

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
10/19/15
6:00PM-General Meeting~3rd floor meeting room, Town Hall

Selectmen Present: Philip Trapani, Chairman; C. David Surface, Stuart M. Egenberg, Douglas W. Dawes, Clerk

Others Present: Michael Farrell, Town Administrator

Absent: Gary C. Fowler, Janet Pantano, Administrative Assistant

6:30PM Executive Session-2nd floor Selectmen's Office

Call to order

Invocation-Douglas W. Dawes and a moment of silence for Bob Morehouse.
Pledge of Allegiance

Warrant & Minutes

Warrant to be signed

BOARD BUSINESS

Recreational Path Committee update-Jeff Wade

Mr. Wade gave an update and 2014 signed a license to use the trail and ConCom has helped to get the trail opened and have mowed. He stated Park & Recreation have voted to take on maintenance of the trail mowing and upkeep for now. He stated design is at 25% and is at the State and when approved will have a public hearing. Then the design will continue to 75% level and then can submit for environmental permits and then negotiate with landowners one being National Grid. He stated then go into an easement and a 99 year lease. He stated that how the State works is you cannot push hard until a deadline usually that is funding. He stated last year they received \$2Mil from SEMAC funds through Merrimack Valley Planning Commission. He stated awarded this funding last year. He stated that this past summer award funds for the northern trail \$4.4Mil so they now have \$6.4Mil awarded to the Town of Georgetown.

Mr. Trapani asked what the funding would be used for.

Mr. Wade stated funds for construction and the cost is \$1.1Mil per mile and first funding is to start in FY17 and then FY18. He stated that this will give us a trail from Boxford to the center of Byfield. Funds is strictly for construction not for benches, fencing, vegetation, etc. He stated that they have CPC funds for some of that work and any town funds that are not used will be returned. He stated Georgetown is getting a great asset. He stated that a lot of people on this committee and Bob Morehouse was one of the first members.

Mr. Trapani stated that we are looking at an opening date of 2020. Mr. Wade stated a part will open 2018 to 2019 and the rest 2019 to 2020. Mr. Trapani asked what the risks of achieving these goals are. Mr. Wade stated that the risk is that we have to stay on top of the State for the

design and stay in touch with the ConCom on environmental permitting. He stated that they have to work on the leases and easements but that is not until 75% design.

Mr. Surface asked about the funds on the TIP and will they keep these in place for 2025. Mr. Wade stated that 2025 was first time they got on TIP and got that moved up to 2017 and then some projects where more important and taken away and other towns were upset and will not be done again. He stated that after that they got the SEMAC funds and these funds are safer. He thanked the board for their support. He stated that the MPO meetings are very important for the town to attend. He stated that they ask about West Main Street and they want the town to finish this project.

APPOINTMENTS & APPROVALS

Request from the Police Chief to appoint Taylor A. Ford and Adrienne P. Costa as Reserve Officers term to expire June 30, 2016.

Chief Cudmore explained the reserve officer staffing and the process he used. He introduced both reserve officers and gave background information on both.

Mr. Surface moved to appoint *Adrienne P. Costa* as a *Reserve Police Officer* term to expire **June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

Mr. Surface moved to appoint *Taylor A. Ford* as a *Reserve Police Officer* term to expire **June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

OLD BUSINESS

274 East Main Street-Noise Complaint

Michael and Lisa Ciulla of 274 East Main Street but live at 3 Thornton Circle, Middleton until their house is finished were present. Mr. Trapani stated that they are here because of some noise complaints from their neighbors and wanted to hear from them and hopefully come to an amicable resolution. Mr. Ciulla stated that they are building a single home not a ten lot subdivision he stated that this was abandoned and he has been removing a lot of trash and abandoned cars. Ms. Ciulla stated that there were two homes and some outbuildings and they have been clearing the property. 11.7 acres She stated that they have found where we want to put the house. She stated that they have had complaints as soon as they started and the neighbors closest and they were understanding. She stated a lot of rock on the on the property and this is noisy. She stated that her husband works during the day and works on the site in the evening and weekends. She stated that he was not mindful that he may have worked to late. She stated that when he was working on the site she drove down Tenney Street where they have access and parked and listened and could not hear him working so they were not aware that other people could. She stated that the police did come out a few times when they started and they looked around and stated that they were not breaking any laws. She stated that it has offended some people that they were not aware of until April. She stated that since then he has try to limit when he started and ended by 7PM. She stated one night went until 8PM and had a complaint. She stated that they are trying but only have nights and weekends to work on the property. She stated that the complaints have been endless.

Mr. Trapani stated that there are no laws being broken. He asked what they still have left to do. Mr. Ciulla stated that he still has to do the septic and the excavation left to do is 70% done and my take most of next year. He stated that the work has been spread out.

Mr. Trapani stated that this issue is making them look at a noise ordinance. He stated that we have enough laws and does not want to institute another. He stated that Mr. Ciulla has heard the complaints and maybe he could help them out in what they may be able to do to alleviate the complaints by the neighbors and the timing of work. Mr. Ciulla stated that at starting at 9Am and stopping at 5PM on Sunday. He stated on a Saturday it would be 7AM to 5PM.

Mr. Surface stated no jurisdiction over this issue he stated that their role is to make sure things do not escalate that they can compromise as they will still be neighbors at the end of the project.

Mr. Dawes stated that he does not want to see a noise ordinance and would hope that he and the neighbors could work something out.

Mr. Egenberg agreed that he would hope they could work something out between the neighbors.

Mr. Dawes asked when he would be putting in his septic system.

Mr. Trapani asked if there were any more questions.

Melissa Paglia, 1 Patches Lane explained the noise level and asked for a compromise on the timing of every weekend. She stated we will be neighbors forever. She stated that a no trespassing sign was put up just 50 feet from the back of their home. She stated this was very upsetting.

Ms. Ciulla apologized for the noise and that they did not realize how loud it was and wished they had come to them earlier. She stated that the first time someone came over they approached her husband in a very hostile manner.

Mr. Paglia stated that they had done some research before making a complaint on wanting to be see what could be done and what was allowed to be done on the property. He stated that the work on a Sunday is really impacting their quality of life. He stated he works a 50 hour week and would like some quiet time a home.

Mike McGann, 25 Tenney Street, stated he spoke last week and stated that his contention is with the hours of work, common curtesy, and consideration. He stated that we are not talking about cutting grass it is heavy equipment. He stated normal hours between 7AM-5PM and okay on Saturday but not on a Sunday it is a day of peace. Ms. Ciulla stated that Sunday is not the same for everyone Police, Fire, etc. still work on Sundays. She stated he does not want a compromise he just wants them to stop work on Sunday. Mr. Ciulla stated that he still has some heavy work to finish before the winter and it has to be done. He stated that he will try to do the work during the week but that may not be possible. He stated that he is 80% done with the heavy work so there is an end.

Mr. Trapani stated that he would like them sit and have a conversation and they could help with that if needed.

Police Chief Cudmore stated that it is too bad when neighbors have issues and he agrees that the parties need to get together and they will help if needed.

SELECTMEN'S REPORT

Contract Extensions-Police Chief and Town Administrator

Mr. Trapani stated that the board met before the meeting on his contract and the Chief has shared with him that he would like to continue. He asked if the current contract is satisfactory for him.

Chief Cudmore stated that it is but he was hoping to have a sunset clause allows both parties to

work together. He stated he loves Georgetown and that he and Mr. Farrell work well together. Mr. Farrell stated a reopener clause. Chief Cudmore stated that is what he is looking for. Mr. Dawes stated he would like to see the contract with the additional clause. Chief Cudmore asked if they would vote on the contract tonight if it stayed as is. The board stated that they were prepared to. Chief Cudmore withdrew his request.

Mr. Surface moved to extend the *Police Chief* contract in its entirety to *Donald Cudmore* from **June 30, 2016 to June 30, 2019. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

Mr. Surface stated that he and his wife were witness to a hit and run accident in the square and when he called the police department he got a busy signal. He stated that he then called the Chief and he dispatched someone and they were there right away. He stated that we have to do something sooner than later. Chief Cudmore stated that he has been working with Mr. Farrell and the servers are now at the PD and the cable is underground. He stated that this does not affect the 911 system. He stated that the merlin system and phones are strong but the business lines are busy sometimes. Mr. Farrell stated that we have funds and are piggybacking with what the Penn Brook and the M/H School are getting. He stated that they are waiting for the M/H School to finish. He stated that they will be doing the Town Hall and Public Safety together.

274 East Main Street-Noise Complaint

Mr. Trapani stated that they do have a draft noise ordinance bylaw and asked if he could look at it with Mr. Farrell. He stated not sure we will go this way but strongly anticipate the need. Chief Cudmore stated that he had worked closely with our past building inspector on similar issues and he helped a lot and with what they learned from him using on present noise issues. He stated these are quality of life issues. He stated that there are some old Blue Laws on work on Sundays but also a lot of exceptions.

American Legion Park

Mr. Trapani asked the Police Chief to share what came out of the meeting with residents on the park and its use. Chief Cudmore stated that majority of residents want the park open to the public and respect for its use. He stated that he has a Park & Rec member and two residents meet to discuss issues. Mr. Trapani stated that we have to come out with an outline of what can be done at the park.

Bob Morehouse

Chief Cudmore stated he attended the services for Mr. Morehouse and he will be greatly missed. Mr. Trapani read a list of committees that Mr. Morehouse had been on.

CORRESPONDENCE

Request from the Historical Society to conduct tours of Union Cemetery.

Mr. Surface moved to approve the *Historical Society tours of Union Cemetery* on **October 17th, 18th, 31st and November 1st. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.**

Letter of Resignation of Stuart M. Egenberg, Selectmen

Letter of Resignation of Stuart M. Egenberg from the School Building Committee.

Mr. Trapani stated that Mr. Egenberg is moving out of town and has to resign from the Selectmen and the School Building Committee. The board accepted the resignation with regret.

Letter of Resignation of Matthew Martin from the Affordable Housing Task Force.

Mr. Trapani thanked Mr. Martin for his time on the committee.

Mr. Surface stated that he may have a candidate for fill the position.

Open Meeting Law Complaint

Mr. Trapani stated that Mr. Fowler is moving forward with his Open Meeting Law complaint. He asked Mr. Farrell if this is the same as before. Mr. Farrell stated that it is just with more detail. Mr. Trapani stated that the complaint was sent to our attorneys and they stated that there was no violation. Mr. Farrell stated that the board has to respond to the complaint. Mr. Farrell stated that Mr. Fowler had three main points he wants addressed one is he wants briefing from town counsel. He stated that these would have to be done in executive session. He stated another point is sharing of information. Mr. Farrell stated that he has a couple hundred emails a week and which is he to share. He stated that this is one thing that this board has to address. He stated also one is that the chair does not speak for the whole board. Mr. Trapani stated that is correct. Mr. Farrell stated that he does talk to the chair regarding the agenda and other day to day issues that come up and he passes to the chair. He stated any meeting between the Chairs or any BoS member and he are not subject to open meeting law.

Professional Service Agreement for Strategic Plan

Mr. Trapani stated that they have received the agreement and he is excited to move forward. Mr. Trapani asked where the flyer is going. Mr. Farrell stated that on the web and school is sending out and to all town emails and at the offices. He stated in the Light Department bill to all residents and at Special Town Meeting. Mr. Trapani asked to send to Georgetown Record.

Water Complaint-Arthur Greenberg

Passed over as he was not present and he did not want to fill out any paperwork.

APPOINTMENTS & APPROVALS

Request from Paul Rondeau to be appointed to the Board of Registrars as the Democratic representative term to expire June 30, 2016.

Mr. Surface moved to appoint Paul Rondeau to the Board of Registrars as the Democratic representative term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Discussion

Mr. Surface moved to amend the motion to make an emergency appoint of Paul Rondeau to the Board of Registrars as the Democratic representative term to expire June 30, 2016.

Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Request from Mary Paganelli to be appointed to the Cultural Council term to expire June 30, 2018.

Mr. Surface moved to appoint *Mary Paganelli* to the *Cultural Council* term to expire **June 30, 2018. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.**

SELECTMEN'S REPORT

Mr. Trapani stated that he was asked by the Superintendent of Schools to set up a meeting with chairs of a few committees to get together to look at financial planning for the future of the town. He stated that the meeting would comprise of the Superintendent, School Committee Chair, FinCom member, Town Administrator, and himself. He stated looking at the financial forecast of the town for the next few years.

Performance Review of the Town Administrator

Mr. Trapani asked for members to finish these by the 30th of October.

MIA Insurance case-Schools

Mr. Trapani stated that Mr. Farrell will get some more information on this case.

TOWN ADMINISTRATOR'S REPORT

Special Town Meeting Warrant

Mr. Farrell stated that the Special Town Meeting is coming and the only open issues he has is the cost of the Senior Center. He stated that he and the CoA Director met with the engineer last week and they know what they have to do. He stated that we have to have the amount before the STM November 2nd. Mr. Farrell stated that they may have to have a meeting next week if needed to set the number. Mr. Surface stated that he hopes they are not being to penny wise.

Senior Center MOU

Mr. Trapani stated that he has a meeting with the Superintendent and CoA Director next week to work on drafting the Senior Center MOU.

Penn Brook School-Electric Bills

Mr. Farrell stated that the electric bills at the School have been very high as they have been running the system 24 hours to get the systems running. He stated that we have been billed \$45k over the first three months of the year. He stated that he has talked to the Superintendent, Facilities Manager and OPM. He stated that the OPM stated something is not right as the number should not be that high. He stated that they are looking billing also.

Building Inspector

Mr. Farrell stated that we have advertised and have one qualified candidate so far. He stated that our alternate inspector Glenn Clohcy is covering until we hire a new inspector.

Clerk

Mr. Farrell stated that our accounting clerk/planning clerk resigned as she took a full time position. He stated that she held both positions. He stated that as of yet we have not had any responses to fill the position. Mr. Trapani asked if we should look at making this a full time position or will this cost us too much. Mr. Surface asked if that position would go away after the Penn Brook School is finished. Mr. Farrell stated that he will look into it but this allows the accountant to do more accounting.

BoS Minutes
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Parcel F-Turning Leaf

Mr. Trapani stated that they have requested the Open Space Plan be presented to the board and have not heard from anyone. He stated that he has heard from the ConCom Agent that it is draft and that is fine they just need to see the direction the town is moving on this. He asked Mr. Farrell to follow up and a letter from the board.

Reminder the Horribles Parade is Saturday, October 24th at the American Legion Park.

Board thanked Mr. Egenberg for his service to the town. Mr. Egenberg thanked the town staff, boards, and residents for their support.

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

NEXT MEETING

BoS Meeting Monday, November 2, 2015 at 6:00PM, M/H School, 11 Winter Street
Special Town Meeting, Monday, November 2, 2015, at 7:00PM, M/H School, 11 Winter Street
Visioning Session, Saturday, November 7, 2015, 9:30AM, Penn Brook School, 68 Elm Street
State of the Town, Monday, November 9, 2015, 6:30PM, 1 Library Street, 3rd floor Town Hall

ADJOURNMENT

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

Meeting adjourned at 9:10PM.

Minutes transcribed by J. Pantano.

Documents used in meeting:

- Request from the Historical Society to conduct tours of Union Cemetery.
- Letter of Resignation of Stuart M. Egenberg, Selectmen
- Letter of Resignation of Stuart M. Egenberg from the School Building Committee.
- Letter of Resignation of Matthew Martin from the Affordable Housing Task Force.
- 274 East Main Street-Noise Complaint
- Special Town Meeting Warrant
- Request from the Police Chief to appoint Taylor A. Ford and Adrienne P. Costa as Reserve Officers term to expire June 30, 2016.
- Request from Paul Rondeau to be appointed to the Board of Registrars as the Democratic representative term to expire June 30, 2016.
- Request from Mary Paganelli to be appointed to the Cultural Council term to expire June 30, 2018.

Approved February 17, 2016