

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
3/14/16
7:00PM-General Meeting~3rd floor meeting room, Town Hall

Selectmen Present: C. David Surface, Gary C. Fowler, Douglas W. Dawes, Clerk

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

Absent: Philip Trapani, Chairman;

6:00 Pm-Executive Session

- A. 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;
- B. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body and the Chair so declares...;

Call to order

Invocation-Douglas W. Dawes
Pledge of Allegiance

7:00 PM Public Hearing-Continued

Dog Complaint-Seddelmeyer/Rauseo

Mr. Surface reopened the continued public hearing

Police Chief Cudmore explained that the board had tasked the police department with mediating with the parties and meetings were held. He stated the animal owner contacted him last week that the animal was turned over for adoption last Thursday at a rescue type facility. He stated abutters had given additional information and he could present if needed.

Mr. Surface asked if there was anyone who has any additional information that was not submitted at the last meeting.

Jennifer Kesner, Rowley was sworn in. She stated that this has divided the neighborhood and both families are dog lovers. She stated that she does not know if the owner gave a letter to the new owner with the dog's history. She stated that the town has not come to a decision on a dangerous dog or otherwise so if the dog comes back there would be no restrictions and for any legal notice.

James Rauseo, 69 North St was sworn in. He gave a handout to the board with a few questions. Mr. Fowler asked how they feel about the dog being gone. Mr. Rauseo stated that he just heard of the dog leaving and still has some issues to resolve. He stated that no family should have to go through this.

Chief Cudmore stated that he has further information from the owner and agency that received the dog. He stated that they have a letter from the owner to the agency with the dog's history. Mr. Fowler stated that he sat down with the Chief today and the letter did not describe the incident with the Rauseo's dog.

Mr. Surface stated that it is not the town's responsibility to list everything to the agency or their acceptance of the dog it is the owner's responsibility. He stated if the board makes a determination that letter can be sent to the agency. He asked about fencing on the property and if the other animals are fenced in safely.

Sgt. Hatch stated that he did a site walk and made some recommendations some items in the yard were moved to make a safe environment. He stated that the neighbors have not stated any issues with the other dogs. He stated that the Settlemeyer's have discussed putting some fencing in the front section of their yard and discussed putting an additional gate so the dogs cannot get out if the gate is opened. Chief Cudmore stated that permanent fencing is the best solution with part in the ground and this is what he has heard from professionals.

Mr. Surface stated that there have not been no other complaints. Chief Cudmore stated that the neighbors were aware that there are numerous dogs at the location but there have not been any formal complaints.

Mr. Surface closed the hearing at 7:20PM.

Mr. Surface asked Mr. Farrell what the board's next step. Mr. Farrell stated that the board can declare the dog dangerous or a nuisance, if dangerous then the board can add stipulations. Chief Cudmore stated that if the dog is declared dangerous then they can add stipulations and a court order could then be issued if required.

Mr. Surface asked the board how they want to proceed. Mr. Dawes stated that they should move forward with a decision. Mr. Fowler stated that they have some resolution with the dog being moved out of town and he was prepared to declare the dog dangerous. He stated notice should go with the dog on the determination. He stated that the questions from Mr. Rauseo do not relate to the issue before them. He stated are they sure the dog will not come back to town. Chief Cudmore explained the options that the board can declare. Mr. Surface read options. Chief Cudmore stated in 2012 changed so an owner

Nick Valentini, 63 North St was sworn in. He read a dangerous dog definition from a Kopelman & Paige brief. Mr. Surface stated that this was not specific to Georgetown.

Chief Cudmore stated that there are seven stipulations that the board can declare under dangerous dog determination. Mr. Surface read the stipulations.

Mr. Valentini quoted from MGL 136A Chapter 140 read the definition of a dangerous dog. He stated that the town can stipulate to not allow the dog to be licensed in town. Mr. Surface stated that the brief is from 2013 and not sure if the law still allows this.

Mr. Dawes moved that in the hearing Rauseo/Seddelmeyer dogs that the dog named Diesel be declared dangerous. Mr. Fowler seconded the motion.

Mr. Fowler stated stipulations can be added later. Mr. Surface stated that they can and they can check with Kopelman & Paige on options. Mr. Fowler asked to have this on the board's next agenda. He stated that we do not know if the dog can come back to town. Mr. Dawes stated that the new owner should be notified of the decision made by the board.

The motion was approved by a unanimous vote.

Warrant & Minutes

Warrant to be signed

Executive Session Minutes February 29, 2016 6:00PM

Mr. Dawes moved to approve the Executive Session minutes of February 29, 2016. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

New Business

Meeting request from the Hickory Lane residents

Mr. Surface stated that they received a letter hand delivered this evening from Caruso & McGovern that they did not know that this was on the agenda. Mr. Fowler stated went to 1 Industrial Way today.

Mr. Farrell stated that the town is in litigation with Caruso & McGovern and they should take information and not give any comment.

Mark Hall, 8 Hickory Lane and John Henneberry, 12 Hickory Lane came forward to address the board.

Mr. Hall asked why the board would not be reacting to their request. Mr. Surface stated because there is litigation on the matter. Mr. Hall read a statement regarding the history of the issue at Hickory Lane with Caruso & McGovern Construction, Inc.

Mr. Surface asked about a section that states that they hope the board does not give weight. He asked what board he is referring too. Mr. Hall stated that they are talking about this board the Board of Selectmen and asking you to write a letter stating that Caruso & McGovern are not in compliance with their permit.

Mr. Henneberry stated that he has lived in town for 30 years and on Hickory Lane for 17 years and has never had to deal with anything like this. He asked if the BoS has information from ZBA and from the Zoning Board of Appeals and if they are aware of ConCom remediation. Mr. Henneberry asked if Kopelman & Paige will represent the town and will they have all the information. Mr. Farrell stated that they will. Mr. Henneberry asked if the October cease and desist will remain in effect. He stated everything will stay in place until the hearing. Mr. Surface stated that this board does not have oversight over all these matters.

Mr. Hall stated that they are asking the board to sign a letter to DEP and the town to enforce the cease and desist.

Discussion on the authority of the board.

Mr. Henneberry stated that they worked with Jon Metivier worked on this issue with DEP and the Police Chief is aware of the situation. He stated that the last 3 years have been very unkind.

Whittier Tech Vocational School request for Warrant Article

Maureen Lynch, Superintendent; Amy Postnick, School Treasurer; Kara Kosmes, Business manager;

Ms. Lynch stated that they are looking to form a Stabilization Account as they are looking to get in the MSBA pipeline for a renovation. She stated that they have no debt and looking to save funds for a feasibility study. She stated that they can add 5% to the fund. She welcomed anyone to come to the school to see what they are doing. She stated that they are not looking to fund this year just setting up the account.

Mr. Surface asked if this would effect numbers to the town. She stated not at this time. Mr. Fowler asked about their debt and whether they should have Capital Fund instead of a Stabilization Fund. Ms. Costner explained funds. Mr. Farrell stated that there are two types of Stabilization funds a capital and a tax stabilization fund. He stated that the town requires a 2/3 vote to put in and take out funds from their Stab Fund. Ms. Kosmes stated that the fund would require a 2/3 vote from their School Committee. Mr. Fowler asked what they want the funds for. Ms. Lynch stated for a feasibility Study to renovate the building and invites the board to tour the building.

Mr. Fowler stated that he understands the need for the school.

Mr. Farrell stated that Kopelman & Paige has approved the wording of the article for the ATM.

Chapter 70 Funding Resolution

Mr. Surface stated that a few towns have supported this resolution. Mr. Farrell stated that this was presented to the FinCom at their last meeting by the School Committee. Mr. Surface asked for time to review and if the School Committee could come in and explain the resolution to the board.

Items not reasonably anticipated by the chair 48 hours in advance of the meeting

Truck Route Signage on RT95

Chief Cudmore stated that he is also here for the Truck Route signage on RT95 and has been working on this since 2013. He stated that his request for a sign on RT95 has been denied by the State. He stated that he has a traffic count from the MVPC and application requesting signage on RT95. He stated that he needs the board's approval and a letter from the board to add to the application.

Mr. Fowler moved to accept the application for the State to allow signage on RT95 designating the Truck Route and authorize the chair to sign a letter of support. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Appointments & Approvals

Mr. Fowler asked that the Traffic Committee be reinstated and he would be on it. Chief Cudmore stated 2010 was the last meeting and they made some good recommendations.

Old Business

Nomination papers due back March 21st by 5:00PM.

Mr. Surface reminded residents to get there papers into the Town Clerk by 5:00PM Monday.

Selectmen's Report

Strategic Planning Update

Mr. Farrell stated that the session was well attended.

Town Administrator's Report

Senior Community Center (GSCC) Update

Mr. Farrell stated that the crew from Whittier Tech started today with demolition and will start the framing in the next few weeks and then the electrical, and the General Contractor will run the duct work for the AC. He stated that the flooring and tiling, and painting will be done over the summer. He stated that in the fall Whittier will finish with finish what they started. He stated that they hope to be in before Christmas.

Budget

Mr. Farrell stated budget is moving forward. He stated that he thought Health Ins would be a 10% increase but only an 8 ½% and our Whitter Assessment is down by \$53K and they may also have some savings from Essex Tech as this may be level funded. Mr. Fowler stated that the plan is to offset budget with Free Cash \$300K. Mr. Surface stated hopefully we can offset another way as using Free Cash should be a last resort.

Next Meeting

Monday, March 28, 2016 at 7:00PM, 3rd floor meeting room, Town Hall

Adjournment

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

Meeting adjourned at 8:24PM.

Minutes transcribed by J. Pantano

Minutes approved March 28, 2016.

Documents used in the meeting:

- Dog Complaint records
- Handout from James Rauseo with 4 questions for the board
- Executive Session Minutes of February 29, 2016 at 6:00PM
- Meeting request from the Hickory Lane Residents
- Letter from Caruso & McGovern Construction, Inc.
- Chapter 70 Funding Resolution information
- Nomination papers notification
- Annual and Special Town Meeting Warrants
- Letter of request from Whittier Technical Vocational School for a warrant article