

**Memorial Town Hall, 1 Library Street, Georgetown, MA 01833**  
**Ph. (978) 352-5755 □ Fax (978) 352-5727**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**Memorial Town Hall**  
**1/27/14**  
**7:00 PM – General Meeting, 3<sup>rd</sup> floor meeting room**

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**Selectmen Present:** Stuart M. Egenberg, Clerk; C. David Surface; Gary Fowler;  
Stephen Smith, Chairman (remote participation)

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

**Absent:** Philip Trapani

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Pledge of Allegiance

Mr. Egenberg was acting Chair for the meeting.

*Request for approval of a 1-Day Alcohol License for Greater Haverhill Chamber of Commerce at Nunan Florist & Greenhouses on February 28, 2014*

Sven Amirian, from Greater Haverhill Chamber of Commerce was present and explained the event. He stated that they held this event last year and it was a success. He stated that the event is a Caribbean Escape for businesses and the public. He stated that they have Liability Insurance and the bar tendering service also has insurance.

Mr. Surface asked how many people would be attending and he would like to see a Police detail during the event. Mr. Amirian stated about 80-100 people and last year they did not have a Police detail. Mr. Surface stated that he does not want to increase cost but he does suggest a Police detail. Mr. Fowler stated that usually we have the insurance information ahead of time. Mr. Surface asked about the occupancy amount for Nunan's.

Mr. Smith remote called into the meeting and Mr. Egenberg recognized his call in.

**Mr. Fowler moved to approve the 1-Day Alcohol License for the Greater Haverhill Chamber of Commerce at Nunan Florist & Greenhouses on Friday, February 28, 2014. Mr. Smith seconded the motion.**

Mr. Surface stated that he would still like to see a detail Police officer. Mr. Fowler stated that the insurance information should be received.

**Mr. Fowler stated he amends the motion to include approval with the appropriate insurance documents. Mr. Surface seconded the amendment.**

Mr. Farrell stated that the applicant supplies the certificate of insurance naming the town as an additional insured. Mr. Amirian stated that they will supply the insurance certificates and tip

certified certificate from the bartending service. Mr. Surface stated he is a no vote without a police detail.

**The amended motion was approved by a 3-1 vote.**

*BAN for Penn Brook School Project*

**Mr. Surface moved**

**that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Penn Brook Elementary School project authorized by a vote of the Town passed on November 1, 2012 (Article #2) not being paid by the school facilities grant is \$20,167,036 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.**

**And to approve the sale of a \$6,000,000 1.00 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated January 27, 2014, and payable July 28, 2014, to TD Securities (USA) LLC at par and accrued interest plus a premium of \$24,120.**

**And that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 15, 2014, and a final Official Statement dated January 22, 2014, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.**

**And that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.**

**And that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes.**

**And that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.**

**Mr. Smith seconded the motion.**

Mr. Surface asked about the wording premium. Mr. Farrell stated that this is the fee. Mr. Surface say he is in favor but would like explanation of wording. Mr. Fowler stated Mr. Smith is a call in on the phone and he stated member should be in attendance for the whole meeting and not just an item on the agenda. He asked why unanimously passed is on the paper. He asked about town clerk signing the documents. He asked about members signing by fax or another way. He stated that he needs clarity on the Elm Street payments. Mr. Surface stated that those funds come from somewhere different. Mr. Fowler stated that he thought that the funds were not from the override. Mr. Surface stated that the Elm Street funds have nothing to do with this BAN and board has up to \$1.8M to spend on Elm Street. He stated that they have to determine where those funds will come from. Mr. Farrell explained that this is just a 6 month note to pay

bills now and in May they will come back for a larger bond. He stated that the bonds in May will be long term bonds and they will be rolled into the larger bond. Mr. Farrell stated that they are paying a million a month now and when construction starts it will increase to \$2M a month. Mr. Fowler asked about an item on page 6 5.2 record keeping. He stated that there was a discussion to hire someone for the finance department to help with all the billing. Mr. Farrell stated that we have not had to hire anyone right now but as more trades are added then they may need to hire someone. Mr. Fowler asked about appendix A-2 another \$600 added in one area and a discount in another area. Mr. Surface reviewed the document. Discussion on bond and fee.

**The motion as presented was approved by a 3-1 vote. Mr. Smith yes, Mr. Surface yes, Mr. Egenberg yes, Mr. Fowler no.**

*Request for approval of a Common Victualler License for Pomodori Restaurant, 42 Central Street to expire December 31, 2014*

**Mr. Surface moved to approve the Common Victualler License for Pomodori Restaurant, 42 Central Street to expire December 31, 2014. Mr. Fowler seconded the motion.**

Mr. Surface asked if they have applied for a liquor license. Mr. Nikolakopoulos stated that he has not applied for a liquor license at this time but may in the future. He stated that he will open tomorrow if all the licenses are approved tonight.

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

*Request for appointment of Jay O'Malley to the Economic Development Committee term to expire June 30, 2014*

Mr. O'Malley stated that he recently moved to town and is interested in town government and would like to see some economic development in town. He stated that he has worked in sales for many years and would like to bring more business into town. Mr. Fowler stated that there was a meeting of the EDC and they did not have a quorum but Mr. O'Malley did attend the meeting. He stated that at some point the board should look at the make-up of the board and adjust to 5 from 7 members. Mr. Surface stated that they could make the board 5 members with two alternates.

**Mr. Surface moved to approve the appointment of Jay O'Malley to the Economic Development Committee term to expire June 30, 2014. Mr. Fowler seconded the motion and the motion was approved by a unanimous vote.**

*Support of Mosquito Control Funding for FY15*

Mr. Farrell stated that the Mosquito Control Funding is paid for from the Cherry Sheet. He stated that the board has to authorize someone to sign.

**Mr. Surface moved to authorize the Acting Chair to sign as Chief Administrator of the Town to Support of Mosquito Control Funding for FY15. Mr. Egenberg seconded the motion.**

Mr. Fowler asked if anyone goes to meetings listed in the document. Mr. Farrell stated that the Board of Health Agent Deb Rogers attends the meetings.

**Motion approved by a 3-0 vote.**

*Elm Street*

Rob Hoover, 16 Chestnut Street was present and asked for 5 minutes to discuss Elm Street. He stated that the procurement process in his opinion is broken. He stated that the best practices suggest how a town does procurement and should save the town time and the scope of work is spelled out. He stated that there should be a bylaw by a group of engineers, etc. for RFQ or RFP's. He explained the process that was used for the Turf Field and how this saved funds. He stated that he agreed with the board's decision at the last meeting on the BaySide contract. He stated Elm Street is a historical street and it is not in the document until the last section of not included items. He stated Elm Street is not a DOT project. He stated that Chestnut St has a drainage issue with not tying in could cause problems. He stated there are a lot of not included items, test pits, and borings. He stated that he recommends a peer review as the way to go. He stated Larry Graham works for the Planning Board and does a great job. He stated that there are stone walls, and curbing, etc. to be looked at.

Mr. Egenberg thanked him for coming in and asked him to send his comments to the board. Mr. Surface asked if we had a different process what would have been the difference. Mr. Hoover explained.

Mr. Farrell stated that Mr. Durkee has used this company before and is comfortable with them and the law allows professionals to not be under procurement. Mr. Surface asked if he talked with Mr. Durkee about this. Mr. Hoover stated that he has not and did not feel it was his place. Mr. Surface stated that he should and with his time on Planning Board would be helpful. Mr. Surface stated that we would have a public hearing before the project starts. Mr. Egenberg stated Mr. Hoover should talk to Mr. Durkee. Mr. Hoover stated that when next project comes forward horizontal projects have a process. Mr. Fowler thanked him for coming out to discuss.

**Warrant & Minutes**

*Warrant to be signed*

*Minutes January 13, 2014*

**Mr. Surface moved to approve the minutes of January 13, 2014. Mr. Fowler seconded the motion.**

Mr. Fowler had a change on page 3.

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

**TOWN ADMINISTRATOR'S REPORT**

*Town Hall Visitors-Code of Conduct*

Mr. Farrell stated that we have had recent incidents when residents have come into town hall and acted unacceptably to staff. He stated two weeks ago two departments had issues and in one instance a police report was made of a verbal assault the other was a second offense with paying

a tax bill. He stating in talking with colleagues this is happening all over the country. The Town of Acton has developed a Code of Conduct and he feels we should adopt the same. He stated that our EAP has a program on dealing with difficult people and he plans on having them come out to the town. He stated that the program is called "I pay your salary". He would like the Code of Conduct displayed in all town buildings. Mr. Egenberg asked if Town Counsel looked at the document. Mr. Surface stated he would like the code expanded to include penalties, suspension from current board. Mr. Farrell stated that he would like to but does not think we can. Mr. Fowler asked how to display. Mr. Farrell stated on both doors in neon colors and at all office windows.

**Mr. Fowler moved to approve the *Town Hall Visitors-Code of Conduct* as written. Mr. Surface seconded the motion.**

Mr. Fowler stated approve this as presented and work on additional wording. Mr. Surface stated that he would like to work on the wording. Mr. Fowler asked if we have an active shooter policy in town hall. Mr. Farrell stated that we do not have a policy. Mr. Egenberg stated that this is something to be looked at. Discussion on policies changing in schools and town buildings.

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

#### *FY14 Budget Update*

Mr. Farrell handed out FY14 budget updated through December. He explained the sheets and details on items. He discussed QECB funds and bond taken for energy improvements. He stated a little over on Health Care.

#### *FY15 Budget Update*

He stated the he has a brief update on FY15 budget and will be giving a presentation on Wednesday to the FinCom. He gave out the Cherry Sheet numbers for Georgetown. He stated he would be giving the FinCom the cost drivers for this year and new this year is we only have a 5% increase in pensions and this is lower than previous years. He stated that a hidden cost driver that does not affect levy limit is debt service of \$2M. He stated that soon we will start to see the cost of Penn Brook School and he would like to have funds to be paid in stages not all at once. Mr. Surface asked if there was anything falling off. Mr. Farrell stated nothing until FY18.

Mr. Surface stated he and Mr. Durkee met with Rep Mirra on a request in to the State for \$65K to fix the fence and guardrail at Pond Street. He stated that the residents were also going to CPC for funding.

Mr. Farrell stated that the town's three collective bargaining unit's contracts are expiring at the end of June. He stated that they will be negotiating mostly pay increases and cost for town employee pay increases are per percent \$31K. He stated that there are no increases to salaries in budgets from departments.

#### **NEW BUSINESS**

*Correspondence process*  
Hold until next meeting

*Understanding warrant process for Payroll*

BoS Minutes  
January 27, 2014

Hold until next meeting

**SELECTMEN'S REPORT**

*Financial Management Review from DoR for discussion*

Hold until next meeting

**APPOINTMENTS & APPROVALS**

*Request for the appointment of Nick Feitz to the ConCom term to expire June 30, 2016 (will attend February 24<sup>th</sup> meeting)*

Hold until next meeting

*Request for the appointment of Thomas Moore to the ConCom term to expire June 30, 2016*

Hold until next meeting

**NEXT MEETING**

Monday, February 10, 2014 at 7:00PM, 3<sup>rd</sup> floor meeting room, Town Hall

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

Meeting adjourned at 8:37 PM.

Minutes transcribed by J. Pantano.