

TOWN WARRANT
Special Town Meeting Minutes
Commonwealth of Massachusetts
May 1, 2023

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 1st day of May, 2023 (Monday) at 7 o'clock P.M. then and there to act on the following articles:

Town Moderator David Surface announces meeting will begin at 7:17 PM. Asks Doug Dawes to give the Convocation.

Test vote "Will the Celtics win the Championship?" Vote: 166 in favor and 108 against.

David Surface thanks Mike Anderson for his work in getting the school ready for the meeting. David Surface introduces and acknowledges Town Counsel Tom McEnaney, Police Chief Donald Cudmore, Superintendent Carol Jacobs, Fire Chief McKay, and Finance Committee members Ed Dobie, David Twiss, Steve Epstein, Alicia Raspa, and David Harris. He mentions that other BCC members are in attendance and available for questions. He discusses how motions and public comment will be made.

David Surface announces that there are many people in attendance (374 total) and people are also sitting in an "overflow" area in the cafeteria.

David Surface calls for a motion to appoint Sandy Gerraughty of 42 Elm St. as Temporary Moderator.

David Twiss makes the motion, Harry LaCortiglia seconds.

Vote – 309 in favor, 18 against. Sandy is appointed temporary moderator.

Harry LaCortiglia makes a motion, David Twiss seconds the motion to limit discussion on warrant line items to 5 minutes. No discussion. Vote: 264 in favor, 39 against. Motion passes.

David Surface explains that if the clickers fail to work, he will rely on the card voting system.

David Surface explains that there will be two meetings. Special Town Meeting (STM) for any matters not resolved or that did not appear in time for the warrant, and the Annual Town Meeting (ATM) to conduct the current business of Town. Surface asks for a motion to adjourn ATM and open STM.

David Twiss makes the motion, Steven Epstein seconds the motion. David Surface asks for a vote by cards. Motion passes.

The following non-residents/ non-voters attended the meeting:

Brian Belfiore, 12 Charles St., Georgetown

Selma Beqirajeh, 7 Acorn Way

Jill Cirino, 19 Grapevine Ln.

John Cashell, Town Planner

Sarah Cognata, Library Director

Matthew DeVito, 23 Mohawk Cir.

Marie Felzani, Assistant Town Clerk

Margo Ferrick, 63 Pleasant St., Westford

Lt. Scott Hatch, Georgetown Police Department

Carol Jacobs, Superintendent of Schools

Lori Ann Kasberg, 1 Grapevine Cir.

Kristin Kassner-State Representative of 2nd Essex District, Room 308 State House, Boston

Carol Jacobs, Superintendent of Schools

Marlene Ladderbush, Utility Director

Maureen Lynch, 3 Marshall Way, Seabrook, NH

Thomas W. McEnaney, K.P. Law-Town Counsel

Mary McMenemey, Town Accountant

Jenn O'Neill, 231 Andover St., Georgetown

Orlando Pacheco, Town Administrator

Colleen Ranshaw-Fiorello, Council on Aging Director

Matthew Riley, 115 Boardman St., Haverhill

Maureen Shultz, Executive Administrative Assistant to Board of Selectmen

Linda Smith, 80 Jackman St., Georgetown

Bruce Tarr-Senator, Room 308 State House, Boston

Alexander Williams, Treasurer

Article 1: Fund Capital Projects (STM23-01)

To see if the Town will vote to transfer from available funds the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described below, including all incidental and related costs; or take any other action in relation thereto.

A) Highway Department

Amount: \$50,000

Funds to be expended by: Highway Surveyor

Purpose: Design, construction and project administration costs to complete the Complete Streets Project

Funding Source: Free Cash

B) Fire Department

Amount: \$100,000

Funds to be expended by: Fire Chief

Purpose: Lease Payment and Unanticipated expenses

Funding Source: Ambulance Retained Earning

Daryle LaMonica makes the motion, Alicia Raspa seconds the motion. Steve Epstein reports Finance Committee approves of article 5-0. Motion passes.

(Sandy Gerraughty via walkie talkie ask David Surface to hold for a minute. Warrant books ran out and the overflow room is asking for time to look warrants up on their phones.)

No discussion.

Vote – 253 in favor, 31 opposed. Motion passes.

MAJORITY VOTE

Article 2: Community Preservation Committee (STM23-2) (Submitted by CPC)

Community Preservation Historic Resources Category, “Historic Town Hall Window Restoration and Preservation”

To see if the Town will vote, pursuant to G.L. 44B, to appropriate from the Community Preservation Fund Undesignated Account of Fiscal Year 2023 the amount of \$457,000.00 (Four Hundred Fifty Seven Thousand Dollars) for the preservation and rehabilitation of the Historic Town Hall Building, including, but not limited to: the restoration of all windows; replacement of sashes/weights; removal of lead paint and hazardous substances; reconstruction of existing windows; the addition of exterior storm windows and additional painting as needed; and any and

all incidental and related costs. All preservation activities will be accomplished in a manner consistent with the guidelines and requirements of the United States Secretary of the Interior's Standards for the Treatment of Historic Properties (Department of Interior Regulations Standards for Rehabilitation codified in 36 CFR 67); and further, to authorize the Board of Selectmen and the Georgetown Historical Commission to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this preservation and rehabilitation initiative; any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Harry LaCortiglia makes the motion, David Twiss seconds. CPC is in favor of the Article. David Twiss reports Finance Committee approves of the Article 5-0.

Vote 216 in favor. 61 opposed. Motion passes.

MAJORITY VOTE

Article 3: Town Hall Windows (STM23-3)

To see if the Town will vote to rescind the vote taken under Article 19 of the May 2, 2022 Annual Town Meeting approving the transfer \$50,000 from Free Cash for the purposes of restoring and replacing the windows at Georgetown Town Hall, including all incidental and related costs; or take any other action in relation thereto.

Amy Smith makes the motion. David Twiss seconds. David Twiss reports Finance Committee approves of the Article 5-0.

Discussion –

Town Administrator, Orlando Pacheco explains that he had requested the \$50K to prove to the state that he had the money for the project, in order to be approved by the state for \$100k grant. Now that the state has awarded the money the town is requesting, per this Article, that the “borrowed” \$50k be put back in the town’s free cash account. CPC funding is covering the rest of the project.

Steve Epstein of the Finance Committee is recognized. He states that the \$50k will not be available for spending until Dept. of Revenue authorizes it as free cash.

Mark Ellis, 138 Central St – When was the money approved?

Town Administrator Orlando Pacheco answers “Last year at Town Meeting.”

Mark Ellis: Could have bought new, better historical windows and had them done at a shop in town. He had done that with his 1789 house. He asks if it was looked into.

Town Administrator, Orlando Pacheco states we had an architect draw up a replica but MA Historic Commission denied the request.

Mark Ellis further voices his concern in regards to the whole process. Plywood in windows, heat escaping, etc.

Vote - 277 in favor, 32 opposed. Motion passes.

MAJORITY VOTE

Article 4: Special Purpose Stabilization Fund-Opioid Settlement Revenues (STM23-4)

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action in relation thereto.

Doug Dawes makes the motion. David Twiss seconds the motion. Steven Epstein reports Finance Committee approves the Article 5-0.

David Surface asks BoS to add an explanation to this Article.

Doug Dawes explains that large pharmaceutical companies have reached an opioid settlement in court with all 50 states and while he doesn't know how much is coming to Georgetown in particular, the town does need to open a stabilization fund to deposit those funds when they arrive. Then it will have to be decided on whether to address any opioid related concerns in the community with said funds.

Discussion –

Laura Crosby, 10 Wells Ave: Question about the provision of these funds. Curious what research has been done and where these funds will be spent.

Orlando Pacheco: The funds can only be used in a manner that was specified in the court legal agreement, per Attorney General. The only thing they have appropriated so far is \$10k to the PASS Program (please see Article 8 of STM below, for PASS program description) which is a program the YMCA offers in association with the school for drug awareness and rehabilitation.

Laura Crosby asks, "In addition to the \$10k are there any other funds related to that"?

Town Administrator, Orlando Pacheco says, "Yes, between the 5 settlement agreements, the Town should be receiving between \$20-30k each year for the next 10 years".

Vote 252 in favor, 14 opposed. Motion passes.

2/3 VOTE

7:46 pm - David Surface recognizes Senator Bruce Tarr is in attendance and thanks him for his service.

Article 5: Reserve Fund for Accrued Liabilities (STM23-05)

To see if the Town will vote to transfer from available funds a sum of money to be added to the Reserve Fund for Accrued Liabilities; or take any other action in relation thereto.

Amy Smith makes the motion to transfer \$50,000 from Free Cash to the Reserve Fund for Accrued Liabilities. Steve Epstein seconds the motion. David Twiss reports Finance Committee approves the Article 5-0.

Vote - 229 in favor, 36 opposed. Motion passes.

MAJORITY VOTE

Article 6: Prior Year Bills (STM23-06)

To see if the Town will vote to transfer \$9,002.59 from available funds to pay unpaid bills from Fiscal Year 2022 as set forth below; or take any other action in relation thereto.

<u>Department</u>	<u>Amount</u>	<u>Vendor</u>	<u>Purpose</u>
		Morton	
Highway	\$9,002.59	Salt	Road Salt

Selectman, Perter Kershaw makes the motion to transfer the sum of \$9,002.59 from Free Cash for the payment of the prior year bill as printed in the warrant. David Twiss seconds the motion. David Twiss reports Finance Committee approves the Article 5-0.

Vote-266 in favor. 16 opposed. Motion passes.

9/10 VOTE

Article 7: Snow and Ice Deficit (STM23-7)

To see if the Town will vote to transfer \$200,000 from Free Cash for the purpose of funding a deficit in the FY2023 Snow and Ice budget line item; or take any other action in relation thereto.

Doug Dawes makes the motion to move to transfer the sum of \$172,414.59 from Free Cash to fund the snow and ice deficit. David Twiss seconds the motion. David Twiss reports Finance Committee approves the Article 5-0.

Vote – 235 in favor. 35 opposed. Motion passes.

MAJORITY VOTE

Article 8: School PASS Program (STM23-8)

To see if the Town will vote to transfer \$10,000 from Free Cash for the purpose of paying the membership fee to join the PASS Program, which provides substance abuse and related programs for at risk youth; or take any other action in relation thereto.

Amy Smith makes the motion to approve Article 8, as printed in the warrant. David Twiss seconds the motion. Alicia Raspa reports Finance Committee approves the Article 5-0.

Alicia Raspa asks "Is it money from Free Cash or Stabilization?"

Orlando Pacheco: "Free Cash. We've received \$14K in funds to date. When we received those funds, we didn't have the Stabilization account in place, so we had to close it out to the general fund. Everything other than that first \$14k would not be in the Stabilization fund. That is why this sum is coming out of Free Cash.

Discussion –

Steve Epstein wants Superintendent Jacobs to explain to the community what PASS Program is.

Superintendent Jacobs explains the Pass Program runs out of Beverly and is co-sponsored by the YMCA. Program where you can send students for short or long term to the PASS program who have a substance or SEL challenges, and they will receive treatment while also still receiving their education, when our in-house school programs are insufficient to accommodate their needs. Eventually, the students will come back to our district.

Vote - 265 in favor. 16 opposed. Motion passes.

MAJORITY VOTE

- ***Vote is taken at 7:54pm to dissolve the Special Town Meeting by show of cards. Motion carries. STM is adjourned.***

**David Surface recognizes State Representative Kristin Kassner is in attendance.*

**Annual Town Meeting Minutes
Commonwealth of Massachusetts
May 1, 2023**

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 1st day of May, 2023 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 8th day of May, 2023 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers: **TWO SELECTMEN for a term of three years, TWO SCHOOL COMMITTEE MEMBERS for a term of three years, ONE ASSESSOR for a term of three years, ONE LIGHT COMMISSIONER for a term of three years, ONE LIGHT COMMISSIONER for a term of two years, ONE WATER COMMISSIONER for a term of three years, ONE MEMBER OF THE PLANNING BOARD for a period of five years, TWO MEMBERS OF THE PEABODY LIBRARY TRUSTEES for a term of three years and ONE MEMBER OF THE HOUSING AUTHORITY, for a term of five years.**

Article 1: Town Officers and Committee Reports (ATM23-01)

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

No motion made.

Article 2: General Operating Budget/Reserve Fund (ATM23-02)

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, 2023, or take any other action in relation thereto.

Steve Epstein makes the motion that the Town raise and appropriate the sum of \$34,065,826, transfer from the Water Department Enterprise Fund the sum of \$271,147, transfer from the Ambulance Enterprise Fund the sum of \$47,473, transfer from the Affordable Housing Trust the sum of \$18,934, transfer from the PEG Access and Cable related special revenue fund the sum of \$20,381, transfer from the Wetland accounts the sum of \$18,643, transfer from bond premium account the sum of \$9,772, and transfer from free cash the sum of \$700,000, for a total appropriation of \$35,152,176, to defray charges and expenses of the Town for the fiscal year beginning July 1, 2023, including the support of the Town's public schools, Whittier Regional Vocational Technical High School, and Essex North Shore Agricultural & Technical School, to

fix salaries of the several elected offices of the Town, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2023, in accordance with the line items and Finance Committee and Advisory Board's report to the May 1, 2023 Annual Town Meeting. David Twiss seconds the motion. Steven Epstein reports Finance Committee approves the Article 5-0.

Discussion –

Pam Lundquist, 10 Hawk Way: Makes a motion to amend the motion to transfer an additional \$300K from Free Cash to the FY 24 School Budget.

Harry LaCortiglia seconds the motion.

Discussion –

Pam Lundquist wants to give her reasoning. Finance Committee asked the schools for a level services budget, which asks the schools to hold on to existing services. School Committee complied, and Finance Committee made a cut, reducing the increase to 2.5% (approx. \$479k cut from level services). While we appreciate the increase, we cannot make that cut to level services as it will greatly impact schools.

Ed Dobie, 131 W. Main St, Chairman of Finance Committee: Important to know what gets impacted by inflating the budget with reserves without full context of operations of the Town. No department gets everything. You cannot rely on the reserves as it is "fiscally imprudent and outright dangerous." It will only make matters worse for next year. Finance Committee must balance reserves and present a balanced budget. Every dollar that we take away from reserves, takes away from our credit rating potentially.

Terry Palardy, 59 North St: concerns about the new clickers and how accurate they are. She is assured by the Town Moderator that it is accurate. The financial figures being spoken about are not in the Warrant and she feels they should be. The Town Moderator also addresses this and assures her that the motion and article are different and the booklet has the numbers in it.

Michael Hinchliffe, School Committee Chairman: Budget cuts 7.5 teachers, whereas the Police and Fire Dept. are not being asked to cut employees, simply denied adding more. Being asked to provide a level services budget needs to change. It has been 9-10 years of having to make cuts.

David Surface asks "If you were to get \$300k how many teachers would that save?"

Michael Hinchliffe: "Half the teachers would be saved."

Robert Hoover, Chestnut St: This pattern has been going on for some time. Children get 1 shot at this school year. It has an impact on students. Town has a fiscal budgeting problem across the board.

Morgan Morgan, 20 Pillsbury Ln: Respects the based budget and believes in it, BUT we just spent \$479K on windows and she's struggling with the cuts to the Special Needs programs.

David Surface explains that the windows expenses comes from a different funding source then the Police Dept. staffing versus school funding, etc.

Kevin Wood: Reads a letter from his son who is a voting member of the Town. (David Surface makes sure the letter is pertinent to the discussion). Letter speaks in strong favor of Mandarin program and how it has greatly impacted his career. Student attrition and kids leaving in large numbers.

David Surface: Will 300K save Mandarin?

Michael Hinchliffe: We, the School Committee, can't decide that. Superintendent Carol Jacobs will.

Steve Epstein: Draws attention to Finance Committee letter in the Warrant. Hard decisions. Obligation to maintain highest bond rating that they can. School Committee would not consider a reduction in administrative staff. If the School Committee make some adjustments now, we can go for a Town override to deal with structural override next March.

Harry LaCortiglia, 144 Jewett St, moves to move the question. Bob Watts, 9 West St. seconds the motion. Need a 2/3 vote stop the debate.

Vote – 2/3 vote in favor of continuing debate.

Andrew Channel, 5 Patriot Lane: Public schools is the greatest reason to move here.

Megan Leary, 342 Andover St: Support of teachers, Penn Brook is an excellent education for our kids. Staff needs our help, vote yes.

Michael Hinchliffe: Finance Committee does not have authority to dictate how we spend our money. Saying we are "Administrator heavy" is incredibly inappropriate and irresponsible.

Amanda Girard, 8 Belleau Woods: Curriculum Coordinator at the HS – We have made administrative cuts in the past and we need those administrators for help. Culinary program and wood shop have already been cut.

Ed Dobie, Finance Committee Chairman: Asks taxpayers what we are going to cut to make this happen. It's not personal b/n School Committee and Finance Board. He cares about the kids too but we legally need a balanced budget.

Jessica Connery, 6 Patriot Lane: Student in schools and a Para at Penn Brook. Says they are understaffed and need administrators to help out.

Tom Hoffman, Chestnut St: Loves his kids, loves the schools, vote yes.

David Surface via Sandy Gerraughty's request from the overflow room, re-reads the amendment.

Vote on whether to accept the amendment to Article 2.

Vote – 268 in favor. 78 opposed. Motion passes.

Vote on Article 2, as amended –

Vote – 272 in favor. 65 opposed. Motion passes.

MAJORITY VOTE

Article 3: Stabilization Fund (ATM23-03)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

Gary Fowler makes the motion to transfer \$100,000 from Free Cash to the Stabilization Fund. David Twiss seconds the motion. David Twiss, after discussion, says in light of the vote on Article 2 they do not approve of Article by 1-4 count. Explains that Finance Committee and Select Board review the documents. Before the action taken on Article 2 they were in favor based on the amount of Free Cash, but where \$300K was just taken from that fund, they no longer feel able to support it. Goes on to give an explanation of Free Cash and Stabilization funds and bond ratings.

Orlando Pacheco: \$100K that was proposed by the Selectmen was based on getting to the 5% number for bond ratings.

Red Kelley, 20 Cedar Ln.: How much is in stabilization? Free Cash?

Gary Fowler: Presently, \$1,600,000.00 in stabilization before the \$300k.

Orlando Pacheco: Free cash has just north of \$2 million. \$1 million was spent on the budget, \$200+ on other expenses. \$1.2 million+

Mary McMenemy: Started with \$2 million, spent \$291,417.00 at STM, spent \$1 million in the budget, and we have \$712,225.00 remaining in Free Cash. (After the \$300k for the schools).

David Twiss: Just so everyone knows 5% of the recently new approved budget number is \$1,757,608.75 will be required for stabilization.

VOTE – 165 in favor. 106 opposed. Motion passes.

Article 4: Capital Fund (ATM23-04)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Capital Fund, a special purpose stabilization fund created by vote of

the May 4, 2009 Annual Town Meeting pursuant to the provisions of G.L. c.40, §5B, said funds to be further appropriated by Town Meeting for improvements and/or repairs to municipal buildings and infrastructure, or take any other action in relation thereto.

No motion. Article passed over.

Article 5: Other Post-Employment Benefits Trust Fund (ATM23-05)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Other Post Employment Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B, §20, or take any action in relation thereto.

Gary Fowler makes the motion to transfer \$98,000 from Free Cash to the Other Post Employment Benefits Liability Trust Fund. Steve Epstein seconds the motion. David Twiss reports the Finance Committee rejects this Article 2 to 3.

Gary Fowler: Trust fund for post-employment. Supposed to be 100% funded but right now we have \$398K in the fund. By policy joint approval by Finance Committee and Board of Selectmen. Recreational Campus excise tax which goes into the general fund, which would then be removed from the general fund and put into this fund.

Orlando Pacheco: It's a trust fund to pay for future liabilities of retirees and healthcare.

Red Kelley: How much are we out of balance?

Orlando Pacheco: We're 43 million off balance.

Red Kelley: We should be putting money in and we're 43 million off budget.

Vote - 136 in favor. 142 opposed. Motion fails.

MAJORITY VOTE

Article 6: Water Department Operating Budget (ATM23-06)

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, 2023, or take any other action in relation thereto.

Selectman, Doug Dawes makes the motion that the Town appropriate \$2,361,000 from Water Department Enterprise Fund FY2024 revenues for the operational expenses of the Water Department under the direction of the Board of Water Commissioners in accordance with the Water Department budget as shown in the Finance & Advisory Board's Report to the May 1, 2023 Annual Town Meeting for the Fiscal Year beginning July 1, 2023, such that a total of \$271,147 is appropriated for the Water Department's share of the indirect operating costs as appropriated under Article 2, and a total of \$2,089,853 is appropriated for the Water Department's direct operating expenses.

Steve Epstein seconds the motion. David Twiss reports the Finance Committee passes on this as they were given no financials to advise on.

Steve Sadler, 7 Hillside Dr.: Anyone here from Water Dept. that could speak to this?

Marlene Ladderbush: Utility director for the Water Dept. Level budget last year but with some upgrades.

Steve Sadler: Questions David Twiss on financials?

David Twiss: We didn't have a booklet or info from Water Dept at the time we did reviews.

Vote – 222 in favor. 47 against. Motion passes.

MAJORITY VOTE

Article 7: Fire Department Ambulance Operating Budget (ATM23-07)

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, 2023, or take any other action in relation thereto.

Fire Chief Matt McKay makes the motion that the Town appropriate \$452,754 from the Fire Department Ambulance Enterprise Fund FY2024 revenues and \$75,000 from Ambulance Enterprise Retained Earnings, for the operational expenses of the Fire Department Ambulance Enterprise under the direction of the Board of Selectmen and Fire Chief in accordance with Fire Department ambulance budget as shown in the Finance & Advisory Board's Report to the May 1, 2023 Annual Town Meeting report for the Fiscal Year beginning July 1, 2023, such that a total of \$47,474 is appropriated for the Ambulance's share of the indirect operating costs as appropriated under Article 2, a total of \$480,280 is appropriated for the Ambulance direct operating expenses. David Twiss seconds the motion. David Twiss reports Finance Committee approves of the Article 5-0.

Michael Hinchliffe: What happens in case of a "no" vote:

Orlando Pacheco: If we vote no, they are only given a '1/12th budget' until they come up with a new budget.

Vote – 264 in favor. 12 against. Motion passes.

MAJORITY VOTE

{BEGIN CONSENT CALENDAR}

Article 8: Local Access Programming (ATM23-08)

To see if the Town will appropriate the sum of \$110,000-for salaries and \$50,000 for expenses and \$20,381 for indirect costs to the general fund for the fiscal year beginning July 1, 2023 from the PEG Access and Cable Related Fund for the purpose of providing PEG access services and oversight and renewal of the cable franchise agreement, or take any other action in relation thereto.

Article 9: Municipal Light Department Continuation of Operation (ATM23-09)

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, 2023, or take any other action in relation thereto.

Article 10: Chapter 90 Reimbursement, Transportation Bond (ATM23-10)

To see if the Town will appropriate the sum of \$307,234.26 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.

{END CONSENT CALENDAR}

Peter Kershaw makes the motion to approve the consent calendar, which includes Articles 8, 9 and 10, as printed in the warrant. Gary Fowler seconds the Motion. David Twiss reports Finance Committee is in favor of the Articles 5-0.

Vote – 237 in favor. 21 against. Motion passes.

MAJORITY VOTE

Article 11: Capital Projects (ATM-23-11)

To see if the Town will raise and appropriate or transfer from available funds the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described, including any incidental or related costs; or take any other action in relation thereto.

A)Police Department

Amount: \$50,000

Funds to be expended by: Police Chief

Purpose: Hire architect/engineer to assess building needs of New Police Facility

Funding Source: Free Cash

B)Fire Department

Amount: \$115,000

Funds to be expended by: Fire Chief

Purpose: To Purchase and install new Truck Radios

Funding Source: Capital Stabilization

C) Fire Department

Amount: \$37,000

Funds to be expended by: Fire Chief

Purpose: To complete the purchase and equipping of a new Engine 4

Funding Source: Free Cash

D) Town Clerk

Amount: \$27,000

Funds to be expended by: Town Clerk

Purpose: To Purchase New Voting Machine and Associated Equipment

Funding Source: Free Cash

E) Board of Selectmen

Amount: \$28,000

Funds to be expended by: Town Administrator

Purpose: Town Hall Carpeting Replacement and Installation

Funding Source: Capital Stabilization

F) School Committee

Amount: \$100,000

Funds to be expended by: Supt. of Schools

Purpose: Cell Phone Repeater

Funding Source: Capital Stabilization

G) School Committee

Amount: \$100,000

Funds to be expended by: Supt. of Schools

Purpose: Brick/Masonry Repairs at GMHS

Funding Source: Capital Stabilization

Article 11A – Police Dept.

Steve Epstein makes the motion to approve Article 11 as printed in the warrant and Selectman, Gary Fowler seconds. Finance Committee 5-0.

Vote – 171 in favor. 75 opposed. Motion passes

MAJORITY VOTE

Article 11B – Fire Dept. (New Fire Truck radios - \$115K)

Gary Fowler makes the Motion. Peter Kershaw seconds the motion. Finance Committee 5-0.

2/3 Vote because it is Capital Stabilization funds.

Vote – 219 in favor. 35 opposed. Motion passes.

2/3 VOTE

Article 11C – Fire Dept. (Complete equipping of new Engine 4)

Gary Fowler makes the Motion. David Twiss seconds the motion. Finance Committee 5-0.

Vote– 224 in favor. 22 opposed. Motion passes.

MAJORITY VOTE

Article 11D – Town Clerk (High Speed Tabulator Machine)

Gary Fowler makes the Motion. Peter Kershaw seconds the Motion. Finance Committee 5-0.

Vote– 183 in favor. 44 opposed. Motion passes.

MAJORITY VOTE

Article 11E – Board of Selectmen

Gary Fowler makes the Motion. Peter Kershaw seconds the Motion. Finance Committee 0-5 no. Vote – 56 approve. 180 oppose. Motion fails.

2/3 VOTE

Article 11F – School Committee

NO Motion. Pass over 11 F.

Article 11G – School Committee

NO Motion. Pass over 11G.

Article 12: Eliminate Capital Planning Committee (ATM 23-12)

To see if the Town will vote to amend the Town's General Bylaws by deleting Sections 63-17 through 63-25, Capital Improvement Planning Committee, in their entirety, and, upon the effective date of such Bylaw revision, to terminate the terms of any existing incumbent Capital Improvement Planning Committee members and abolish said positions, or take any other action in relation thereto.

David Twiss makes the motion to approve Article 12 as printed in the warrant.

Steve Epstein seconds the Motion. Finance Committee approves 5-0.

Orlando Pacheco: Capital Planning Committee doesn't exist but Bylaw says it should. Committee hasn't met, so we would like to address the Bylaw.

Steve Sadler: Definition of Capital Planning Committee is to address future needs of the Town. Why would we want to get rid of that?

Orlando Pacheco: We've been doing the planning internally amongst departments and bringing it to the Board of Selectmen.

Steve Sadler: You're putting it in the hands of the BoS rather than a Committee whose job it is to be aware of Planning?

Orlando Pacheco: Everything would still need to be approved by the BoS and Town Meeting.

Harry LaCortiglia: I am the Planning Board appointee on the Capital Planning Committee and we don't meet because no meetings were called. You can't meet unless the Chair calls a meeting. All BCC's should be looking at this stuff, not just handing it to Finance Committee.

Chris Laut: Reads Capital Planning Law.

Steve Epstein: Harry is wrong. If quorum of Capital Planning Committee wanted a meeting they could call one. Everything will come to the Finance Committee one way or another.

VOTE – 97 approve. 147 oppose. Motion fails.

MAJORITY VOTE

Article 13: Amendment to Erosion and Stormwater Control Bylaw, (ATM23-13)
(recommended by Planning Board)

To see if the Town will vote to amend Chapter 57 of the Town's General Bylaw, by deleting the text shown in strike-through and adding the text shown in bold italics, as set forth below, or take any other action in relation thereto.

Chapter 57

Erosion and Stormwater Control

[HISTORY: Adopted by the Town of Georgetown 5-2-2011 Annual Town Meeting, Art. 34.
Amendments noted where applicable.]

GENERAL REFERENCES

Earth removal and importation- see Ch.
49. Water — See Ch. 156.

Wetlands protection — See Ch. 161.

Subdivision regulations see Ch. 365.

Lufkins Brook Conservation Area — See Ch. 535.

§ 57-1 Purpose; effect on existing legislation.

A. The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This chapter seeks to meet that purpose through the following objectives:

- (1) Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) MS4 General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems and other applicable state and federal mandates. [Amended 5-2-2016ATM, Art. 181
- (2) Establish decision making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.

- (3) Require that new development, redevelopment and other land alteration activities maintain the after development runoff characteristics as equal to or less than the pre-development runoff characteristics, where appropriate, in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
- (4) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to eliminate or minimize *unless infeasible*, ~~to the extent feasible~~ nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
- (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
- (6) Require, ~~when feasible~~ *unless infeasible*, the use of nonstructural stormwater management, better site design practices or "low-impact development practices," such as reducing impervious cover, minimizing the area of disturbance, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
- (7) Promote water conservation through the re-use of stormwater for irrigation.
- (8) Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
- (9) Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
- (10) Establish provisions for the long-term responsibility for and maintenance and operation of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
- (11) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this chapter.

- (12) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.
- (13) Ensure that construction and waste materials, toxic materials, hazardous materials, hazardous wastes and other pollutants used and stored on site are prevented from mixing with stormwater runoff, which would degrade water quality.
- (14) Establish the Town of Georgetown's legal authority and capacity to ensure compliance with the provisions of this chapter through funding, permitting, inspection, monitoring, and enforcement.
- (15) Establish a permit mechanism and associated fees for activities covered under this chapter.

B. Nothing in this chapter is intended to replace or supersede the requirements of the Town of Georgetown Zoning Bylaw, the Massachusetts Wetlands Protection Act, the Town of Georgetown Wetlands Protection Bylaw, any other bylaw that may be adopted by the Town of Georgetown, or any Rules and Regulations adopted thereunder. ***Any Activity subject to the provisions of the above-cited Bylaws and/or Rules and Regulations must comply with the specifications of each. In case of conflict, the more stringent provisions shall apply.***

§ 57-2 Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter. Additional definitions may be adopted by separate regulation.

ALTER

Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP)

Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN

Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT

Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND

Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

ILLICIT CONNECTION

A surface or subsurface drain or conveyance which allows an illicit discharge into the Georgetown storm drain system regardless of whether said connection was previously allowed, permitted or applied for before the effective date of this Bylaw.

ILLICIT DISCHARGE

Direct or indirect discharge to the Georgetown storm drain system that is not composed entirely of stormwater, including and without limitation, sewage, processed stormwater: or wash water, except as exempted in 57-7 of this Bylaw or in implementing regulations.

INFEASIBLE

Means not technologically possible, or not economically practicable and achievable in light of best industry practices.

INFILTRATION

The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LOW-IMPACT DEVELOPMENT (LID)

An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS

The latest version, as may be amended from time to time, of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, MGL c. 131, 40, and the Massachusetts Clean Waters Act, MGL c. 21, 26 through 53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k), and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Georgetown.

NONPOINT SOURCE POLLUTION

Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

NORMAL MAINTENANCE

Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

PERMIT GRANTING AUTHORITY ("PGA")

The Planning Board or its agents designated to administer and enforce this chapter.

[Amended 5-2-2016ATM, Art. 181]

POST-DEVELOPMENT

The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PRE-DEVELOPMENT

The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE

The replenishment of underground water reserves.

REDEVELOPMENT

Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Any

~~construction, alteration, improvement, repaving or resurfacing on a previously developed site.~~

RUNOFF

Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE

~~The entire parcel of land being developed.~~ *The extent of development and/or redevelopment activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.*

STOCKPILING

The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less secured and utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater management includes the use of low-impact development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP)

A permit issued by the Conservation Commission in its capacity as the PGA, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

§ 57-3 Legislative authority.

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34. , and as authorized by the residents of the Town of Georgetown at Town Meeting dated May 2, 201 1.

§ 57-4 Applicability.

- A. This chapter shall be applicable to all new development and redevelopment, land disturbance and any other activity that will result in an increased amount of stormwater runoff or pollutants flowing

from a parcel of land that exceed any of the stormwater management permit thresholds in **§ 57-4B**, unless exempt pursuant to **§ 57-5** of this chapter. This chapter shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly controlled persons or entities) as of the effective date of this chapter, if the total

land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in

~~§ 57-4B~~ and are not exempted by § 57-5. A development shall not be segmented or phased in a manner to avoid compliance with this chapter.

- B. Stormwater management permit thresholds. A stormwater management permit shall be required for any of the following, except for an activity exempt per § 57-5:

(1) Minor permit:

- (a) The creation of new impervious area, or expansion of existing impervious area, greater than 200 square feet and less than 2,500 square feet.
- (b) Disturbance of land exceeding 1,000 square feet in area and not exceeding 5,000 square feet or 10% of a parcel, whichever is less.
- (c) Stockpiling of material.

(2) Major permit:

- (a) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.I .a of the Georgetown Zoning Bylaws.
- (b) Any land disturbance exceeding an area of 5,000 square feet or more than 20% of a parcel or lot, whichever is less.
- (c) Any activity that will disturb land with a 10% or greater slope or where an area is proposed to have a 10% or greater finished slope, and where the land disturbance is greater than or equal to 2,500 square feet within the sloped area.
- (d) Creation of new impervious surface area, or expansion of existing impervious area, greater than 2,500 square feet.
- (e) The addition or on-site redistribution of more than 100 cubic yards of earth materials, including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

§ 57-5 Exemptions.

Exemptions from this chapter apply to the following activities, provided that a project is solely comprised of any one of these activities:

~~As authorized in the NPDES general permit for stormwater discharges for small MS4s for Massachusetts.~~ An activity that is wholly subject to jurisdiction under the Wetlands Protection Act and Wetlands Protection Bylaw and demonstrates compliance with

Massachusetts stormwater standards as reflected in an issued order of conditions, provided that the activity also demonstrates compliance with *this Bylaw and* any additional performance standards contained in the regulations promulgated to implement this chapter.

B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04 Agricultural").

~~C. Normal maintenance of Town-owned public land, ways and appurtenances.~~ *Reserved.*

D. Repair, replacement, or reconstruction, *but not expansion*, of an existing driveway, provided that erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.

E. Any work or projects for which all necessary approvals and permits were issued before the effective date of this chapter.

F. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.

G. Construction of any fence that will not alter existing terrain or drainage patterns.

H. Repair or replacement of septic systems or wells when approved by the Board of Health for the protection of public health on lots having an existing dwelling, provided that the Board of Health determines:

(1) There is minimal grading as defined in Title 5 of the State Environmental Code, 310 CMR 15.000;

(2) There is no change or expansion of use as defined by Title 5; and

(3) The work includes the use of BMPs to prevent erosion, sedimentation, and release of pollutants.

I. Construction of utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.

J. Emergency repairs to any existing utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the PGA.

Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an emergency certification by the Commission. This would require verbal authorization from the authority having jurisdiction.

K. The maintenance, reconstruction or resurfacing of any public way *(including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems), shall improve existing conditions unless infeasible and is otherwise exempt if* and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities, and provided that written notice is filed with the PGA 14 days prior to commencement of activity. *Roadway widening or improvements that increase the amount of impervious area greater than or equal to a single lane width shall meet the regulations promulgated to implement this chapter.*

L. ~~The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals.~~

§ 57-6 Prohibited Activities.

The following activities are prohibited under this Bylaw:

A. *Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the MS4, into a watercourse, or into the waters of the Commonwealth.*

B. *Illicit Connections. No person shall construct, use, allow maintain or continue any illicit connection to the Municipal Storm Drain System, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.*

C. *Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval*

from the Highway Department.

§ 57-7. Allowable Non-Stormwater Discharges.

The following activities are allowed without the need for consultation with the Planning

Board:

- A. Discharge or flow resulting from firefighting activities*
- B. Waterline flushing*
- C. Flow from potable water sources*
- D. Springs*
- E. Natural flow from riparian habitats and wetlands*
- F. Diverted stream flow*
- G. Rising groundwater*
- H. Uncontaminated groundwater infiltration as defined in CFR 35.2005(20), or uncontaminated pumped groundwater*
- I. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation*
- J. Discharge from landscape irrigation or lawn watering*
- K. Water from individual residential car washing*
- L. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand one week prior to draining and the pool is drained in such a way as not to cause a nuisance*
- M. Discharge from street sweeping*
- N. Dye testing provided verbal notification is given to the Highway Department or Board of Health prior to the time of the test*
- O. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and*
- P. Discharge for which advanced written approval is received from the Highway Department as necessary to protect public health, safety, welfare or the environment.*

§ 57-8 6 Administration.

- A. The Planning Board (PGA) shall be responsible for the administration, implementation, and enforcement of this chapter. [Amended 5-2-2016ATM, Art. 18]*
- B. Any powers granted to or duties imposed upon the PGA may be delegated, in writing, by the PGA to its employees or agents or other municipal employees as appropriate.*
- C. Stormwater and erosion control regulations ("regulations"). The PGA may adopt, with consult with the Conservation Committee, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this chapter after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a*

newspaper of general local circulation at least seven days prior to the hearing date. Failure of the PGA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this chapter. [**Amended 5-2-2016ATM, Art. 18**]

- D. Massachusetts Stormwater Handbook. The PGA will utilize the policy, criteria and information, including specifications and standards, of the most recent edition of the Massachusetts Stormwater Handbook for execution of the provisions of this chapter. Unless otherwise specified in this Bylaw or the regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- E. Stormwater management permit. The PGA shall have the authority to issue a stormwater management permit (SMP) for projects exceeding the thresholds defined in § 57-4B of this chapter and not otherwise exempted by § 57-5. Requirements of the SMP may be defined and included within the regulations promulgated pursuant to § 57-8C of this chapter.
- F. Action by the PGA. Each application for a stormwater management permit that complies with the regulations, and is determined to be a complete application by the PGA, shall be acted upon within 45 days of the date of filing with the PGA and the Town Clerk, unless such application has been withdrawn from consideration. If the PGA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the PGA may disapprove the application and deny the permit. The PGA may take any of the following actions as a result of an application for a Stormwater Management Permit:
 - (1) Approve the permit application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this chapter;
 - (2) Approve the permit application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this chapter; or
 - (3) Disapprove the permit application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this chapter.
- G. Appeals of action by the PGA. A decision of the PGA shall be final. Further relief of a decision by the PGA made under this chapter shall be to a court of competent jurisdiction.
- H. Waivers.
 - (1) The PGA may waive strict compliance with some of the requirements of this chapter or the rules and regulations promulgated hereunder, if it determines that some of the application

requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:

- (a) Is allowed by federal, state and local statutes and/or regulations;
 - (b) Is in the public interest; and
 - (c) Is not inconsistent with the purpose and intent of this chapter.
- (2) Any request from an applicant for a waiver of these rules shall be submitted, in writing, to the PGA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this chapter and the rules and regulations promulgated hereunder.

§ 57-9 7 Performance standards.

Criteria for stormwater management standards shall be defined and included as part of any rules and regulations promulgated under § 57-, 8C of this chapter.

§ 57-10 8 Enforcement; violations and penalties.

- A. The PGA, or an authorized agent of the PGA, shall enforce this chapter, and any regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.
- B. If a person violates the provisions of this chapter or its regulations, or a permit, notice or order issued thereunder, the PGA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.
- C. The PGA, or an authorized agent of the PGA, may issue a written order to enforce the provisions of this chapter or the regulations, which may include requirements to:
 - (1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved stormwater management permit;
 - (2) Maintain, install or perform additional erosion and sediment control measures;
 - (3) Perform monitoring, analyses, and reporting;
 - (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;

- (5) Comply with requirements in the stormwater management permit for operation and maintenance of stormwater management systems; and
 - (6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems. If the PGA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
- D. Criminal penalties. Any person who violates any provisions of this chapter, regulation, order or permit issued hereunder shall be punished by a fine of not more than \$300. Each day a violation occurs or continues shall constitute a separate violation.
- E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL Ch. 40, § 21D and § 1-4 through § 1-8 of the Town Code, in which case any police officer of the Town of Georgetown, the Conservation Commission, or Building Inspector and such other persons as are authorized by the PGA shall be the enforcing person. If noncriminal disposition is used, any person who violates any provision of this chapter, regulation, order or permit issued thereunder shall be punished by a penalty of \$50. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.
- F. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available to the PGA or the Town under any applicable federal, state or local law.

§ 57-11-9 Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this chapter shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Recommended by Planning Board.

Harry LaCortiglia makes the motion to approve Article 13 as printed in the warrant. George Comiskey seconds the Motion.

Harry LaCortiglia and John Cashell (Town Planner) give a synopsis of the vast information in the Warrant. Legal requirements required for change. Many questions as to when the Public Hearings took place were answered. Brings Bylaw into compliance with EPA guidelines. Concern that to do anything to your property would have to go through board.

Vote – 169 in favor. 53 opposed. Motion passes.

MAJORITY VOTE

Article 14: Amendment to Zoning Bylaws, Article IX: Parking and Loading, Section 165-61 (ATM23-14) (recommended by Planning Board)

To see if the Town will vote to amend the Zoning Bylaws, Article IX: Parking and Loading, Section 165-61: Minimum Off Street Parking Requirements, to add a new subsection M, as follows:

- M. In all developments requiring parking spaces in accordance with 165-61, 1 parking space per detached residential unit shall be required to be wired for Electric Vehicle (EV) charging. A minimum of 20% of the parking spaces shall be required to be wired for Electric Vehicle (EV) charging for multi-family dwellings, and commercial or industrial uses. These spaces shall be counted towards the total number of spaces required in 165-61. Electric Vehicle (EV) charging stations shall be provided for all new land uses in accordance with the Massachusetts Stretch Energy Code, as amended from time to time, and as adopted by the Town of Georgetown and administered by the Building Department.

, or take any other action in relation thereto.

Harry LaCortiglia makes the Motion. George Comiskey seconds the Motion. Finance Committee takes no position. Planning Board is in favor of this Motion.

Minimum off street parking requirement.

Vote— 145 in favor. 52 opposed. Motion carries.

2/3 VOTE

Article 15: Amendment to Zoning Bylaws, Attachment 3 – Intensity of Use Schedule (ATM23-15) (recommended by Planning Board)

To see if the Town will vote to amend the Zoning Bylaws, Attachment 3 – Intensity of Use Schedule, Note 7, to delete the strike-through language and add the underlined language, as follows:

7. ~~Required in front yard~~ A minimum of 15 feet in depth from the front lot line shall be landscaped with the exception of the parcel access and access sightlines.

, or take any other action in relation thereto.

Harry LaCortiglia makes the motion to approve Article 15 as printed in the warrant. George Comiskey seconds the Motion. Unanimous Planning Board Vote.

Vote – 147 in favor. 35 opposed. Motion carries.

2/3 VOTE

Article 16: Community Preservation Committee (ATM23-16) (Submitted by CPC)

A, B, C, D, E, F

Article A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee for the Fiscal Year 2024 Community Preservation budget and to appropriate, pursuant to G.L. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2024; and further, pursuant to G.L. 44B §6, to reserve for future appropriation from Community Preservation Fund annual revenues in the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2024 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$140,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$140,000 (>10% of the estimated FY revenues) for historic resources; and

\$140,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

or take any other action in relation thereto.

Article B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. 44B, to appropriate the amount of \$201,000.00 (Two Hundred One Thousand dollars) from the Community Preservation Fund Community Housing Reserve Account and \$394,000.00 (Three Hundred Ninety Four Thousand dollars) from the Undesignated account, for a total appropriation of \$595,000.00 (Five Hundred Ninety Five Thousand dollars), as a Grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust’s Articles of Incorporation and the most recently accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen to enter into a Grant Agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, including a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions;

or take any other action in relation thereto.

Article C: Community Preservation Historic Resources Category, “Town Records Preservation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserves Account the amount of \$90,000 (Ninety Thousand Dollars) and from the Undesignated Account the amount \$140,000 (One hundred forty Thousand dollars), for a total appropriation of \$230,000.00 (Two Hundred Thirty Thousand dollars), to be used to digitally scan and electronically archive public and vital records, currently in storage, from the following departments: Conservation, Building, Planning, Town Clerk and Board of Health, including any associated Maps and Plans. The end result will be a comprehensive electronic file system which will identify vital and permanent records by Department; and further, to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article D: Community Preservation Open Space / Recreational Land Category “Equal Access to American Legion Park”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Open Space Reserve the amount of \$14,946.00 (Fourteen Thousand Nine Hundred and Forty Six Dollars) to fund the engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation and preservation of the American Legion Park to improve the accessibility and inclusivity of American Legion Park, inclusive of but not limited to, improved site access; additional structures and features to the playground, beach and dock; ADA Compliant amenities and other improvements to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen and Park and Recreation Commission to enter into any and all agreements and execute any and all instruments for any grants to defer the costs associated with the rehabilitation of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article E: Community Preservation Open Space/Recreational Land Category, “East Main Street Recreational Facility Electrification”.

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Community Preservation Open Space Reserve Account the amount of \$31,035.00 (Thirty-One Thousand and Thirty-Five Dollars) for preservation and improvements at the East Main Street Recreational Facility, including the provision and installation of electrical power for the facility and any permitting and design costs; and further, to authorize the Board of Selectmen and Parks and Recreation Commission to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation Fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article F: Community Preservation Open Space/Recreational Land Category, American Legion Park Irrigation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Open Space Reserve Account the amount of \$10,531.35 (Ten Thousand Five Hundred and Thirty-One Dollars) to fund the engineering, design, permitting and installation of an irrigation system for American Legion Park, including any incidental or related costs; and further, that the Park and Recreation Commission and the Highway Surveyor be authorized to enter into all agreements and execute any and all instruments for any grants to defer the associated costs of this or any related implementation costs. Any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation Fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

*Motion made by Harry LaCortiglia to approve Article 16 (A-F) as printed in the warrant.
Motion seconded by Jim DiMento of 12 School Street.*

- A) Preservation
- B) Administrative Budget
- C) Town Records
- D) Recreational Land
- E) E. Main St. Facility
- F) American Legion Irrigation

Vote— 168 in favor. 30 opposed. Motion passes.

Article 17: Community Preservation Open Space/Recreation Land Category, “American Legion Park & Penn Brook Lighting Upgrade”. (ATM 23-17)

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Undesignated Account the amount \$200,000 (Two Hundred Thousand dollars) to be used to replace the pole lighting at American Legion Park and Penn Brook School with new code complaint lighting, including any incidental or related costs. The end use would be a retrofit of the existing lighting with new code complaint, more energy efficient lighting with dimmable controls; and further, to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 year from the date of the approval of this article will be returned to the Community Preservation Fund Undesignated Account only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

*Much debate ensued in regards to passing over or not.
Vote on whether to pass over Article or not. Vote to pass over fails.*

Daryle LaMonica makes the motion to approve Article 17 as printed in the warrant. It is seconded by Gary Fowler.

Rich Hamlin: Speaks to the concern for cost and scope of project. He put in the current "crappy system"

Harry LaCortiglia: CPC didn't recommend.

Tom McEnaney, Town Counsel: Dept. of Revenue will not allow expenditure of funds if the CPC does not recommend the project. That is per State Statute.

Tim Ruh, Stone Row Lane: Also familiar with the project and its costs. Concerns that they don't have the school's permission.

Long debate ensues.

Vote – 117 in favor. 71 opposed. Motion passes.

Motion to adjourn is made and seconded by many.

Annual Town Meeting is adjourned at 10:08pm

A TRUE COPY ATTEST
Kerri A. McManus
TOWN CLERK
GEORGETOWN, MASSACHUSETTS

