

**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**  
**2/12/18**  
**7:00PM-General Meeting~3<sup>rd</sup> floor meeting room, Town Hall**

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

**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

**WARRANT and MINUTES**

Minutes of January 22, 2018

**Mr. Surface moved to approve the minutes of *January 22, 2018*. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.**

**CORRESPONDENCE**

*Nomination Papers Available February 1st to March 26<sup>th</sup>*

Mr. Bonavita stated that anyone interested in being involved should pull papers. He stated nomination papers are available February 1<sup>st</sup> to March 26<sup>th</sup>.

**NEW BUSINESS**

*MA Opioid Litigation Attorneys-information & engagement to represent*

Mr. Farrell explained that KP Law is involved in this suit and are asking all their clients if they want to be involved. He explained that there is no cost to the town that this is a Mass Tort litigation and not a Class Action. The damages being sought will be shared with all members of the Tort for past costs of what the community has put out. This does require a sign off from the town. Mr. Surface asked if we have quantified what the town has spent. Board asked if we knew cost to Georgetown. Mr. Farrell stated that we do not have this number and the litigation will take years. Mr. Bonavita asked if there is any risk to the town. Mr. Farrell stated that there is not.

**Mr. Sadler moved that the Board of Selectmen engage KP Law to represent Georgetown in the Opioid litigation.**

Discussion

Mr. Farrell stated that the fees will not exceed 25% of proceeds of litigation. Mr. Fowler stated that he would like to hear from Public Safety if the cost to town is significant. He asked if we could have KP Law come before them and that he does not want to be a part of a nuisance

litigation. Mr. Sadler stated that the town is doing a great job combating Opioid use. Mr. Bonavita asked if there was a deadline to vote on this. Mr. Farrell stated that he had a call to see if this was on our agenda from KP Law but they did not give a deadline. Mr. Surface stated he would like to have the Fire and Police Chiefs in to discuss. Mr. Bonavita asked to invite KP Law and the Chiefs to the next meeting.

*Street Acceptance request/Planning Board & Highway Surveyor*

Mr. Sadler stated that he has had discussions with the Town Planner about Street Acceptance. He stated that he had a question on designations of private roads. He stated that he has a problem with how they are designated. He stated that he feels more thought should be put into the list of streets presented. He stated that we do not get Chapter 90 for roads unless they are accepted. Mr. Surface stated that the process is a problem to him. He stated that the Planning Board was recommending a road be accepted because in bad condition. He stated either all roads accepted or nothing. Mr. Dawes stated that some private roads have covenants on the streets to stay private and use the words perpetual on them. He stated he knows Mr. Surface's road has a covenant but does not know of other roads. Mr. Dawes stated that there is a right of way to the Conservation land and soccer fields for the public to access. Mr. Farrell stated that the revenue is miniscule per mile for Chapter 90 funds. Mr. Fowler stated that the process is to come from the Planning Board. Discussion  
The board asked that Mr. Durkee to come to a meeting to discuss the recommended street list.

*Street Acceptance Request-Turning Leaf Subdivision*

**Mr. Dawes moved to refer the Turning Leaf Subdivision: Lisa Lane, Grapevine Circle, and Vineyard Lane back to the Planning Board for Street Acceptance. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

**Contract Operations Discussion**

Mr. Farrell stated that the Water Department put out an RFP for contract management. He stated Mr. Lavacchia is leaving on March 2<sup>nd</sup>. He stated that the company he talked to has been contacted to submit a management bid. Mr. Bonavita asked Mr. Farrell to explain his history with a contract management company. Mr. Farrell explained the process that he used in another town. Mr. Dawes stated that at the Water/Light meeting they did have a company present and also stated that they would provide training. Mr. Farrell stated that they could also provide the employees. Mr. Farrell stated that town he was involved with set up benchmark awards and share the savings.

Mr. Sadler stated is a good idea for the interim. He stated they need a discussion with the Light and Water Department and asked if they have considered a DPW. Mr. Farrell stated in his discussion he asked why not a public works department have. He stated main issue is that they have a separate fund account and general fund account. Mr. Surface asked if we have seen any analysis. Mr. Farrell stated that the departments are meeting again on Feb 26 and if they decide to move forward then they will come to the Selectmen. Mr. Fowler stated that the water department felt the Light Department had a better management plan. Discussion on the process and if there is enough time to put this together.

*Purchase & Sale Map 11 Lot 11*

Mr. Farrell stated that the ConCom has gone to CPC and to move forward they need a Purchase & Sale agreement.

**Mr. Surface moved for the board to sign the Purchase & Sale agreement for Lot 11 Map 11. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

*Recreational Fields Study Committee*

Mr. Surface stated that he and others have gone to the CPC to discuss and review the recreational fields in town. He stated that Jeff Moore, Scott McDonald and himself will start out on the Recreational Fields Study Committee. He stated that the charge would be to evaluate the fields in town. He stated that they are going to gather all the old studies before starting a new study.

**Mr. Sadler moved to create a Recreational Field Study Committee to consist of five members with terms to expire June 30, 2018. Mr. Fowler seconded the motion.**

Mr. Fowler stated that he is always concerned on studies and how do we plan to move forward on a capitol project. Mr. Surface stated that we don't know until we do the study. He stated that they could recommend a two year plan, or a small project or a large project.

Mr. Fowler asked how much did the town spend on fields at the Penn Brook. Mr. Surface stated he did not know what was spent. Discussion

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

**Mr. Sadler moved to appoint David Surface, Jeff Moore, and Scott McDonald to the Recreational Field Study Committee with terms to expire June 30, 2018. Mr. Fowler seconded the motion and the motion was approved by 4-0. Mr. Surface abstained.**

*Regulation of Tobacco Sales*

Mr. Bonavita stated that there has been a lot of discussion on this business in the downtown area of town. He stated that we have to open our eyes to the availability of our children to obtain tobacco. He stated that he would like to see the age go from 18 years of age to 21 years of age to purchase tobacco. He stated that there is a lot of belief that this product leads to Opioids. He stated he feels we would be doing the best thing for our kids and it is a maturity issue.

Mr. Sadler asked if this is to be voted on with the BoH.

Mr. Farrell stated that the BoH deals with tobacco and there is a lot of concern on vapes.

Mr. Bonavita stated that we have a KP Law regulation that the board would refer to the BoH to vote as a regulation. Mr. Sadler stated that our tobacco regulations have not been updated since the 90's and it is a revamp with the new products out today. He stated he is in favor of the new regulation.

Mr. Surface stated that he does not want to be singling out a new business as there is a business 200ft from this business selling cigarettes and alcohol.

Mr. Bonavita stated that it is the vape industry that they are developing the law for.

Mr. Surface stated that nicotine and vaping would move up to 21 like alcohol. He stated recreational marijuana is also 21 years of age. Mr. Dawes stated that it will be 21 years of age.

Mr. Surface stated that you can sign up for armed services at 18 years of age.

Mr. Dawes stated that it also had that the seller had to be 21 but he did not see it in the document. He stated that cannabis and spices should be included in this. He stated that the board should

have input from the business owner. He stated we should not vote on this until we talk to the retail owners. Discussion

Mr. Sadler stated that the board is not singling out this business but it may have spurred the conservation and we want to update our regulations with the times. Mr. Dawes stated that he agrees with updating ordinances that we have.

Mr. Fowler stated that other than his wife he has only had concern from one person. He stated that we have to be careful with social media and where we are going with this. He stated that he is concerned on the **we**. He can support this change and to ask the BoH to look at the regulations and update. He stated that under procedure it is up to the BoH to update the regulations and that is what he can support.

Discussion on how to proceed.

Mr. Dawes explained that Georgetown Cares Coalition is not a police of these types of issues. He stated that they are here as a resource and for education, the committee does not have an opinion on this issue.

**Mr. Fowler moved to send a letter to the Board of Health to look at the sale of nicotine delivery products regulations and send along the newer template of newer regulations from town counsel and ask that they review at their earliest convenience. Mr. Surface seconded the motion.**

Discussion on sending template to BoH. Mr. Dawes stated that he does not want to be an influence to the BoH.

**Mr. Fowler moved to amend the motion that instead of earliest convenience that the Board of Health review the regulations no later than March 26<sup>th</sup>. Mr. Surface seconded the amendment.**

**The motion and amendment were approved by a unanimous vote.**

Mr. Dawes stated that he does not want to send a memo to the BoH he would rather talk to the board himself.

**Mr. Surface moved to send a memo to the Board of Health as a non-binding recommendation to raise the age to purchase tobacco products to 21 years of age. Mr. Sadler seconded the motion. Mr. Fowler abstained. The motion was approved by a 3-1 vote.**

## **OLD BUSINESS**

### *ATM & STM Warrants May 7, 2018*

Mr. Farrell went over the articles on the warrant and stated on page 4 the articles are placeholders and have not been voted by the FinCom. He explained the cost to lease a pump truck which was not on CIP but the FinCom discussed adding this.

Discussion on making the Town Clerk and Highway Surveyor positions elected to appointed position. Mr. Surface stated DoR has recommended this in their report.

Mr. Fowler asked about a CIP report and getting a copy.

Mr. Fowler asked about starting a personnel committee. Mr. Surface stated that they had a working board finally when voted to dissolve. Discussion

Ms. Pantano stated she was on the Personnel Committee and it did not work.

### *Union Contract Ratification*

Mr. Farrell stated that he has the Command Staff union contract with 2% raise retro to July 1<sup>st</sup> and with a change to detail pay for the board to approve and sign.

**Mr. Surface moved to approve the contract between the Town and AFSCME AFL-CIO Council 93, Local 939 Police Command Staff July 1, 2017 to June 30, 2020. Mr. Sadler seconded the motion.**

Mr. Fowler stated he would have liked more time to look over the contract.

**The motion was approved by a 4-1 vote.**

#### *Plastic Bag Restriction*

Mr. Bonavita stated that he did research this and did go to Newburyport and they used paper bags and they offered cloth bags to purchase or heavy plastic bags for 10 cents, reusable 200 times. He stated he would rather just go to cloth or bring your own. He stated that this is a way for residents to help out. He stated those he polled where 90% in favor of the change. He stated that he does not see the negative. He stated that he would like to also ban paper.

Mr. Surface asked if this is a BoH process. Mr. Farrell stated that most towns go to BoH for tobacco and go to town meeting for plastic bags.

Mr. Bonavita stated that the State is also looking into this ban.

Mr. Sadler stated that they are not banning all plastic it is banning single use bags. He asked how this helps if still using plastic.

Mr. Fowler stated that this is feel good legislation. He stated that he is against regulations like this and is in favor of more education on recycling. He stated that he cannot support this. Mr. Bonavita stated that some people do not care.

Mr. Dawes stated that he agrees with Mr. Fowler that he does not like to be told by government what to do. He stated he uses cloth at the store. He stated that we still use plastic bags at home. He stated that we have to take care of the earth. He stated he feels this is a government overreach.

Mr. Bonavita stated let the towns people vote.

Mr. Dawes asked for proper notification to the community on this.

#### **TOWN ADMINISTRATOR'S REPORT**

##### *Wage & Classification Study-Update*

Mr. Bonavita stated that there has been a lot of effort on this by Mr. Farrell, Mr. Surface, and Ms. Olson.

Mr. Farrell stated that we have agreed on a direction and he was tasked to go back and re-class some positions and then come back to the committee for approval.

Mr. Surface explained how the committee looked at the positions and salary and made some adjustments so we are not open to litigation under the new law. He stated that they parsed out the contract positions. He stated that they had under 10 positions to not leave us open to a lawsuit.

##### *Discussion*

Mr. Farrell stated that a total compensation study could be done rate \$150 and hour about \$6,000. Mr. Bonavita stated hold off for now.

##### *FY19 Budget*

Mr. Farrell did a quick overview of the budget with the board.

Mr. Farrell stated that he is close to working out a shared maintenance with the Schools.  
Discussion

## **APPOINTMENTS and APPROVALS**

*Acceptance of a donation from Country Gardeners to Highway Department*

**Mr. Surface moved to accept the \$11,607 donation from the Georgetown Country Gardeners. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.**

## *Marijuana*

Mr. Dawes stated May 1<sup>st</sup> will be 1 year since Healthy Pharms opened and 30 days after the town will receive \$100,000. He stated that the board has not decided how to spend these funds. He stated that we need to look at the Police and Fire items if we can purchase these items. Mr. Surface stated develop an SOP.

## *Communications Committee*

Mr. Sadler stated communications committee is in the process to get connected to TV and to get some cameras for the 2<sup>nd</sup> floor and will be meeting with vendors.

He stated that they also spoke about social media and will put some questionnaires in the Light bill and see what is the best way to reach residents. He stated that they have funds and are brainstorming ways to use the funds.

## **NEXT MEETING**

Monday, February 26, 2018 at 7PM, 3rd floor meeting room

## **ADJOURNMENT**

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

Meeting adjourned at 10:00PM.

Minutes transcribed by J. Pantano.

Minutes approved April 9, 2018.

Documents used in this meeting:

- Minutes of January 22, 2018
- MA Opioid Litigation Attorneys-information & engagement to represent
- Street Acceptance request/Planning Board & Highway Surveyor
- Street Acceptance Request-Turning Leaf Subdivision
- Contract Operations Discussion
- Purchase & Sale Map 11 Lot 11
- Regulation of Tobacco Sales
- ATM & STM Warrants May 7, 2018

BoS Minutes  
February 12, 2018

- Union Contract Ratification
- Plastic Bag Restriction
- Wage & Classification Study-Update
- Acceptance of a donation from Country Gardeners to Highway Department