

**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**  
**4/10/17**  
**7:00PM-General Meeting~3<sup>rd</sup> floor meeting room, Town Hall**

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**Selectmen Present:** C. David Surface Chairman; Gary C. Fowler, Clerk; Douglas W. Dawes, Steven Sadler, and Joseph Bonavita

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

**Absent:**

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**7:00PM Call to order**

Invocation-Douglas W. Dawes  
Pledge of Allegiance

**NEW BUSINESS**

*Carleton Fund Donation Acceptance*

Colleen Ranshaw Fiorello, CoA Director to be present

Gary Evans, and Beverly Knapp were present representing the George H. Carleton Fund, a donor advised fund at Essex County Community Foundation

Ms. Fiorello introduced the Carleton Fund members.

Ms. Knapp had a picture of George H. Carleton. Mr. Evans and Ms. Knapp gave some history on Mr. Carleton. She stated he was also the owner of the Carleton Home a home for seniors and she explained the home history.

Ms. Fiorello stated that the Carleton Fund trustees also donated a grandfather clock to the GSCC. Mr. Fowler asked about the ECCF. Mr. Evans explained that they help the trustees to manage the fund.

**Mr. Dawes moved to accept the \$10,000 check for the Georgetown Senior Community Center from the George H. Carleton Fund. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.**

*Recreational Marijuana Discussion-Atty. Eichman KP Law to be present*

Police Chief Cudmore and Lt. Hatch were present

Mr. Surface explained that there has been a lot of discussion on recreational marijuana moratoriums. He stated if the State does not know what to do then how are the towns supposed to know.

Attorney Eichman stated he was at the meeting that was written about in the Beacon. He stated that there are options and towns need to decide how to proceed. He stated that some towns are voting in a moratorium until they know how they want to proceed and for planning. He stated once an application is filed with the State then they would go to the town to see what their regulations are and if there are none the town has to accept. He stated that if you are interested in prohibition a town should look into a moratorium. He stated that there is not time on this

warrant and it is a zoning bylaw so would have to go through the zoning process with the Planning Board. He stated that a permanent moratorium would require hearings and a ballot vote.

Mr. Sadler asked how a prohibition how would affect the host agreement for Healthy Pharms. Atty. Eichman stated that a town wide prohibition would be an issue with Healthy Pharms. He stated that the law does not allow a town to accept one or not another.

Mr. Sadler asked if the town could adopt an overlay district. Atty. Eichman stated that the town could adopt an overlay district but would be an issue if the RMD was not in that area.

Discussion on different options to the towns.

Mr. Surface stated that we still have time and the board can work on a moratorium for the Fall Special Town Meeting. He stated that we can start the process with the Planning Board and he asked Mr. Farrell to draft a letter.

Atty. Eichman stated that they have to also be aware that the attorney general has to review the zoning bylaws so you have to wait 90 days from the town meeting.

**Mr. Dawes moved that the Town Administrator draft a letter to the Planning Board to start the discussion process for a moratorium on recreational marijuana. Mr. Sadler seconded the motion. Discussion**

Mr. Fowler stated that we need to have the Building Inspector in to discuss the Cafes. Mr. Surface stated Health, Planning, and Inspection all need to be involved.

**The motion was approved by a unanimous vote.**

Mr. Fowler asked about public use of marijuana. Atty. Eichman stated that the law does not allow public use of marijuana.

Mr. Surface stated that the town has different opinions on where the Marijuana gift funds should go the gift account or general fund. He stated that the State said if your counsel says gift account that is okay.

## **WARRANT and MINUTES**

*Minutes March 27, 2017*

**Mr. Dawes moved to approve the minutes of March 27, 2017. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.**

## **CORRESPONDENCE**

*Country Gardeners letter regarding Welcome Sign*

Mr. Surface read the letter from the Country Gardeners on the condition of the Welcome Sign.

Mr. Sadler stated that the EDC was looking for a grant or a business to fund replacement of the welcome sign. He stated now with the new Town Planner this will be brought up again.

*Beacon article regarding marijuana law*

Mr. Surface stated this was discussed with Atty. Eichman earlier.

*Town Clerk notice of resignation of John Anderson from FinCom*

Mr. Surface thanked Mr. Anderson for his service to the town and hopes that at another time he decides to help out again.

*Town Clerk notice of resignation of Juliette Rec*

Mr. Surface thanked Ms. Rec for her service to the Town and Park and Recreation.

*Recreational Rail Trail Update-Jeff Wade to be present*

Mr. Wade gave an update on the rail trail. He stated that they had received notice from State that time was running out on engineering and a new contract would be additional funds. He stated that the committee and towns had an agreement with the State and the State backed out on parts and slowed down the process and then they received the letter to increase engineering at a cost of \$1.3Mil. He stated that they had a meeting in Boston with the State and they will now take of all the additional cost. He stated that they are starting up with their engineering. He stated that the State moved the funds for the trails from 2019-2020 two years up. He stated that now the funding still may come sooner as now with the State funds they moved back. He stated that they will be having a public hearing and they are at 25% design. He stated that at 75% they can get involved with land and who owns land along the trail.

Mr. Surface asked if the trail is walkable. Mr. Wade stated yes and they are mowing it and you can start on Georgetown Road in Boxford. He stated that American Diabetes Association is using part of the trail for a trail ride. Mr. Surface asked when complete the project would be complete. Mr. Wade stated that the southern portion in 2019 to 2020 and then the northern end later. He stated that within 5 years the trail will be done. He stated that the connection across 97 to Elm Street should be looked at to connect to Schools.

Mr. DiMento stated that Georgetown got pushed off by Amesbury and other side trails by big cities. Mr. Wade stated that this has happened in the past and we had TIP funds for 2018 and Haverhill came in and forced us out and that Newburyport Mayor wrote a letter that this would not happen again and that was agreed upon. He stated when we came back we came in under SEPAC Funds and these cannot be taken away. Mr. DiMento stated that we have to speak up as other towns have done. Mr. Wade stated that we have to get someone beside him going to these meetings. He stated that other towns have a Planner at the meetings and Mr. Durkee should also attend. Mr. Farrell stated that at the meeting with the State he, Mr. Wade, and the new Planner John Cashell attended and the Planner will keep on the trail.

Mr. DiMento stated that with Mr. Wade leaving they will need someone to take over.

*Fire Department Update Georgetown Bowling Lanes*

Fire Chief Mitchell, to be present

Chief Mitchell stated that they did an inspection last week and the owner has met all the requirements that they have requested. He stated that they have recommended a fire alarm system and he hopes they will see that at some point. He stated that next year they will look at the upstairs also. Mr. Surface asked if he still has the no enter for his staff in the event of a fire. Chief Mitchell stated he does if the building is empty.

Mr. Sadler asked if the building is safe for residents. Chief Mitchell stated that it is and the Building Inspector will issue an Occupancy Permit with a load limit.

*IT Grant*

Mr. Farrell asked Chief Mitchell to update the board on the IT Grant. Chief Mitchell stated that the Grant request is for \$173K. He explained what the grant would be for, software, hardware, and to update the dispatch system to the same as Police.

*Park & Rec, Police, Bylaw on ATM*

Mr. DiMento stated that there is no placeholder in ATM warrant for a bylaw.

Mr. Farrell stated that we do have an article in the warrant for a bylaw. Mr. DiMento stated he has rules and regulations that his board will vote on after town meeting. He stated that he has 11 pages and listed all the areas and parks that the regulations would cover.

Mr. Surface stated that the BoS will have a public hearing on the rules and regulations. Mr. Farrell stated that the bylaw will not be legal for 90 days until approved by the Attorney General's office and after that the BoS can vote on the regulations.

Mr. Surface asked for a plan for American Legion Park for this Spring/Summer or he will vote to close for the season. Mr. DiMento stated funds cut from his budget could be used for a detail officer.

Chief Cudmore stated that they have had some hurdles to go over and have not ironed all of them out. He explained issues at the park and that he will put a plain clothes officer at the park and see what is happening. He stated that it is different than when a uniformed officer is present. He gave an update on the rules and regulations that he has been working on and the process he has been working on.

Mr. Surface stated that the Park & Rec committee should have been working on the regulations while they were building the project on East Main St.

Mr. Fowler asked if the School Resource Officer will have some time to be at the Park over the summer. Chief Cudmore stated that he would be available.

Mr. Fowler stated he does not understand how residents can use the rail trail with no liability and cannot use the Dog Park and East Main St Park.

Mr. Sadler stated that liked the idea of an undercover officer at the park and asked if we can put signs up with notice the park is under surveillance. Mr. DiMento stated that they do have a camera on the building to the parking lot.

Chief Cudmore stated that the park will have a new employee and they may be able to take a more active role at the park.

Mr. Farrell stated that to answer Mr. Fowler we do not own the Rail Trail but we do own the East Main St Park and that is why the liability is an issue.

Mr. Bonavita asked what the feedback to charging a fee for parking is. Mr. DiMento stated that in the past only a resident sticker was for purchase and only made \$800 and now they have a lot of out of towners to play on the fields and will have rail trail parking.

Jill Benas, 1 Lee Way, an abutter to the park stated that this such a transient park and people are going in and out all the time.

Mr. Bonavita stated that maybe they could just issue a beach pass. Mr. DiMento stated Andover did this and was approved at Town Meeting but attorney general did not like it. He stated his board was not in favor of this.

Mr. Bonavita stated that this goes back to September and he is astounded that they did not have the regulations done. He stated that the Park & Rec has been on the agenda and they have not shown up. He stated that a board that is not working together can be detrimental and he knows they are volunteers as is this board. He stated there is mismanagement.

Mr. DiMento stated that they have no paid positions. He stated that he gets calls all the time and emails and he has handled them but he has his own career. He stated there is a monumental amount of work to do. Mr. Bonavita stated he does not expect him to do all the work can be delegate some of the work to other members. He stated that he should not be in charge of everything. Mr. DiMento stated that he needs 7 members.

Mr. Surface stated we are a victim of our own success. He stated that we have to find ways to generate revenue from these parks.

Mr. Bonavita stated that if you had one full time staff member would that help. Mr. DiMento stated that yes one full time member.

Mr. Sadler asked if you could share staff with another town. Mr. Farrell stated that he met with Dave Schauer another Park & Rec member and they do a lot of hands on work and they have the funds to add a staff member. He stated that they need a seasonal administrative assistant.

Chief Cudmore stated that he has SRO to be present at the park, but with the regulations can we farm this out to someone. Mr. Surface stated that they have offered to have town council help with the regulations. He asked if a clerk or someone at KP Law can assist with rules and regulations. Mr. Surface asked the audience to step up to help.

Mr. Farrell stated that all this should continue so when the bylaw is approved by Attorney General they have regulations to implement.

Mr. Sadler thanked Mr. DiMento for all he does.

#### *ATM and STM Warrant Approval*

Mr. Farrell asked that they discuss the Heart Safe Article before the Fire Chief and Police Chief leave.

#### **Article 9: Fire Department-Heart Safe Community Initiative (ATM17-13)** (Submitted by the Fire Chief)

To see if the Town will vote to raise and appropriate, transfer from available funds a sum of money to purchase Automatic External Defibrillators (AED's), or take any other action in relation thereto.

Mr. Farrell asked the Fire Chief the cost of the defibrillators. Chief Mitchell stated \$22,822.

Mr. Farrell stated that the FinCom passed over this article. Mr. Surface asked how much is left in Free Cash. Mr. Farrell stated bills from the last storm are about \$26K and that leaves us with \$75K.

Chief Mitchell explained the Heart Safe Community Initiative and that it was started a few years ago by his predecessor and Nick Valentine and the program provided AED's for town buildings, parks, and training for staff in CPR and there is maintenance to the AED's. He stated that they have put an older AED at the new Senior Center and are having compatibility issues with some units as they are different. He stated that under the article all units will be the same. He stated the Fire Dept. can download information from AED's as is required and the PD is first on site and they cannot with their units.

Lt. Hatch stated he is a paramedic also and now each of the cruisers carry oxygen and after an incident they received an AED and others have been donated and all are different and are outdated and do not meet the regulations. He explained history on their equipment. He stated that they have 8 AED's.

Mr. Surface asked if Trestle Way needs one. He asked if the funds could come from the ambulance fund. Chief Mitchell stated that there are funds but can only be used for ambulances.

Mr. Bonavita asked the cost of each unit. Chief Mitchell stated \$2500. He asked if Senior Center could purchase with donated funds. Mr. Surface stated AH Trust could pay for one for Trestle Way. Mr. Fowler stated that we need to update or remove any old units. The board members were all in favor of the article.

*Annual Town Meeting Warrant, May 1, 2017*

Mr. Surface asked the board to review the warrant and the board would vote on the articles. He asked if there were any article that they wanted to vote on separately.

Discussion on CPC article for West Street.

There were no article to be voted separately.

**Mr. Fowler moved to recommend approval of all articles on the *Annual Town Meeting Warrant for May 1, 2017* as presented. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

**Article 1: Town Officers and Committee Reports (ATM17-01)**

To hear and act on the reports of the Town Officers and Committees.

**Article 2: General Operating Budget/Reserve Fund (ATM17-02)**

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by Section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2017, or take any other action in relation thereto.

**Article 3: Water Department Operating Budget (ATM17-03)**

To see if the Town will appropriate the receipts and available funds, including retained earnings, of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2017, or take any other action in relation thereto.

**Article 4: Fire Department Ambulance Operating Budget (ATM17-04)**

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2017, or take any other action in relation thereto.

**Article 5: Local Access Programming (ATM17-11)**

To see if the Town will vote to continue the PEG Access and Cable Related Fund as authorized by General Laws Chapter 44, Section 53F¾, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement. To appropriate the sum of \$60,000 for salaries and \$40,000 for expenses for the fiscal year beginning July 1, 2017, or take any other action in relation thereto.

**Article 6: Municipal Light Department Continuation of Operation (ATM17-05)**

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2017, or take any other action in relation thereto.

**Article 7: Chapter 90 Reimbursement, Transportation Bond (ATM17-08)**

To see if the Town will appropriate the sum of \$303,800 (Three hundred three thousand eight hundred dollars) or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

**Article 8: Revolving Funds (ATM17-14)**

To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and spending limits as set forth below, and (2) further to amend the General Bylaws by inserting a new bylaw, Article \_\_\_\_, Revolving Funds, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

**Article 9: Fire Department-Heart Safe Community Initiative (ATM17-13)** (Submitted by the Fire Chief)

To see if the Town will vote to raise and appropriate, transfer from available funds a sum of money to purchase Automatic External Defibrillators (AED's), or take any other action in relation thereto.

**Article 10: Community Preservation Committee (ATM17-12)** (Submitted by CPC)

**A to H**

**Article 11: Parks and Recreation Bylaw Amendment (ATM17-15)**

To see if the Town will vote to amend the Town's General Bylaw by inserting a new bylaw entitled, Public Parks, Recreation Facilities and Beach, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

§\_\_ - 1 Parks and Recreation Commission

The Parks and Recreation Commission is hereby authorized, following a public hearing for which at least two weeks' notice is posted on the Town bulletin board and official website, to promulgate regulations regarding the use of all Town parks, beaches, ponds, rail trails, parks, playgrounds, recreation facilities and any other property under the care, custody or control, or management or joint management of the Parks and Recreation Commission. Regulations promulgated by the Parks and Recreation Commission under authority of this section shall be posted on the Town's website, in the office of the Park and Recreation Commission, and be placed on file in the office of the Town Clerk.

§ \_\_\_\_ - 2 Enforcement

This bylaw may be enforced by any means available in law or in equity including non-criminal disposition in accordance with Article II, Section 1-4 and 1-5 of the Town's General Bylaws and M.G.L. c. 40, §21D. The enforcing authority for this bylaw and any regulations promulgated hereunder shall be any police officer of the Town of Georgetown and any agent designated by the Parks and Recreation Commission.

§ \_\_\_\_ - 3 Specific Penalties

When enforced through non-criminal disposition, any person who violates any provision of this bylaw or the regulations adopted by the Parks and Recreation Commission shall be subject to a fine of \$100.00 for the first violation, \$200.00 for the second violation and \$300.00 for the third and any subsequent violations. Each day a violation exists shall constitute a separate violation.

And further, to amend Section 1-8 by deleting the strikethrough text and inserting the bold text as follows:

Violations of the following bylaws, sections of bylaws, regulations and rules and sections of regulations and rules, hereinafter called "provisions," may be enforced in the manner provided in MGL c. 40, § 21D, by any police officer, including any special police officer. The penalty shall be \$50 as to any provision, **except as otherwise specified**. For the purposes of MGL c. 40, § 21D, the municipal officers, employees or agents whose titles are listed below under each provision shall also be deemed "enforcing persons" for such provision...

K. Recreation Commission Regulations (Chapter **550**):

(1) Penalty: ~~\$50.~~ **\$100 for the first violation**

**\$200 for the second violation**

**\$300 for the third and subsequent violations**

(2) Enforcing persons: Police **and any agent designated by the Parks and Recreation Commission**

or take any other action thereto.

*Special Town Meeting Warrant*

Mr. Surface went over the STM warrant articles.

**Mr. Fowler moved to recommend approval of all articles on the *Special Town Meeting Warrant for May 1, 2017* as presented. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

**Article 1: Adjustments to the Fiscal Year 2017 operating budget (STM17-01)**

To see if the Town will vote to amend the vote taken under Article 2 of the 2016 Annual Town Meeting warrant for the purpose of adjusting line items in the FY 2017 budget, and as necessary, to transfer from available funds a sum of money for the purpose of supplementing departmental expenses, or take any other action in relation thereto.



**Article 2: Appropriation of Free Cash for the Snow and Ice deficit FY2017 (STM17-02)**

To see if the Town will vote to transfer from available funds a sum of money to be applied to the FY2017 snow and ice deficit, or take any other action in relation thereto.

**Article 3: Affordable Housing Trust/Planning Department Payroll Adjustment (STM17-03)**

To see if the Town will vote to transfer from Line Item 01175510 (Planning Board Salaries) to Account #700094970 (Affordable Housing Trust) the sum of \$9,191 (Nine thousand one hundred ninety one dollars), or take any other action in relation thereto.

**SELECTMEN'S REPORT**

*Perambulation of Bounds*

Hold for another meeting.

*BoS Procedures, Policies, and Regulations Manual*

Mr. Surface stated Mr. Fowler has put a lot of time into this manual and he would like to approve tonight.

**Mr. Fowler moved to approve the Board of Selectmen Procedures, Policies, and Regulations Manual as presented. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

*Health Insurance Consultant Discussion*

Mr. Surface stated that we had a discussion at last meeting about hiring a consultant and about putting funds in the budget for next year. Mr. Farrell stated that the budget is set and FinCom will not meet until Town Meeting. He stated that there are funds that he can find at the end of the year to fund a consultant. He stated that he has a proposal for \$9800. Mr. Surface stated leave on agenda and if we have funds at the end of the year we can discuss again.

**TOWN ADMINISTRATOR'S REPORT**

*MIIA Claims data response*

Mr. Farrell stated that he has a response from counsel that the insurance information that they had requested should be available to the town. He stated that MIIA stands by their policy on distributing this information as is stated in their member contract. Mr. Surface asked if we can negotiate this out. Mr. Bonavita stated that he has an issue with this provision. He stated that he will have an issue next year and we want all the information. Mr. Farrell stated that he has conveyed the board's unhappiness to MIIA. He stated that the MIIA rep is willing to come in and meet with the board. The board asked Mr. Farrell to set this up.

*Senior Center Update/Closeout*

Mr. Farrell stated that they are still waiting for a urinal to be installed.

*Snow and Ice Deficit Update*

Mr. Farrell stated that the last storm cost about \$26K and should have final figures after Wednesday when all bills will be turned in.

## **APPOINTMENTS and APPROVALS**

*Town Clerk request for approval of Poll Workers for election May 8, 2017*

**Mr. Dawes moved to approve the *Poll Workers* for the town election on Monday, May 8, 2017 as presented. Mr. Bonavita seconded the motion and the motion was approved by a unanimous vote.**

*Request for Ride to End Alzheimer's to travel through town*

Mr. Surface stated that we have a request for a bike event to go through town, Ride to End Alzheimer's.

**Mr. Dawes moved to approve the request for the *Ride to End Alzheimer's* to travel through town on Saturday, June 24, 2017. Mr. Bonavita seconded the motion and the motion was approved by a unanimous vote.**

## **BOARD BUSINESS**

*Penn Brook School Closeout*

Mr. Surface stated that he will not sign the final payment until the landscaping is resolved for \$20K for Municipal Building. Mr. Farrell stated that they also have an outstanding order of conditions from ConCom.

Mr. Surface stated that the board and town send their condolences to Peter Durkee on the recent passing of his mother.

Mr. Surface stated that he will not be at the next meeting and this would be his last live meeting as chair. The board thanked him for his chairmanship.

Mr. Dawes stated that the Veterans' agent has a Boots on the Ground, Veteran Freedom Peace Metal that is being given out and for Veterans' to contact Karen Tyler for more information.

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

Mr. Farrell stated that the house version of the budget came out and net result is that they did increase Chapter 70 funds by \$13,700K. He stated that Unrestricted Aide stayed the same.

Mr. Farrell stated that the attorney for the Kennedy property has contacted the town and they plan to redeem the deed on the property. He stated that cost to redeem is \$87,220.86.

Mr. Bonavita asked where the funds go. Mr. Farrell stated that they will end up in Free Cash.

## **NEXT MEETING**

April 24, 2017 at 7:00PM, 3rd floor meeting room

## **ADJOURNMENT**

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

BoS Minutes  
April 10, 2017

Meeting adjourned at 10:20 PM.

Minutes transcribed by J. Pantano.

Minutes approved April 24, 2017.

Documents used in this meeting:

Minutes March 27, 2017

- Country Gardeners letter regarding Welcome Sign
- Beacon article regarding marijuana law
- Town Clerk notice of resignation of John Anderson from FinCom
- Town Clerk notice of resignation of Juliette Rec
- Carleton Fund Donation Acceptance
- Request for Ride to End Alzheimer's to travel through town
- ATM and STM Warrant Approval
- Perambulation of Bounds
- BoS Procedures, Policies, and Regulations Manual
- MIIA Claims data response
- Town Clerk request for approval of Poll Workers for election May 8, 2017