

**BOARD OF SELECTMEN
AGENDA**

July 9, 2012

**6:15 P.M - Call meeting to order
All stand for Pledge of Allegiance**

Approve Minutes: Open Session-June 18, 2012 (All)
Open Session-June 25, 2012 (All)
Exec. Session-June 25, 2012 (Bette & Bill)

Approve Warrants:

PW # 12-52	\$ 135,589.72
DW #12-50A	\$ 35,751.19
BW #12-51	\$ 98,981.35
BW # 13-01	\$ 1,231,957.79

NEEDS ATTENTION

- 1) Approve & Sign Property Use Permits on meeting table-(1)
- 2) Chairman to sign Bagnall bill submittals on meeting table – (1)
- 3) Board vote to approve Chairman signing MVTTA 1-yr. Lease Agreement for 2011 COA Van for \$1.00 per year
- 4) Board vote to approve Chairman signing FY'13 Formula Grant application for COA

- 5) Board vote to sign Environmental Restriction Easement for town property located at 64 Washington Street as provided by EPA/DEP and approved by Town Counsel as to form
- 6) Review and vote to approve two Special Licenses for Veasey Park weddings
- 7) Annual Appointment List
- 8) Update from Selectman Greaney re discussion with Bill Perkins regarding Esty Lumber site

- 9) Correspondence: 1) See Chief Kirmelewicz's letter dated July 9, 2012 with bi-weekly log for July 1-9 attached thereto 2) See letter from Chief Kirmelewicz requesting hearing on current personnel issue, response requested 3) See letter from Chief Kirmelewicz regarding June 29th meeting regarding management study

AGENDA APPOINTMENTS

- 6:30 PM** - Library Director Nathalie Harty requesting approval to hire new staff member Lauren Towler for 15 hours week at \$10.15/hour, effective immediately
- 6:40 PM** - Road Commissioner Arakelian requesting approval to hire Mark Parenteau 40 hours per week effective immediately
- 7:00 PM** – Board of Fire Engineers at request of Chairman Darke
- 7:30 PM** - DTS Women's Softball representatives Christine Higgins, Melissa Tarpay and Maria Garcia regarding DTS's letter to Board dated June 12th (attached hereto) and Recreation member, Dan Stewart regarding Adult Women's League players smoking at Pines
- 7:50 PM** – Mike Dempsey & Alex Johnson of Conservation and Open Space & Trails Committee – Executive Session in accordance with the provisions of MGL Ch. 30A, Section 21(a) (6) to consider the value of real property on Center Street

Next Meeting: Monday, July 16, 2012 @ 6:15 P.M.

MINUTES
BOARD OF SELECTMEN
JULY 9, 2012

Meeting called to order at 6:25 P.M.

Present Donald N. Greaney, Elizabeth A. Gorski and Chairman William H. Darke

All present stood for the Pledge of Allegiance.

6: 20 P.M. – Library Director

Director Nathalie Harty introduced to the Board, Lauren Towler, candidate for the part-time position of Library Assistant for 15 hours per week at \$10.15 an hour. Ms. Towler lives in Haverhill but attends our library; she attend Smith College and Ms. Harty stated she highly recommends Ms. Towler for the position.

Moved Gorski, seconded Greaney, and it was

VOTED: To appoint Lauren Towler for the position of Library Assistant for 15 hours per week at the hourly rate of \$10.15 per hour. 3-0

Minutes

Moved Greaney, seconded Gorski, and it was

VOTED: To accept the Minutes of June 18th and June 25th, 2012, as presented. 3-0

Moved Gorski, seconded Darke, and it was

VOTED: To accept the Executive Session Minutes of June 25th, 2012, as presented. 2-1 - Greaney abstained

Warrants

Moved Darke, seconded Greaney, and it was

VOTED: To approve Payroll Warrant #12-52
2-1 - Gorski abstained

Moved Darke, seconded Greaney, and it was

VOTED: To approve Deduction Warrant #12-50A and Bill Warrant #12-51.
3-0

Property Use Permits

The Board signed property/field use permits submitted for approval.

Bagnall Building Project Bill Submittals

Chairman Darke signed Bagnall Building Project bill submittal forms.

One Year Lease Agreement for COA Van

Moved Greaney, seconded Gorski, and it was

VOTED: To authorize Chairman Darke to sign the one-year Lease with MVRTA for \$1.00 annual sum for leasing of the 2011 COA van. 3-0

One Day Special Liquor License

Moved Greaney, seconded Darke, and it was

VOTED: To approve the request of Alicia Mitchell, 20C Summer Street, Amesbury, Ma for a one-day Special Liquor License for a wedding on September 29, 2012 at Veasey Park, with requirement that a private detail Officer be hired for hours alcohol will be served. 3-0

Environmental Restriction and Easement-EAP/DEP – 64 Washington Street

Moved Gorski, seconded Greaney, and it was

VOTED: To sign the Environmental Restriction and Easement prepared by EAP/DEP for the town's property located at 64 Washington Street, said Restriction/Easement having been reviewed and approved as to form by town counsel. 3-0

Selectman Greaney-meeting with potential developer for Esty Lumber property

Selectman Greaney updated the Board on his recent meeting with developer Bill Perkins and Eric McCarthy; that his name was given to them by Rosalie Esty, wife of Roy Esty. Greaney stated that the men hoped to meet with the Board to talk about their proposal to build up to 120 units of affordable housing at the former lumber site. Greaney told the Board that the Light Department Manager has already talked with them about his interest in the 5.8 acre parcel which doesn't have clear title. Greaney also reported that the men suggested maybe having the front building as office condos.

Selectman Gorski stated she is concerned because the site is prime property and to place 120 housing units would have an impact on town services and schools; that she is disappointed something different did not go there. Greaney reported that they did a similar project in Tyngsboro which did not house many children. Gorski asked if both Esty families are on board with this and Greaney replied that he did not know. Chairman Darke stated he would rather have them go before the Affordable Housing Committee rather than the Board of Selectmen at this time. The contact information will be given to the Chairman of Affordable Housing, Bruce Adams.

Road Commissioner Arakelian

Road Commissioner Arakelian introduced Mark Parenteau to the Board and asked that they approve his hiring. Arakelian stated Mark has a lot of experience, is a call fireman for the town and has worked for a number of years for William Dunn and others. Moved Gorski, seconded Greaney, and it was

VOTED: To approve the hiring of Mark Parenteau as Operator/Driver for the Groveland Highway Department, subject to a six (6) month probation period and said hiring effective immediately. 3-0

Communications-Police Management Review & Request to conduct a hearing

Chief Kirmelewicz had sent over two letters to be included in the Board's meeting packet. Chairman Darke stated he did not want to talk about anything until the Board has their lawyer in the room. Resident Lisa Dube' arrived at the meeting and asked the Chairman to address the other entities (companies that do management reviews of police departments) that the Selectmen had said they would come back with when they met with the Chief on June 29th. Chairman Darke told Ms. Dube' that Attorney Maser has been on vacation and is not due back until later this week.

Dube' told the Selectmen that they are the Police Chief's bosses; that incidents like this (secretary being out on paid administrative leave) continue to happen at the PD; that she was told the Chief has to go through the Board of Selectmen to suspend employees; and asked what the Board is doing to ensure that nothing is going on at the Police Station. Dube' told the Board that she would like to feel, as a member of this community, that she won't have to pay extra tax dollars due to police department activities causing lawsuits being filed against the department/town. Chairman Darke responded that he has never wavered; that he wants to do a management study.

Lisa Dube' expressed concern with the Chief's management of his department and what she sees as a huge inconsistency with the Policy and Procedures of the Department; that it's her opinion he does not follow the rules he requires his personnel to follow. She also questioned whether the Chief is handling the suspension of his secretary correctly. Dube' suggested to the Selectmen that if something happens in the future and they have failed to look into the management of the department, that if they go forward with the management review they have done their due diligence and if nothing comes back in the review then the Board has covered the town. Dube' told the Board there are only five companies that do management reviews and one has not had experience with police department reviews and another works or consults with Pomeroy Associates. Chairman Darke asked that Dube' provide him with the other three names.

Dube' asked the Board what their policy is for her to receive a copy of the Chief's contract and the Board's Assistant responded that the policy is to submit a written request which Ms. Dube' did prior to leaving the meeting room.

7:00 P.M. - Board of Fire Engineers

The Board of Selectmen had asked the Board of Fire Engineers to meet with them. Attending were Chief Clement, Clerk James Jordan, and members Dower, Cross and Judson. Member Ed Watson was unable to attend due to his employment.

Selectman Gorski told the men that the Selectmen were talking at their last meeting and decided they would like to talk to the Engineers about better communication in the future and not insulting each other. Selectman Gorski stated that the Selectmen thought it might be helpful if a Finance Board member was on the Board of Engineers. Chairman Darke told the men they could either go to war or work in the best interest of the town; that his preference is to work with them. Engineer Dower told the Board that if they aren't getting what the Engineers present to Capital Improvement Committee, that is part of the problem.

Selectman Greaney mentioned that the Chief had wanted a cruiser a couple of years ago and the rear end of that cruiser went and wasn't available; that last year a Dodge Charger in excellent condition was available and offered to the Chief but Chief Clement didn't want it. Chief Clement responded that the Charger is too small and would not have been functional with all the equipment he needs in it.

Chairman Darke told the men that he did not appreciate what was said at this year's Town Meeting; that the Selectmen try to get things done; that in the past they have approved paying cash for equipment. Darke stated that they all have a job to do and that his Board tries to work with everyone and get things done.

Engineer Dower suggested it might be helpful if a copy of the Engineers Minutes were sent to the Selectmen. Selectman Gorski informed the Engineers that the CIC starts meeting in September and asked that when they submit capital requests to CIC they send a copy to our office.

Dower also told the Selectmen that work needs to be done on the '81 ladder truck; that it passed its last test and they have spent about \$14,000 a year ago. He stated that it would cost a \$1million to refurbish it and \$1.4million for a new 6 wheel chasis truck. Dower said they may have to look for a good used one and that they would not want anything over ten years old. Clement reported that the ladder truck has been on the CIC schedule for the past 5 years and is beyond the time frame for purchasing.

Selectman Gorski asked if the Engineers would mind if someone from the Finance Board sat in on their meetings every now and then. The Engineers did not respond to the question. Chief Clement reported that the fire gear expires in a couple of years; he also commented that communications are there just not getting to everyone.

Selectman Greaney asked the Chief about the grant program he had told Clement about and the Chief responded that the gear would be a good grant request; that they could file next year for the grant for the gear. Greaney asked how the tanker truck is working out and Clement said it is working fine; that he felt it wouldn't be good to seek the grant for two trucks in two years. Clement also told the Selectmen that they will need to be NIMS trained if they aren't already through Emergency Management. Clement also reported that the repeater went at the Off Kings Way communication tower last Saturday morning and that a new one has been installed; that the old one had overheated and was damaged. It was suggested that a heat alarm/temperature sensor should be set up so it doesn't happen again.

Dirt the Skirt Softball

Christine Higgins, Melissa Tarpy and Maria Garcia met with the Board to discuss an incident involving Recreation member Dan Stewart that occurred at the Pines Softball field on Friday, June 8th when DTS had a permit to use the field. Dan Stewart and Todd Newton were present at the meeting. At the Selectmen's request Higgins read aloud the letter. She informed those present that DTS has a permit to use the field and feels they can use it in a peaceful manner. Higgins told the Board the two women that are with her this evening were witnesses to Stewart's behavior on the 8th.

Selectman Gorski told those present that the Selectmen are all about solving problems and being fair to everyone; that they want people to enjoy the field.

Stewart told the Board that there was not any harassment as Higgins' letter suggested and that it is totally untrue about slamming the top of the orange box down or direct harassment to any of the women. Higgins told the Board that he was screaming at a player accusing her of smoking when in fact it was one of the parents of the youth team smoking.

Dan told the Board that there is no smoking allowed within 100' of the field (Essex County League regulations). The Selectmen will ask the Board of Health if they can amend their No Smoking Regulations to include this requirement. Dan told the Board that True Vision, the other adult league, was the only group who helped with Spring cleanup and Higgins responded that DTS would have gladly helped if they had known or been asked to help. Maria Garcia told the Board that she felt belittled the way Stewart yelled in her face. Dan responded that he had to yell because she was 50' away from him.

Christine Higgins told the Board that she is a Groveland resident; that her organization has been using the field since 2009 and feels it has established its presence yet in reviewing the final schedule she noticed that slots provided to the other adult league were not offered to DTS but had been blocked off for the youth and given to the new adult league who began using the field last year. She told the Board that she feels her group plays by the rules but that it appears the others don't follow any.

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Chairman Darke stated that there is obvious tension between the parties; that the Selectmen know where everyone stands and that there is something going on. He told Stewart and the women to find a way to work together. Darke reiterated his feelings expressed at previous meetings about field use, the first priority is the youth group, then the school teams, and that it makes sense that the adult groups already having used the field when then be allowed next preference.

Executive Session

Moved Greaney, seconded Gorski, and it was

VOTED: To enter into Executive Session in accordance with the provisions of MGL Ch. 30A, Sec. 21(a) (6) to consider the real value of property on Center Street.

Chairman Darke declared that to hold the discussion in open session may have a detrimental effect on the negotiating position of the town.

Executive Session was entered at 8:17 P.M. and closed at 9:14 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office.

Annual Appointment List

Board briefly reviewed the 2012-2013 Annual Appointment List prepared by their Assistant and agreed to complete their appointments by the end of the month.


Adjournment

There being no further business to come before the Board, moved Greaney, seconded Darke, and it was

VOTED: To adjourn. 2-0

Adjourned at 9:20 p.m.

Respectfully submitted,


Nancy Lewandowski
Administrative Assistant 7-30-12

Note for the record: Page #3 was amended by vote of Board on July 30, 2012, third to last paragraph with underlined section added.