

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
10/5/15
7:00PM-General Meeting~3rd floor meeting room, Town Hall

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

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

School Committee: Barbie Linares, Suzanne MacDonald, and Pamela Lundquist

Housing Authority: Frank Harker, Juliette Rec, David Schauer, and Diane Drinan, Director

Absent:

Joint Meeting with the School Committee was a part of this meeting
Joint Meeting with the Housing Authority was a part of this meeting

Call to order

Invocation-Douglas W. Dawes
Pledge of Allegiance

Knights of Columbus

Jon Takis, 40 Spofford St, was present for the Knights of Columbus to request they hold a "Tootsie Roll Drive" on Sunday, October 11th from 8AM to 12PM Columbus Day weekend to raise funds for handicapped children. He stated that all the funds go to charities. He stated that he has been requesting and they have held this event for the last 7 years.

Mr. Surface moved to approve the Tootsie Roll Drive for the Georgetown Knights of Columbus on Sunday, October 11, 2016 from 8AM to 12PM. Mr. Dawes second the motion.

Mr. Trapani asked that he make sure all paperwork is in order and that this is a safe event.

The motion was approved by a unanimous vote.

Warrant & Minutes

Warrant to be signed

Minutes July 27, 2015

Mr. Egenberg moved to approve the minutes of July 27, 2015. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

CORRESPONDENCE

Resignation of Elizabeth Davidson from the Georgetown Housing Authority

Mr. Trapani stated that they received a letter of resignation from Betty Davidson and thanked her for her 11 years of service to the Housing Authority.

Mr. Trapani stated that they have received the following letters:

- Letter from Minda Fowler for appointment to the Board of Registrars
- Letter from Hank Wolf for appointment to Board of Registrars
- Schedule for CPC meetings for the fall
- Planning Office letter regarding proposed amendment to Article VI Groundwater Protection District Zoning Bylaws-ATM 2016

Mr. Fowler stated that he wanted to discuss the CPC schedule later with the board.

OLD BUSINESS

Joint meeting with the School Committee to fill an unexpired term

Barbie Linares, Suzanne MacDonald, Pam Lundquist were present
School Committee called their meeting to order.

Ms. Linares stated that the board asked the School Committee to come back with a recommendation. She stated that the two that were not appointed she hoped would still be involved in town government. She stated School Committee voted 3-1 for Cheryl Lachendro. Mr. Dawes asked for the votes. She stated Mr. Hinchcliffe voted for Ruth and Valentine. Mr. Trapani asked why they voted for Ms. Lachendro. Ms. MacDonald explained that she has a wealth of information and was in system and knows the curriculum. Pam Lundquist stated that she is well known and goes above and beyond. She stated when she was teaching she had events for her class inviting students and parents. She stated that she cares for the community. Mr. Trapani stated all candidates are well qualified. He stated that he needs a nomination and 5 votes.

Ms. Lundquist nominated Cheryl Lachendro term to expire May 8, 2016.

Mr. Dawes nominated Sheila Ruth term to expire May 8, 2016.

Mr. Surface nominated Donald Valentine term to expire May 8, 2016.

Mr. Fowler stated that voting negatively for someone is a tough thing to do. He stated he has done this before and he believes in diversity and will not be following the recommendation of School Committee.

Mr. Trapani asked for votes for Cheryl Lachendro there were 6 votes.

Mr. Trapani asked for votes for Sheila Ruth there were 2 votes.

Mr. Trapani asked for votes for Donald Valentine there were 0 votes.

Mr. Trapani thanked all and welcomed Ms. Lachendro to the School Committee.

School Committee adjourned their meeting at 7:20PM.

NEW BUSINESS

Joint meeting with Housing Authority to fill an unexpired term

Juliette Rec, David Schauer, Frank Harper, Housing Authority members, and Diane Drinan,
Housing Authority Director

Request for appointment Philip Cardoza & letters of recommendation

Ms. Drinan stated that they have a candidate who is president of the Tenants Association. Mr. Trapani asked for a recommendation from the Housing Authority. Ms. Drinan stated that the Housing Authority recommends Philip Cardoza.

Mr. Harper called the Housing Authority meeting to order.

Mr. Dawes asked if there are any other Trestle Way residents on the board. Mr. Harper stated no. Mr. Surface asked if they have 5 members. Ms. Drinan stated that they only have 4 members there has been no state appointment. Discussion

Mr. Trapani asked for comments from the audience.

Mr. Cardoza, 10 A Laurel Lane stated that he is president of the Tenants Association, a member of Mass Housing, and on DHCD committee. He stated that these are what he brings to the table.

Ms. Rec nominated Philip Cardoza for appointment to the Housing Authority term to expire May 8, 2016 vote was 8-0.

Mr. Harper moved to adjourn the Housing Authority meeting at 7:30PM.

APPOINTMENTS & APPROVALS

Fire Chief Fred A. Mitchell, Jr. Appointments: Emergency Management Assistant Director; FEMA Assistant Director; Hazardous Materials Coordinator; Forest Warden; Hazard Mitigation Planning Committee; Statewide Anti-Terrorism Unified Response Network; term to expire June 30, 2016.

Mr. Trapani invited Fred Mitchell new Fire Chief forward.

Mr. Surface moved to appoint Fire Chief Fred A. Mitchell, Jr. as Emergency Management Assistant Director; FEMA Assistant Director; Hazardous Materials Coordinator; Forest Warden; Hazard Mitigation Planning Committee; and Statewide Anti-Terrorism Unified Response Network term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface stated that the Affordable Housing Trust recommends the appointment of Tim Gerraughty to the Task Force so they will have a quorum.

Mr. Surface moved to appoint Timothy Gerraughty to the Affordable Housing Task Force to expire June 30, 2018. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

BOARD BUSINESS

Mike McGann, 25 Tenney Street-Construction noise issue with neighbor

Michael Paglia, 1 Patches Lane neighbor was also present

Mr. Trapani stated that this is first he has heard of an issue with noise in this area and the first time it has come to the board.

Mr. McGann stated that he has lived here for 25 years and about 2 years ago the property on East Main Street was sold and a contractor bought the property. He stated that the owner works on the property until 8PM, on Sundays, and Holidays. He stated that it is loud and the backup alarms which he is required to have are very loud. He stated twice he talked to the homeowner and he stated he knows there is no noise bylaw in Georgetown and still continues to work at

night. He stated he would like some common consideration to the neighbors. He stated that there is no end to the work on the property. He stated that town boards have been great and showed them a letter he wrote in June 2 years ago. He stated that the homeowner has no regard to the community and he is looking for an answer. He stated he was told by Mr. Shuler (homeowner) that he is putting up one house.

Mr. Paglia stated that he is closer and it is louder at his home. He stated that work starts at 6-6:30 AM work starts and he questions if this will get better. He stated that the constant noise is an issue.

Mr. Fowler asked where the property was on East Main Street. Mr. Paglia explained the location. Mr. Fowler asked if this is an erosion control area. Mr. Trapani asked Mr. Farrell to give an update. Mr. Farrell stated that Mr. McGann has talked with the Building Insp, BoH, ConCom, Police, and Fire. He stated that it was reported to DEP and there are no violations. He stated that we do not have any bylaws for residential noise. He stated that we have Subdivision Regulations that a contractor cannot start before 7AM. He stated that other towns do have noise ordinances but they are very difficult to enforce. He stated have you have to have the correct equipment to monitor and have someone at the site when work is happening and when a Sunday, early am or late evening it would be difficult. Mr. Paglia stated they do not want to tie up the Police. Mr. Farrell stated the departments have talked to the homeowner and he knows there are no bylaws and will not stop work.

Mr. Egenberg asked if the noise is every day. Mr. Paglia stated during week early 6:30AM. Mr. Trapani stated that there is nothing they can do tonight. He stated that he has not talked to homeowner but he will have the Town Administrator see what boards can do. He stated that Mr. Paglia stated that everyone has been great and this is the last stop. Mr. Egenberg stated that can the board send a note to the homeowner of the neighbor's frustration and see if he can eliminate early and late work and use the subdivision bylaw and adhere to these regulations. He stated it may be fruitless but would not hurt. Mr. Surface stated that a building permit would not have restrictions. Mr. Paglia stated he has pulled permits as needed for each project. Mr. Surface stated can we invite the homeowner to come in and ask to be more respectful. Mr. McGann stated that he has asked and he has not responded. Mr. McGann stated that he has a large shed and his expertise is excavators and equipment and supplies has a Mac 20 ton truck that is parked on site and employees pickup trucks at site and if Mr. Shuler is running his business from the site then that changes things. He stated that other towns have laws.

Mr. Trapani stated that they would ask the homeowner to come in and see what other towns are doing and the cost. Mr. Surface stated that they also have to see if the homeowner is running a business from the property that is an issue. Mr. Trapani stated Georgetown was a blue-collar community and there are commercial near residential and we are working to fix laws. Mr. Fowler stated that neighbors can put in a petition at the ATM with 10 signatures with a noise bylaw.

Warrant for the STM November 2, 2015

Mr. Trapani asked Mr. Farrell to walk the board through the warrant. Mr. Farrell stated when filling out the DoR reports found a discrepancy mostly around the new growth figure. He gave handouts to the board. He stated in April when finalizing budget the Assessor's office gives them a new growth figure. He explained differences. He stated another is in the debt exclusion for the Middle/High School, Turf Field, and Conservation Exemption borrowing. Changes increase levy by \$117,905 and an additional \$15k. He stated that the meals tax was in State

revenue and should have been in local receipts. He stated that they have \$190,351 in additional revenue. Discussion

Mr. Surface asked what this means. Mr. Farrell stated we have \$130K in additional revenue.

Mr. Farrell stated that the utility expenses for the new Penn Brook School were not included in the budget and he explained the difference from old school to new school. Mr. Trapani stated he is going to talk to the School administration to get us a sense of operating cost. Mr. Farrell stated that we need to increase \$76,500 for electrical and natural gas. He stated that the reserve fund was reduced and the FinCom recommended restoring the cut by \$61,500. Mr. Trapani stated that the FinCom recommends this change and he is disappointed that we did not anticipate the increase in utility costs.

Article 1 Adjustments to the Fiscal Year 2016 operating budget

Mr. Surface moved to recommend approval of STM 15-01 as listed. Mr. Egenberg seconded the motion.

Mr. Fowler asked how we use the Reserve Fund and how expended. Mr. Farrell stated for shortfalls in the budget and expended by FinCom. He stated that he always brings any expenditures to both the FinCom and the BoS. Mr. Fowler stated that any left goes to Free Cash. Mr. Farrell stated that is correct.

The motion was approved by a unanimous vote.

Article 2 appropriation of Free Cash for the Snow and Ice deficit FY 2015

Mr. Farrell stated that the FinCom recommends the S & I be paid off in full. He stated that Free Cash is increasing by \$200K and will be \$615K. Mr. Surface asked about FEMA funds. Mr. Farrell stated that we have not received but will soon.

Mr. Egenberg moved to recommend approval of STM 15-02 Appropriation of Free Cash for Snow and Ice deficit FY 2015. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.

Article 3 Unpaid Bills

Mr. Farrell stated that we have some unpaid bills that did not get paid by end of fiscal year. He stated a major issue in the Light Department bills. Mr. Farrell explained the issue and stated that Wayne Snow previous light department manager worked with the Light Department to see how this happened. Mr. Trapani stated that he does not like to see these issues. Mr. Farrell stated that the new bills for the new school is astronomical and they were running the systems to test.

Mr. Egenberg moved to recommend approval of STM 15-03 Unpaid Bills. Mr. Surface seconded the motion and the motion was approved by a unanimous vote.

Article 4 Senior Center

Mr. Trapani asked if they have ideas for funding the Senior Center. Mr. Farrell stated that the wording gives the board the most options to fund the center. He stated that he should have the total cost by next meeting. He stated he hopes to have an answer from Whittier if they will work on the project and will not know from CPC until May 2016. He stated Whittier will be done by town meeting and will need funds to pay for supplies and they do not do plumbing and have not done electrical but may on this project. He stated that we have reduced the scope and will use Mitsubishi wall air conditioning units and scaled back the entrance. He stated getting back in the \$300K range. Mr. Trapani asked about who will be the project manager. Mr. Farrell stated that

already done by the Architect in bid. Mr. Egenberg asked about what kind of exposure we have with Whittier doing the work. Mr. Farrell stated we would not be liable and they would not be. Mr. Farrell stated that he is sure there is a standard.

Mr. Surface stated if there was discussion on paying the Snow & Ice over 2 years and using funds for the Senior Center. Mr. Farrell stated that he hoped for 3 year amortization and with the additional funds that went out the window. Mr. Surface stated would have been able to pay a good portion of the Senior Center. He stated that maybe they can check with North East Regional and North Shore Tech if they do plumbing.

Mr. Egenberg moved to recommend approval of STM 15-04 Senior Center. Mr. Surface seconded the motion.

Mr. Dawes stated that he would like to strike the borrowing in the article. Mr. Trapani stated that would be using funds we have. Mr. Surface stated that we may have to borrow and use funds we have to pay. He stated he would not want to take this out. Mr. Fowler stated that he does not want to take funds out of borrowing but work with finance and Mr. Farrell. Mr. Farrell stated we can do a bond anticipation and other items may fall off. Mr. Fowler stated he may not be in favor of CPC Funds. Mr. Trapani asked him to explain. Mr. Fowler stated that not sure if would be approved by CPC and what funds would be available.

The motion was approved by a unanimous vote.

Article 5 Water Department Operating Budget

Mr. Farrell explained that this was just to fix wording from the ATM and no change to budget.

Mr. Egenberg moved to recommend approval of STM 15-05 Water Department Operating Budget. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Close the warrant for the STM November 2, 2015

Mr. Surface moved to close the *Special Town Meeting Warrant for Monday, November 2, 2015*. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

Strange Daze

Mr. Trapani stated that he has had a lot of calls on a new business in the downtown called Strange Daze. He stated he has heard a rumor that it is not coming forward. He stated that he asked the Building Inspector and has not heard. He stated may have to look at bylaw and see if a change with Planning Board. Mr. Dawes stated if they had a more appropriate name would they still be having this discussion as what they are selling is legal. He stated that he has a right to open a business as does anyone else.

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

SELECTMEN'S REPORT

Mr. Trapani stated that he has two contracts to work on the Police Chief and Town Administrator.

Mr. Trapani stated he will get those out and work on at next meeting.

Open Meeting Law complaint

Mr. Trapani stated that Mr. Fowler filed a complaint and was sent to Town Counsel and the response was he did not find a complaint. He asked Mr. Fowler if he filed with the Attorney General. Mr. Fowler stated that he has not and would have that opportunity if he is not happy with resolution. Mr. Trapani asked what he would like to accomplish and what he would like the outcome to be. Mr. Fowler stated that there were emails that he had not seen and he received from the Fire Department. He stated that there is a perception of the Fire Department as volunteers. He stated talked to Mr. Farrell and that he stated the he talked to the chair regarding volunteer and pay. Discussion on this issue. Mr. Trapani stated that the Fire Department was never discussed and changed to employees always have been call/volunteer. Mr. Surface stated was discussed with Personnel Board and never changed the classification. He stated was discussed in Executive Session and did change how paid. He stated that he is disappointed that it came to this stage. He stated that he is disappointed that one member has reached out to the union and the board was asked to keep out of this until requested. He asked if there has been a violation. Mr. Farrell stated not at this time but not best practice to have outside conversations with union and do not want to start off on that foot. Mr. Surface stated that he was told to stay out until we are asked. Mr. Trapani stated that he agrees that a letter was sent to the board and the Personnel Director and sent to Town Counsel and a response was sent to all. Mr. Trapani stated that the chair can make some decisions. Mr. Fowler stated that there are some decisions the chair can make and others he cannot. Mr. Trapani stated when process is interrupted have to make decisions on the fly. Mr. Fowler stated that he wants to be open and not being argumentative. Mr. Trapani stated he is offended by this violation and there is a serious complaint. Asked what he is looking for.

Mr. Fowler read from the Selectmen's Handbook on correspondence. Mr. Egenberg stated that if Mr. Fowler had email and went out to all members and if he chooses not to have email he would have had the documents if he had email. Mr. Fowler stated if he had this it would have helped him to make a decision. Mr. Trapani stated that he is sending out emails to all board members. Mr. Trapani stated will make sure there is an inbox of hard copies and getting him the information. Mr. Fowler stated that we used to have K & P come out twice a year to update the board. He stated that Mr. Farrell stated that they do not have any law suits. Mr. Surface stated that the board should not be micromanagers. Mr. Fowler stated that they need a clearer understanding that the Town Administrator and Chair are not making decisions for the board. Mr. Egenberg stated that Mr. Fowler should get email to receive the information. He stated that he agrees that they should be briefed. Mr. Trapani stated he will send a note to Mr. Farrell and make changes to improve communication.

APPOINTMENTS & APPROVALS

Request for appointment to the CoA as an Alternate from Susan Clay expire 6/30/2016

Mr. Surface moved to appoint Susan Clay as an Alternate on the Council on Aging term to expire June 30, 2016. Mr. Egenberg seconded the motion and the motion was approved by a unanimous vote.

CPC Calendar

Mr. Fowler stated that the CPC has a busy schedule and sometimes the schedule is late for the ATM. He stated that in January Mr. LaCortiglia sends all placeholders to the BoS. Mr. Farrell stated that FinCom should wrap up the middle of March at the latest. Mr. Trapani asked if Mr. Fowler can work with Mr. Farrell to tighten up the schedule.

Fire Department

Mr. Trapani stated that a union meeting is scheduled for October 8, 2015. Mr. Farrell stated that the meeting has been canceled and moved to November.

Request for appointment to the Board of Registrars (Republican) from Suzanne Daigle expire 6/30/2018

Mr. Trapani stated that they have 3 candidates Suzanne Daigle, Minda Fowler, and Henry Wolf. Mr. Farrell stated we need an emergency member as we do not have a quorum. Mr. Dawes stated that two members are from Republican Committee.

Mr. Surface moved to appoint as an emergency member Suzanne Daigle as a Republican Board of Registrar term to expire June 30, 2018. Mr. Egenberg seconded the motion.

Mr. Fowler stated that the emails are from the individuals and not from the Republican or Democratic Committees. Mr. Surface stated that they need a recommendation from the Committees.

The motion was approved by a unanimous vote.

NEXT MEETINGS

Monday, October 19, 2015 at ES 6:30 for contracts 7:00PM, 3rd floor meeting room, Town Hall
Saturday, October 17, 2015 Visioning Session, Penn Brook School Cafeteria

Mr. Farrell recommended moving the Visioning until November 7th to give more time to advertise and after the STM.

Monday, November 2, 2015 at 7:00PM, Special Town Meeting, M/H School
Saturday, November 7, 2015 Visioning Session, Penn Brook School Cafeteria
Monday, November 9, 2015 State of the Town, 3rd floor meeting room, Town Hall

ADJOURNMENT

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

Meeting adjourned at 10:10PM.

Minutes transcribed by J. Pantano.

Minutes approved January 25, 2016.

Documents used in meeting:

- Minutes July 27, 2015
- Resignation from Elizabeth Davidson
- School Committee applicant resumes and recommendation letters
- Housing Authority applicant letter of interest and recommendation
- Special Town Meeting Warrant
- Request for appointment to Board of Registrars letters
- Request of appointment to CoA-Susan Clay

- Request of appointment to AHTF of Timothy Gerraughty