

**Memorial Town Hall, 1 Library Street, Georgetown, MA 01833**

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**BOARD OF SELECTMEN MEETING MINUTES**

**Memorial Town Hall**

**10/16/17**

**6:00PM-Executive Session~2<sup>nd</sup> floor meeting room, Town Hall**

**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, C. David Surface, and Gary C. Fowler, by remote participation.

**Others Present:** Michael Farrell, Town Administrator; Janet Pantano, Administrative Assistant; Jonathan Eichmann, KP Law

**Absent:**

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**6:00PM-EXECUTIVE SESSION**

To discuss strategy with respect to 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 ...;

**7:00PM Call to order**

Invocation-Douglas W. Dawes

Pledge of Allegiance

Mr. Bonavita announced Mr. Fowler would be attending the meeting remotely.

**APPOINTMENTS and APPROVALS**

*Request from the Police Chief for the appointment of 3 new Reserve Officers*

Chief Cudmore explained that he had 3 reserve officers leave and had 3 new reserve officers to fill those slots.

Chief Cudmore introduced Laura Britton and gave some background information. Mr. Bonavita asked Ms. Britton for some background information.

**Mr. Surface moved to appoint *Laura Britton* as a *Reserve Police Officer* term to expire June 30, 2018. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

Chief Cudmore introduced Peter Neu and gave his background. Mr. Neu stated he is originally from Florida and his wife is from Danvers and they have relocated here.

**Mr. Surface moved to appoint *Peter Neu* as a *Reserve Police Officer* term to expire June 30, 2018. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

Chief Cudmore introduced Tyler Skane and gave background information. Mr. Skane stated he grew up in Danvers and he gave his history.

**Mr. Surface moved to appoint *Tyler Skane* as a *Reserve Police Officer* term to expire **June 30, 2018**. Mr. Dawes seconded the motion and the motion was approved by a unanimous roll call vote.**

*Request to reappoint Nivaldo Rodriques and Jay Martel as Reserve Officers to expire 6/30/2018*

**Mr. Surface moved to reappoint *Nivaldo Rodriques* and *Jay Martel* as a *Reserve Police Officer* term to expire **June 30, 2018**. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

*Request for appointment to the ConCom from Rebecca Chane term to expire 6/30/19*

Mr. Bonavita asked Ms. Chane to come forward and he asked for some background information. Ms. Chane gave some background information on herself and stated always an advocate for conservation. Mr. Surface asked about her interaction with ConCom and she stated that she does live on and have concerns on Rock Pond. He stated that he has concerns over member willingness to work with residents. Mr. Dawes asked if there are any particular issues with the town. She stated that she had a septic replacement and the ConCom had some meetings that were delayed because of a lack of quorum and that made her interested.

Mr. Fowler stated that the ConCom has tough laws in Georgetown and asked if she is open minded and glad she will be there to fill a quorum. She stated that she would hope she would be open minded and it is a team not an individual.

Mr. Surface stated that he also feels a member has to work with residents.

**Mr. Surface moved to appoint *Rebecca Chane* as a *Conservation Commission* member term to expire **June 30, 2019**. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

*Request for appointment of Diane Klibansky to the CoA as an Alternate Member to expire 6/30/2018*

**Mr. Surface moved to appoint *Diane Klibansky* as an *Alternate Member of the Council on Aging* term to expire **June 30, 2018**. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

*Historical Society request to hold Halloween themed tours at Union Cemetery*

Mr. Surface stated that this event has been requested every year.

**Mr. Surface moved to allow the *Historical Society* to hold Halloween tours at the Union Cemetery, East Main Street on October 28<sup>th</sup> and 29<sup>th</sup> at 2PM. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

*Kiwanis request to hold Peanut Day-October 28<sup>th</sup> 9AM-Noon*

David Bogdan and Jim Withrow were present

Mr. Bogdan stated that the Kiwanis holds a Peanut Day to raise funds to benefit the town and kids. He stated that the event is for three hours on a Saturday morning. He stated that this helps to fund their annual Thanksgiving Dinner that is coming up, and other events. He stated that the rain date will be on Sunday, October 29<sup>th</sup>.

Mr. Bonavita stated that the Kiwanis donated the electronic sign in front of town hall.

**Mr. Surface moved to approve the Kiwanis to hold Peanut Day on Saturday, October 28, 2017 with a rain date of October 29th. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

Mr. Withrow stated that the Kiwanis looks to do a big project in town each year and would like to replace the Welcome to Georgetown sign on East Main Street. Mr. Withrow gave a drawing of the sign to the board. Mr. Farrell stated that Mr. Withrow came in and he sent him to the Building Inspector. Mr. Withrow stated that he talked to the Building Inspector and he wants him to check in with Peter Durkee, Highway Surveyor. Mr. Dawes stated that sign looks good. Mr. Sadler stated that the businesses in that area were looking to put a sign with names and may help financially if they reach out to them. Mr. Fowler stated that it shows lights on the sign. Mr. Withrow stated that there will be solar lights. Mr. Fowler thanked Kiwanis and the previous group who built the first sign.

**NEW BUSINESS**

*Cheerletics request for a One-Day Liquor license for Oct. 26th Halloween event*

No one was present, item passed over.

**OLD BUSINESS**

*Historical Commission presentation of Town Hall Quilt plaque*

Gloria Swanbon, Buffy Thompson, and Terry Palardy were present

Ms. Swanbon explained that the plaque represents all the squares on the quilt with what the design is and who made the square. She stated that they are here tonight to present the plaque to the town. Ms. Pantano stated that the original award from 2000 was found and displayed to the audience.

*GreenBridge Health, Inc. - Host Agreement & Letter of Non-Opposition*

Jonathon Eichmann, KP Law was present

Mark DeAngelis, Rick McDonald, and Pierce Daly were present

Mr. Bonavita stated that we have a Host Agreement and a Letter of Non-Opposition to vote on and sign tonight. He asked Atty. Eichmann if there were any issues the board needed to be aware of. Atty. Eichmann stated that the document that they have incorporates all requested changes. He asked if GreenBridge had any comments. They did not.

Mr. Surface stated that he had an earlier meeting package and an updated package with a different agreement now. Mr. Surface stated how we can vote if we do not have the right document. Discussion

Mr. Bonavita stated that they are voting on the agreement that he sent out to the board on Friday. Mr. Surface asked about providing a donation and that this does not have to be part of impact fees. He asked if we have to provide documentation on the impact. Atty. Eichmann stated that the State requires the town to document for public record any impact costs but you do not have to provide any documentation to GreenBridge to be paid.

Mr. Sadler read a section of the host agreement describing donation fees and does not feel a good idea on town's side. He stated in his mind this section unethical and read from State laws on solicitation. He explained why he feels this is solicitation. Mr. Eichmann asked if he was asking if this clause and condition of Non-Opposition and if he could explain his question. Mr. Eichmann stated that the section he is referring to in Ethics Commission is to a person and not to the Board of a town acting as a board negotiating an agreement. Mr. Sadler stated that we have heard from the Police Chief that there has been no impact from HP and GreenBridge tells us we will not know they will be there and to ask for the agreement and letter he feels is unethical to ask.

Mr. Dawes stated that GreenBridge Health, Inc. offered to donate to the community and did not solicit and they offered the agreement as they want to do business in town and be a good partner. Mr. Sadler stated that there is a new clause that we added.

Mr. Fowler stated that he is disappointed in the change and asked the Chair and GreenBridge to initial and date each page. He stated that he does not feel we solicited the agreement. He asked for guidance on Personal Property in section 9. Atty. Eichmann stated that he feels that this is not special treatment but reflects current law. Atty. Eichmann stated that only applies if they are exempt. Mr. Fowler stated that he is happy to see this coming to the end.

Mr. Surface asked about the section on donation and if the State will throw out. Atty. Eichmann stated that the AG will not be reviewing the document.

Mr. Farrell stated that he wanted to apologize for the confusion as he had been out of the office. Mr. Fowler stated on page 2 refers to subsection b and should it be referring to subsection a. Mr. Eichmann stated that was a good pick up and should be a. He asked the chair to initial and date this change also.

Mr. Sadler stated that the board voted to put a moratorium on public consumption of marijuana on the STM warrant because the laws are not finalized and yet we are still going forward on this. Mr. Dawes stated that the moratorium is for Recreational Marijuana and this is for Medical Marijuana.

Mr. Surface stated that with HP we did the Host Agreement after the Planning Board and this time would like to have this ahead of time. He stated this may go to Planning Board and be shot down but we have an agreement.

Mr. Bonavita stated that this board was making sure we had an agreement ahead of time and this does not stop here now will go to the Planning Board.

Dr. Donna Ricci stated that is the board is not taking comments. Mr. Bonavita stated that the board has heard comments at previous meetings. He stated he will not be taking comments this evening. Dr. Ricci still tried to comment.

Mr. Surface stated that the board is in a closed meeting of the board and they do not have to hear the public. He stated that Chair does not have to recognize the audience. He stated that her dispute is with her landlord of a private business.

Dr. Ricci stated if they cannot speak they will leave.

**Mr. Fowler moved to approve the *GreenBridge Health, Inc. Community Host Agreement*. Mr. Surface seconded the motion.**

**Mr. Dawes moved to add to motion change to paragraph page 2 subsection b. Mr. Surface seconded the amendment to the original motion and the motion was approved by a 4-1 roll call vote.**

**Mr. Dawes seconded the main motion and the motion was approved by 4-1 roll vote.**

Mr. Bonavita asked if any questions on the letter of Non-Opposition.

Mr. Fowler stated that he had had some questions on this area and that he has talked to other businesses and boards and he feels that this will be a good business for the area. He stated that there were questions on the setbacks and he does not see why this business could not fit there. He stated that after that homework he is a yes vote.

Mr. Sadler asked if he could ask Mr. Enos about the other businesses besides this building and if GreenBridge will be expanding.

Mr. Enos stated that there is a shelving business that will stay and the karate business is month to month.

Mr. Surface stated that GreenBridge will now go to the Planning Board and asked Mr. Enos to help out Ms. Ricci to relocate her business if possible.

Mr. Dawes stated that this has been a more difficult process then it should have. He stated that the tenant issue has been discussed and that this is an issue between tenant and landlord. He stated in 2012 the town voted in favor of medical marijuana and explained bylaw and overlay district. He stated that the town has also voted in favor of recreational marijuana. He stated that the town approved recreational marijuana and is looking to develop a recreational cannabis bylaw. He stated that none of the members have had 100% deliberation in favor on this issue. He stated that the board has done their job. He stated that the deliberations have been contentious at times. He stated that the board has taken into consideration the impact to the town.

Chief Cudmore stated that he has been involved in the process and will review the impact to the community. He stated that he will be watching the permitting process with the Planning Board and if he sees an impact to the town he will bring it to the board as he also lives here.

Mr. Sadler thanked the board for listening to his views on this subject and stated that Georgetown will be the first small town to have two Medical Marijuana facilities. He stated that they have had a lot of deliberations.

Mr. Bonavita stated that he echo's the voices of the board. He stated he understands Dr. Ricci's concerns with her business but they are with her and her landlord. He thanked Atty. Eichmann and GreenBridge Health for working with the town.

**Mr. Fowler moved to allow the Chairman Joseph Bonavita to sign the *GreenBridge Health, Inc. Letter of Non-Opposition* dated October 16, 2017. Mr. Surface seconded the motion and the motion was approved by a 4-1 roll call vote.**

**Mr. Surface moved for a 5-minute recess. Mr. Dawes seconded the motion and the motion was approved by a unanimous roll call vote.**

Resume 8:54PM

*Rock Pond Committee formation update-Police Chief*

Chief Cudmore stated that he came to the board a few meetings ago regarding setting up a Rock Pond Committee and he attended a Rock Pond group meeting and has reached out for committee members and had 10 people respond to be appointed to the board. He stated that the board had originally voted on 5 members and he would serve as a non-voting member.

Mr. Bonavita asked if these members have reached out to him. Chief Cudmore stated that they have on different issues. He stated that the plan is for the committee to have an enforcement plan for next summer. Mr. Bonavita stated that does the board want to stay with 5 members. Discussion on number of members.

Mr. Bonavita asked for first in and asked the Chief to send the list to the office. Mr. Farrell asked if they would have a charge. Chief Cudmore stated that there charge will be to come up with some regulations for the pond.

Mr. Surface asked the Chief to come up with a two paragraph charge for the committee. Mr. Bonavita asked that a deadline be included in the charge. Chief Cudmore stated that the committee should have something by March for the board.

Mr. Bonavita stated that would be good and any regulations can be voted on at ATM if needed.

Mr. Dawes asked if the Chief has seen any abusive wave violations. Chief Cudmore stated that he or his officers have not viewed any issues. Mr. Dawes stated that he believes Pentucket Pond has a 15 mile and hour limit. Chief Cudmore stated that we have three bodies of water Rock Pond, Pentucket Pond, and Baldpate Pond with different or no regulations. He stated that he has some contacts to help with the bylaws.

Mr. Fowler stated that they have these 10 member requests and an active Rock Pond Committee and are these the same members. Chief Cudmore stated that some are the same but that the other committee is more conservation minded. Mr. Fowler stated that maybe someone who does not live on the pond could be appointed so they will have more diversity.

Mr. Bonavita stated have for next meeting.

**WARRANT and MINUTES**

September 18, 2017 and September 25, 2017

**Mr. Surface moved to approve the minutes of September 18, 2017. Mr. Sadler seconded the motion and the motion was approved by unanimous roll call vote.**

**Mr. Surface moved to approve the minutes of September 25, 2017. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

**SELECTMEN'S REPORT**

*Special Town Meeting-Monday, October 30, 2017 @ 7:00PM*

Mr. Bonavita reminded the audience about the Special Town Meeting on Monday, October 30, 2017 at 7:00PM.

**TOWN ADMINISTRATOR'S REPORT**

*Mello Disposal/Transfer Station Update*

Mr. Farrell stated that Mello has their first hearing with ConCom on wetland delineations and then with the ZBA on November 7 and until that happens they cannot go to the Planning Board. Mr. Fowler asked about the ConCom and giving an extension on dates. Mr. Farrell stated that he did not discuss that with the Agent.

*Special Town Meeting-Monday, October 30, 2017 @ 7:00PM*

Mr. Farrell explained that there was an error in regard to debt service and gave a handout to the board to help explain the error and the correct numbers on the warrant. He stated that the total appropriation does not change and he explained the changes and gave handouts to the board. Mr. Sadler asked for a summary. Mr. Farrell stated that the summary will be in the motion.

**NEXT MEETING**

October 30, 2017 STM at 6PM M/H School 11 Winter Street  
November 13, 2017 at 7:00PM, 3rd floor Town Hall

**ADJOURNMENT**

**Mr. Surface moved to adjourn. Mr. Dawes seconded the motion and the motion was approved by unanimous roll call vote.**

Meeting adjourned at 9:30PM.

Minutes transcribed by J. Pantano.

Minutes approved November 13, 2017.

**Documents used in this meeting**

- Minutes September 18, 2017
- Minutes September 25, 2017
- Housing Production Plan
- Kiwanis request to hold Peanut Day-October 28th 9AM-Noon
- Cheerletics request for a One-Day Liquor license for Oct. 26th Halloween event
- Healthy Pharms, Inc.-Community Benefit Agreement letter
- GreenBridge Health, Inc. - Host Agreement & Letter of Non-Opposition
- Rock Pond Committee formation update-Police Chief
- Special Town Meeting-Monday, October 30, 2017 @ 7:00PM
- Request to reappoint Nivaldo Rodriques and Jay Martel as Reserve Officers to expire 6/30/2018
- Request from James Ogden to be appointed to the Park & Rec Committee term to expire 6/30/2018
- Request for appointment to the ConCom from Rebecca Chane term to expire 6/30/19
- Request for appointment of Diane Klibansky to the CoA as an Alternate Member to expire 6/30/2018
- Historical Society request to hold Halloween themed tours at Union Cemetery
- Request from the Police Chief for the appointment of 3 new Reserve Officers