRESPONDENCE

NEW BUSINESS

Boston Post Cane Display Case presentation-Police Chief Cudmore

Police Chief Cudmore, Ed Desjardins, Historical Commission; Rick Palardy, Wooden Toys and Gifts

Chief Cudmore stated that he undertook the journey to make a display and case for the town's Boston Post Cane.

Ed Desjardin gave some history on the Boston Post Cane. He stated that they were given to 700 towns in New England to be presented to the oldest male citizen of the town and handed down on their death. He stated that later it was open to women. Chief Cudmore stated that he and Mr. Palardy would like to donate the case and give custodial care to the Historical Commission. He stated that there are two different keys for security.

Mr. Trapani and the board thanked Mr. Palardy for his work. Chief Cudmore stated that Mr. Palardy donated his time as did Mr. Desjardins.

Mr. Fowler moved to accept the donation of the Boston Post case. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Mr. Fowler moved to give the custodial care of the Boston Post cane to the Historical Commission. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Alfalfa Farm Winery/Farmers Market at Nunan's Request

Linda Zukas, Nunan's

Ms. Zukas stated that Alfalfa Farm Winery could not attend tonight. She stated that the Farmer's Market will be held every other Sunday this winter and Alfalfa Farm Winery is they requesting to sell wine at the market.

Ms. Pantano stated that this is the first license of this type and stated a survey of other towns and what they charged for the license. Discussion on a fee.

Mr. Dawes made a motion to charge \$50 a season for Alfalfa Farm Winery to sell at the Nunan's Farmers Market. Mr. Surface seconded the motion.

Mr. Fowler stated that he had questions as this is a new policy. He asked would other vendors be allowed to sell wine. He stated for a season he would be okay with 5 months. Mr. Trapani asked the dates that they would be at the market. Ms. Zukas stated twice a month from now until March 20th. Mr. Trapani stated that the application says once a month.

Mr. Dawes disclosed that he is friends of Mr. Adelman but has no financial interest.

Vote on motion was 2-2 the motion was not approved.

No fee was set.

Mr. Surface moved to approve the Alfalfa Farm Winery to sell wine at the Farmers Market at Nunan's on Sunday, December 20, 2016 from 10AM to 2PM. Mr. Dawes seconded the motion.

Mr. Fowler stated that he has many questions and how does Mr. Trapani want to handle them. Mr. Trapani stated if questions are on the process he should talk to Mr. Farrell and if on the applicant then to contact Alfalfa Farm Winery. Mr. Fowler asked if we have a permitting process for a Farmers Market. He stated that this a change of business and should have a public Hearing in a residential area. He stated that they are selling alcohol in a residential area. Mr. Trapani stated that he does not see a problem and the board can revoke the license if there is a problem. Mr. Fowler stated that he would not be able to support the license tonight. Mr. Trapani stated that the dates say one day per month but it has also that the event is twice a month. He asked Mr. Farrell to contact the ABCC and find out about holding a public hearing.

The motion was approved by a 3-1 vote.

Rybo's Bistro II, Inc. DBA name change to Flatbread Company Restaurant

Tony Aieta, 168 Cherry Street, Danvers

He explained that they are changing the dba from Holloway's Bar & Grille to Flatbread Company Restaurant.

Mr. Surface moved to approve the request by Rybo's Bistro II, Inc. to change the dba to Flatbread Company Restaurant. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Little's Hill snow plow discussion

Mr. Surface stated that he and Mr. Trapani must reclus themselves as they live in the area. James Ellison, Keith Corriveau, Steven Sadler, and Mike Morriss, Mr. Ellison stated that they are asking for the Little's Hill roads to be plowed by the town. He stated that the road is not safe with the plowing of the roads done by their contractor. Mr. Trapani stated that the town cannot plow the roads as they are private roads. He stated that they would have to plow all the private roads if they did theirs and there is a process the residents would have to go through with a citizen's petition for approval to plow the roads. Mr. Ellison stated the road is private but the public use the road to access the soccer fields and access to conservation commission land. Mr. Fowler stated that it could be gated and only allow residents to go to fields and conservation land.

Mr. Farrell stated that the association owns the road and the town has either a right of way or easement to pass the road. He stated it fits the legal definition of a private way. He stated only town meeting can approve to spend funds on private ways. He stated that they would have to get a petition to accept a section of MGL would need 20% of previous election or 200 signatures and submit to be on the warrant. He stated that the Selectmen will open the warrant in January for 6 weeks. Mr. Sadler asked if there are roads that are being plowed now by the town that are private. Mr. Trapani stated that we need to find out from the highway surveyor if there any roads now plowed that are private. Mr. Fowler stated that he has a list of roads with list of private or unaccepted, etc. Mr. Fowler stated that he plows the unaccepted roads but not private roads. He stated in past the board has approved roads to be plowed. Mr. Surface stated that he remembers the board voting to plow roads. Mr. Fowler stated that it was for unaccepted roads. Mr. Surface asked if roads would be eligible for Chapter 90 funds if plowed. Mr. Farrell stated that the roads have to be accepted roads to be eligible for Chapter 90 funds. Mr. Sadler stated that there is a home rule for road maintenance and eligible for Chapter 90 in Barnstable.

Mr. Dawes stated that Parker River Landing and Littles Hill Development have master deeds that state no plowing and some private ways are just driveways. He stated that the developer and planning board have an agreement not to plow. He stated that this was part of the agreement to allow the treatment plant. He stated that the Planning board has not released the development and is still holding funds. Mr. Surface stated that the closing of the permit is between the developer and Planning Board. He stated that the homeowners have talked to the Planning Board requesting them to use the funds to finish the development.

Mr. Surface stated that there are two homeowners who use the private road and they do not pay to plow. Mr. Farrell stated that he talked with Mr. Durkee and he is not plowing private roads. Mr. Sadler stated that there request is for public safety and not financial. Mr. Fowler stated they are in a unique situation. He asked if there is a change to the law would roads listed with one house have to be plowed. Mr. Farrell stated that the road must have public access so they would not.

Mr. Trapani requested Mr. Durkee and Planning Board look at what are private roads with public access and unaccepted roads and our obligation.

Street light request for Cedar Lane

Mr. Farrell stated that the resident that made the request was stuck at work and could not attend tonight. He stated that we do not have a policy on street lights. He stated he asked Light Department, Highway Surveyor, and Police to review situation. He stated that the lot was just created when another lot was subdivided. He stated that it costs about \$50 a street light a year

but for this site the big expense is wiring as it is underground. With a light pole already existing they would put up a light. He stated that usually the contractor puts in the lights and would have done the underground wiring. He stated when he arrived the town was removing lights and put timers on some lights to cut costs. He stated a policy usually covers if there is a safety issue, or change in grade, etc. He stated not for individual homeowners safety they can put up their own light. He gave examples of light policies to the board.

Mr. Fowler stated that he drove the street on his way in tonight and it was not that dark and it was raining. He stated he drove some other developments in town and some were darker.

Discussion on lighting.

Mr. Trapani stated see what the cost is from the light department and then work on a street light policy.

APPOINTMENTS & APPROVALS

ZBA request to appoint David J. Twiss as an Associate Member term to expire 6/30/2015

Mr. Twiss was present

Mr. Trapani welcomed and asked why he applying. Mr. Twiss stated that he wants to give back to the town and make decisions to help others.

Mr. Surface moved to appoint *David J. Twiss as an Associate Member of the Zoning Board of Appeals* term to expire **June 30, 2016. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

TOWN ADMINISTRATOR'S REPORT

Appointment of Building Inspector

Les Godin, Lake Shore Drive, Amesbury was present

Mr. Farrell explained the process to find an inspector and gave some background information on Mr. Godin. Mr. Surface asked that he works with people to help them through the process. He stated that his issue is on signage and would like him to review when he starts. Mr. Fowler stated that he welcomes him to town but will be voting no. He stated that a different hiring procedure was used and he is not comfortable with this and it is his problem not Mr. Godin's.

Mr. Surface moved to appoint *Les Godin as Building Inspector/Zoning Enforcement Officer* term to expire **March 31, 2016. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

ITEMS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS IN ADVANCE OF THE MEETING

Senior Center Memorandum of Understanding

Mr. Farrell explained the process that they have gone through over the last few months meeting with the School Superintendent and School Committee. He stated that there was some bargaining in some areas and he has a final draft tonight. Mr. Trapani stated that he talked to the School Committee Chair about some issues and he asked that Mr. Farrell go to the School Committee meeting tomorrow to answer any questions. He stated not all School Committee members have seen the architectural plans. He stated that they had some concerns on the walls being put up. Mr. Farrell stated that the walls are needed to meet code. Mr. Trapani stated that they are concerned if they take the classrooms back who would pay to take them down. Mr. Surface

stated usually it is in a lease that the lease must return to original state. Mr. Fowler asked about storage of supplies for the CoA. Mr. Farrell stated that they will keep some here at Town Hall and keep some at the school. Mr. Fowler asked about funding for custodian. Mr. Farrell stated that they received a good price from the School and the funds will come out of the CoA budget. Mr. Fowler had some wording changes for the document. Discussion

Discussion to meet on Monday, December 21st at 7:30AM to vote on the memorandum if the Schools have voted.

SELECTMEN'S REPORT

2016 meeting dates

Mr. Dawes stated residents do not know when the board is holding a meeting. Mr. Surface stated with 4 members run the danger of no quorum.

Discussion on dates

Mr. Surface moved to approve the meeting dates of the 2nd and 4th Monday until April 30, 2016. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

APPOINTMENTS & APPROVALS

License Renewals

2016 License Renewals to expire December 31, 2016:

Restaurant All Alcohol-Rybo's Bistro II, Inc. dba Holloway's Bar & Grille

Mr. Surface moved to approve the Restaurant All Alcohol license for Rybo's Bistro II, Inc. dba Holloway's Bar & Grille to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a 3-1 vote.

Restaurant-Beer & Wine-Mimoza Papa, dba Pizza Factory

Mr. Surface moved to approve the Restaurant-Beer & Wine-Mimoza Papa, dba Pizza Factory to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Common Victualler:

Pizza Factory

Mr. Surface moved to approve the Common Victualler license for Pizza Factory to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Rybo's Bistro II, Inc. /Flatbread Company Restaurant

Mr. Surface moved to approve the Common Victualler license for Rybo's Bistro II, Inc. /Flatbread Company Restaurant to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Mystra, LLC. Db a Dunkin Donuts

Mr. Surface moved to approve the Common Victualler license for Mystra, LLC. Db a Dunkin Donuts to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Pomodori's

Mr. Surface moved to approve the Common Victualler license for *Pomodori's* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

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

Mr. Surface moved to approve the *Class II-Used Car-B & B Auto Clinic, Inc.* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

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

Mr. Surface moved to approve the *Sunday Live Entertainment-Rybo's Bistro II, Inc.* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

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

Mr. Surface moved to approve the *Weekly Live Entertainment-Rybo's Bistro II, Inc.* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Common Victualler:

Theo's Restaurant

Mr. Surface moved to approve the Common Victualler license for *Theo's Restaurant* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Barisal Convenience dba Richdale

Mr. Surface moved to approve the Common Victualler license for *Barisal Convenience dba Richdale* to expire December 31, 2016. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

NEXT MEETING

Monday, January 11, 2015 at 7:00PM, 3rd floor meeting room, Town Hall

ADJOURNMENT

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

Meeting adjourned at 9:36 PM.

Minutes transcribed by J. Pantano.

Documents used for the meeting:

- Minutes July 30, 2015
- Application to sell wine at Farmers Market from Alfalfa Farm Winery
- Information on selling wine at Farmers Markets with survey

BoS Minutes
December 14, 2015

- ABCC application to change DBA from Holloway's Bar & Grille to Flatbread Company Restaurant
- Agenda Request from residents at Littles Hill Development regarding snowplowing with backup information
- Request from resident for a street light 1 Cedar Lane with backup information
- Light policies from towns
- Meeting calendars
- Building Inspector resume (confidential)
- Request to appoint David J. Twiss as associate member to the ZBA
- Draft Senior Center Memorandum of Understanding

Minutes approved February 17, 2016.