

MINUTES

BOARD OF SELECTMEN

December 16, 2013

Meeting called to order at 6:15 P.M.

Present Selectman Joseph D'Amore, and Chairman Donald Greaney.

Absent Selectman Elizabeth Gorski

All stood for the Pledge of Allegiance

Approve Warrants

Moved D'Amore, seconded Greaney, and it was

VOTED: To approve Payroll Warrant #14-24.

D'Amore, Dunn – "Aye"

Moved D'Amore, seconded Greaney, and it was

VOTED: To approve Bill Warrant # 14-23.

Moved D'Amore, seconded Greaney, and it was

VOTED: To approve Deduction Warrant #14-22A.

6:15 P.M. – Conservation Chairman Mike Dempsey – lower Center Street beaver issues

Dempsey told the Board that he was present to discuss the issues at lower Center Street; that there's a little culvert there that is constantly getting blocked. Dempsey stated that about three years ago Conservation asked the Road Commissioner to submit a Notice of Intent; that he did, and they put together a five year maintenance plan and it has been working out pretty well; that it gives the Road Commissioner some direction of what Conservation wants his department to do down there, but there is an ongoing problem of the culvert getting clogged which really hasn't been solved. Dempsey told the Board that Conservation has come up with beaver deceiver products that might be able to solve the problem.

Dempsey stated that they have beaver problems throughout the town and Bob does a good job with all the beaver issues; that he gets a trapper when the problems reach a critical state and they trap the beavers and usually end up opening up the dam and it requires special permits and money to hire the trapper. Dempsey asked that the Road Commissioner tell them why this may or may not be a good idea because the Commission feels they could reduce the overall cost of maintenance and dealing with the beaver problems. Dempsey told the Board that Conservation does not have their own budget to do this and the estimated cost is somewhere between \$1,240 and \$1,440 and there is an annual maintenance fee; that he is asking the Board's assistance in how they can put this test project into place.

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Arakelian responded that he does not think it will work because he has talked to a trapper that has been in the business for 40 years, and back in 2010 he wrote Arakelian a scenario of the problem there; that obviously he wants to continue trapping beavers but most of the property is in Haverhill and that's not the town's jurisdiction. Chairman Greaney asked if Bob Ward (Haverhill Waste Water Department) had said he was going to install a beaver deceiver at that site, and Arakelian responded no, that Ward just put up a screen that didn't work and it was worse than ever. Arakelian told the Board that his men maintain the culvert all the time and the level of the water right now is way down. Arakelian told the Board that the trapper told him in his report that the beavers will still cut trees down, even with the beaver deceiver installed; that the beavers will still ruin the landscape of the area and still destroy the trees. Arakelian told the Board that he thinks that the property owner who keeps complaining to Conservation should hire a trapper. Chairman Greaney asked because the problem is on the owner's property and Arakelian responded that it is; that that's where the beaver houses are and that property is in Haverhill.

Highway Foreman William Greene told the Board that they check all the beaver areas at least once a week; that there are other areas that are worse than the one they are talking about this evening. Greene stated that they go out to the complainers area because he's calling or email and the beavers may have pushed six to eight inches of mud against the screen but the water is below the culver so even if you take the mud out there's no water flow going through there. Greene told the Board that if you take the mud out, the beaver will come back and put it back against the screen, but if you leave it alone, he leaves it alone; that all the pipes out there right now have no water flowing through them because the water level is so low; that when the level gets high, they go back, pull the screen out and clean it and put it back and everything is fine. Greene stated that if you install a beaver deceiver the beaver now has three sides to bury; that most of the pond is filled with silt and there's hardly any water table there; that the deceiver works on water going through a pipe and there isn't any there for it to work and you're creating a nightmare installing one because now you have three sides you can't reach to clean. Greene told the Board that Haverhill put in three screens which acted like the concept of a beaver deceiver; that they couldn't maintain it so they removed it. Greene told the Board that they have a screen in front of the pipe; that when it needs to be cleaned they pull it up, shake it off, and put it back and they are done, then the beaver returns that night and puts the mud back. Greene stated that after all rain storms they go around and check all the problem areas and make sure everything is flowing properly; that it never gets high out there unless there is a 100 year storm.

Greene told the Board the town has problems out at Uptack, Salem Street, Bear Hill, and they have started problems on Washington at Veasey Park; that the men sometimes are out all day due to beaver problems, sometimes all week. Dempsey responded that that is his point; that there are many places in town that have problems and he does not dispute the Highway Department at all; that they do a fantastic job, but when the water is high over on Center Street, it is a problem; that the Road Commissioner keeps logs of when he has to send people out there so they have a record of regular visits, but when the water is high they need to clean it out Bill Greene responded that the water never gets that high there yet the property owner keeps calling and calling and they go out there and the water isn't even going through the pipe; that he sees the mud pushed up and he wants to call somebody. Greene told Dempsey that that has been the problem all along; that they have to go out to Bare Hill Road for weeks with a machine because there is a water problem there. Dempsey said if they can test the device at the Center

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Street site; that it is guaranteed to work and Greene told him it's a waste of money. Dempsey stated that if you do the maintenance on it, it is supposed to work.

Chairman Greaney asked if the town puts the deceiver in, whose property will it be on, and Dempsey replied it will be on town property. Greaney stated that someone is tearing apart a dam upstream and it washes down and he asked if the town is cleaning that too, and Greene responded that they have to clean it at the pipe. Greaney asked who is breaking up the dam and Arakelian said they don't know for sure and Greaney asked if the dam is on Haverhill's property and if so why they aren't taking ownership of the problem; that he thought Bob Ward said he would take care of it and Arakelian responded that Ward told him by phone that they don't hire trappers. Arakelian told the Board that he has always hired trappers and now has one of their own employees who is license. Dempsey commented that his particular culvert is not the problem he is discussing and Greaney said he understands that.

Dempsey told those present that the cost for maintaining the deceiver is \$260 annually and that it is costing the town more now by having to send the highway men there as often as we are doing. Greaney asked if the property owner could be asked to pay for installing the deceiver and Dempsey responded he doesn't know how they could justify that. Highway employee Jon Riopelle told Dempsey and the Board that he took the beaver class in order to be licensed, and that he was told during the class that the beaver deceivers do not work; that they may work for a very short period of time, but they do not work for long. Greene commented that he has been dealing with this problem since 2002 or 2003; that the beavers are very smart and they spent weeks trying to control the beavers because they were out of control. Greene stated that what the men do during the day and take out with a machine, the beavers come back at night and put back more than the guys took out.

Selectman D'Amore asked where in town might there be less silt and more water where this device might work, and Greene responded probably Uptack, but they can barely reach it now with a machine at Uptack because it is so far down the wall, so if they put a deceiver there and it fails, they are really in trouble. D'Amore responded that he respects that Dempsey is providing us a solution, and that it is guaranteed by the people that will put the device in and maintain it and make it work or they will get it out of there. Greene suggested that the Board go look at the problem and see for themselves what exists; that they have been maintaining it and it's not a problem out there. D'Amore stated that his thought is if they put the device in a place where it might work, that it will be a test but then they will have two systems, the one the highway department does now, then this new system. D'Amore expressed concern that if they purchased 6 of these, plus maintenance fees, the cost would be about \$9,000 and the Board is being told by those who are physically doing the work out there that the deceivers are not going to work.

Chairman Greaney asked what the size of the pipe is that goes under Center Street and Greene responded that it is 4 x 2 foot box culvert. Greaney stated that the pipe coming out of the deceiver is either 10, 12 or 14 inches so you'd lose 2/3's of your flow right off the bat by trying this system. Greene added that if you get a 100 year storm and you have three sides that the beaver has encased in his dam, Greaney finished that they've given up all their flow potential; that they can pull a screen out there and it's going to flow water and Greene agreed, and Greaney again said if they put in the deceiver, they will lose most of their flow; that it doesn't seem to make sense. Dempsey responded that he still believes they need to test it and that if it

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doesn't work, he believes they will have to refund the town its money because it's guaranteed, and suggested it's not a very risky proposition to try it. Greaney asked Dempsey what his thought is about the reduced water flow and he responded that it's talked about in the information he was provided; that it says if the water flow is reduced it won't make a difference. Greaney replied that he means when they need the water to flow and there is only a 10, 12 or 14 inch pipe as compared to a 2x4 culvert. Greene asked if Dempsey has seen how fast the water fills up if they get a severe rain storm or a 100 year storm and Dempsey responded that it's a good question. Greene told the Board that he would not have a problem trying this there if there was a problem out there, but there hasn't been a problem out there that them pulling the screen doesn't resolve; that there hasn't been a water height issue there since early Spring after the snow melts; that the water hasn't been high enough to go through that pipe and the pipe has been dried up all summer. Dempsey responded that this year it has been lower but in previous years he has been out there and has seen it is problem.

Chairman Greaney told Dempsey that they don't have a funding mechanism to purchase the deceiver and Dempsey responded that the area they have been talking about may not be the ideal place to test the deceiver, but the town does have a beaver problem and they should be looking at potential other solutions. D'Amore asked what about a trapping solution for the town and Dempsey replied that that is pretty much what they do now. Greene stated the trapping is working and Riopelle added that he started late the summer and had trapped 15-16 beavers. Chairman Greaney asked if they had gotten some traps and was told they had. Arakelian stated they had borrowed a trap from Georgetown but now have two of their own. Greaney suggested they will have to assess if the trapping is solving the problem, and Greene told him that there has not been a lot of activity; that some trees have been chewed, but nothing like in the past. Riopelle added that beavers are going to chew trees no matter what and Arakelian added that they have to eat so even with a deceiver they will chew a tree down; that the best way to control this is to eliminate the problem.

D'Amore asked that the men let the Board know where they feel the deceiver may work; that if they feel it could work in several places, then that would alleviate some of the men's work if the deceiver is taking care of the problem in several areas. Riopelle responded that he believes trapping will reduce the workload. D'Amore asked that they try to get this decided by April and asked Dempsey and the highway men if that is reasonable and everyone agreed. Chairman Greaney asked Dempsey to meet with the Finance Committee to see if they would have funding for a device in the event they find a spot they feel it might work, and he and D'Amore then thanked everyone for coming in and wished them all a good Christmas.

Eric Harper & William Buckley – to review Local Initiative Proposal

Eric Harper began by thanking the Board for taking the time out of their busy lives to meet with him and Bill, the Highway Department, town boards and everyone who works for the town; that they are all efficient, courteous and professional and he does appreciate that. Harper told the Board he moved to this area in 1986, raised six children here. He purchased the land in 1994 where he has Groveland Business Park, moved his business here and it's been a great place to work; that he's never had an issue, nothing stolen, nothing broken into and where he came from it was a problem. Harper told the Board that their Police Department does a fantastic job. His business park brought 70 jobs to the area and helped the town's tax base.

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Harper told the Board that the purpose of his meeting with them tonight was to discuss the Esty property and site on Main Street, and to understand the Local Initiative Proposal and to gain the Board's support. Harper showed a picture of the property given by the Esty family which was dated 1982 and shows the site disturbed all the way back to the river. Harper stated he has touched base with Natural Heritage Fisheries and Wildlife and was told that they have no interest in the site; that it's all disturbed and Harper did this before he purchased it. He told the Board he did a phase 2 21E which took care of all the questions that came up on phase 1 and stated that the property is clean.

Harper told the Board that when they read the affordable housing committee report that was put together in 2004, they came to understand that this area is designated as an intense development for multi-family housing, commercial and industrial use. Harper told the Board that they received the report from the State. Harper stated that his project is comprised of three phases and he intends not to sell any of the property; that it is his intention to develop and maintain it; that it would have onsite management and all units would count towards the town's affordable housing responsibility. Harper stated there would be 28 townhouses in Phase I; Phase II & Phase III would each be 24 unit buildings; that this project would take care of the town's affordable housing requirements, or protect the town for the next 6 to 9 years; that he expects that people already living in town who are getting along in years and looking to shed their homeownership and looking for something that will be affordable and well maintained. Harper stated there will be a significant amount of asphalt that will be removed from the property and grass will replace it. He suggested that they had envisioned a park behind Phases II and III buildings with parking allowed for that.

Harper stated he knows the Board is curious about the front building and showed a sketch of his plan for that building stating he will remove the paving in the front of building and move the parking areas to the back and the side; that he presently has a permit already to do the work on that building; that it will have a new roof put on, a new front and all new exterior and the whole area will be beautified significantly. Chairman Greaney asked what type of use Harper would be looking for in that building and Harper stated some type of retail use; that it would be suitable for up to six types of businesses or just one. Selectman D'Amore asked if he was thinking of leasing the space and Harper responded that he would be leasing the space and stated that the site will be significantly less impervious than it is now. Harper also stated that around the housing portion of the site there will be berms of trees, shrubbery and fences to further isolate it. Chairman Greaney asked if Harper has had a chance to talk with the neighbors on the back side and Eric stated that he has met several of the neighbors, but once they get this project underway he will be talking with every one of them. Greaney told Harper he was curious what the feedback has been and Harper stated it has been positive, but the plan has changed since then; that initially they were looking to put in 22 units like duplexes, but when they ran the numbers it just doesn't make sense. He had been hoping to do something like a Conservation Development, but when he spoke with an Engineer, he didn't think it would go and advised that he go with the Local Initiative Proposal.

Eric turned the presentation over to William Buckley to discuss the LIP Application, telling the Board that a LIP project is a friendly 40B and involves early on the Board of Selectmen, the Affordable Housing Committee and other boards and commissions that typically wouldn't be involved in the process under a 40B application. Buckley told the Board there are three criteria

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that need to be met in order to apply: (1) you must have site control, which Eric has; (2) you have to agree that you will be a limited dividend organization, which means you are willing to limit your profits on the site and (3) you need a site eligibility letter from a subsidizing agency. Buckley told the Board in a LIP application Department of Housing and Community Development (DHCD) serves as the subsidizing agency, but what is different here is there is no subsidy, there's no low income housing tax credits, there's no real bargains on financing in exchange for the affordable units; that there is still a requirement that 25% of the units be affordable. Buckley stated that where Harper is proposing a rental development, 100% of the units, even though only 25% are affordable, will count towards the town's affordable housing inventory. Buckley stated that in order for Eric to apply for this program the Board of Selectman and the Affordable Housing Committee will have to provide a letter of support, and that will allow Harper to apply to DHCD for a site eligibility letter. Buckley said at that point a lot of the planning work goes in; that the great expense of engineering and architectural and design work can be made because Eric knows he can apply for a Comprehensive Permit before the Zoning Board and will also need approval from Conservation under the Wetlands Protection Act. Buckley pointed out that the project consists of 76 units total in three phases; that the site consists of 21 acres and housing component will be on a little more than 5.5 acres. Buckley stated that the remaining 15.5 acres will be a commercial park with some storage and commercial uses thereon.

Buckley told the Board that this project will be a great opportunity for the town; that it will be creating an additional tax base on the commercial side and will be a revenue generator in most cases due to it having a private road, private trash pickup, private snow plowing, and the entire 76 housing units will count toward the town's affordable housing needs. The residential units will be attractive and will have river views and will be a better buffer between Wharf Drive and the commercial park. Buckley told the Selectmen that Eric Harper is a respected developer in the town with a track record; that he intends to maintain ownership of this project and will also have onsite management.

Chairman Greaney asked whether this type of project is still taxable, and Mr. Buckley responded that this project will be for profit entity and will be fully taxable. Greaney asked if the back residential units will have garages and Eric stated all units will have garages for one car and a space outside for a second car; that those buildings will be four stories tall with elevators and comprised of three units and garage under. The buildings will be sprinkled.

Selectman D'Amore commented that the letter of support Harper is requesting would be non-binding and that the town would be held harmless if Harper fails to receive the necessary permit from the Zoning Board; that that would be his expectation and both Buckley replied that is fair. D'Amore commended the men for the presentation saying that the project is very exciting to him and asked whether the open space portion of the project was a requirement that he had to donate. Harper responded that he was not required to provide the open space/park area of the project. D'Amore asked if the parking spaces for the residential units and park space would be reached via Wharf Drive and was told no; that they would be reached via Main Street. Harper stated that all commercial vehicles will be restricted from using Wharf Drive.

In regards to the commercial portion of the project, Harper told the Board that it is in the planning stages but he envisions it looking very nice; that he will be putting the electricity underground and doing away with all the poles that are currently there. Buckley informed the

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Board that they would like to file the application for this project with DHCD by the end of the month and hope to receive approval sometime in January so they can then proceed with hearings before the Zoning Board with the hopes of possibly an approval by the Spring. Chairman Greaney told Harper that there had been another project proposed in town and they found it worked best if the developers met with the abutters, had input back and forth and allows the applicant to speak openly about what the project will consist of. Greaney told Harper he feels it would be an easier process for him if he did that phase. Harper responded that it has to happen because when they appear before the ZBA and Conservation everyone will be allowed to speak and give their input; that Conservation has made it very clear they want to be part of the process and Harper stated he applauds them for that. Eric stated that he is here; that he owns a significant amount of property in town and he is here to work with people; that this type of program (LIP) gives the town much more flexibility than if he filed for a true 40B project and work with the State. Chairman Greaney responded that he understands that the different departments are able to be involved in the project.

Selectman D'Amore told Harper that unfortunately, residents don't attend meetings or watch the recordings of meetings; that we can have a series of wonderful meetings with ZBA and Conservation and everyone is getting along and then eventually Don will get the call or he (D'Amore) will from some abutter who says that he's heard they are putting factories over there, then that rumor starts going around and then petitions start and, unfortunately, that's been a pattern. D'Amore told Harper that he thinks the courtesy and informality of an open session to the public, separate and distinct from the ZBA or Conservation hearings. Harper responded saying it was his intention to go around and meet all the neighbors, particularly those living on Wharf Drive and introduce them to his plan. Harper told the Selectmen he will think about their suggestion; that it's hard to please all the people all the time but he can try to please most of them. D'Amore told Harper that the Board would welcome taking a walk on the property once the snow is gone.

Harper told the Selectmen that the commercial space that will be located behind the front commercial building will be storage spaces for contractors, hopefully local carpenters, electricians, plumbers; that area will be fenced off from the housing and front building. Buckley remarked that this idea is good for the town because eventually those contractors acquire equipment and have it at their homes, thus you have neighborhood contractor yards. Eric stated he has entertained all different types of plans and feels his current proposal will be best for the town and the neighborhood; that it will be taking an eyesore and making it look very nice. Chairman Greaney complemented Harper on having thought about planning for parking under cover for those who worry about leaving their homes and losing their garages to have to clean snow from their cars.

D'Amore asked Harper to explain for the public that may be watching what his project timetable will be. Harper pointed to 28 townhouses saying he would like to see Section A site work begin in the Spring, completed in a year and rented by next Fall; that the front building, is a different project and has already been started. Section B is the high rise apartments and Harper said it will probably be three years before they even consider them, and another 2 years for the remaining commercial storage space. Harper told the Selectmen he would appreciate receiving a letter of support from them so that he can go to the State and then begin working with the ZBA and Conservation Commission. Buckley stated that the application will require the signature of the Chairman of the Board, together with a letter of support. Harper told the Board that they will

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put something together for the Board to sign and D'Amore stated that would be fine; that they will then have town counsel review it and sign if the safeguards for the town are in place. Harper asked if the Selectmen have any further questions and Chairman Greaney responded that he doesn't at this time; that the Board has a letter of support from the town's affordable housing committee saying they endorse Harper's plan and from Conservation stating that they are comfortable with the plan provided they stay away from the 200' buffer. Eric pointed out on his plan what is currently in the 200' buffer and how the left of his project will be less and to the right will be more so there will actually be no improvement on what is already in the buffer zone.

Conservation Chairman Mike Dempsey was present and asked by Chairman Greaney if he feels what Harper just explained is workable for Conservation and Dempsey said it is; that because he is trying to stay out of the buffer zone is a good idea. Greaney asked if the open space planned for is any benefit to the project and Dempsey responded yes it is.

Moved D'Amore, seconded Greaney, and it was,

VOTED: That the Board will receive a draft of a letter of support from Harper for proposed project on the former Esy Lumber property on Main Street, which draft will be forwarded to town counsel for approval and executed by the Board as soon as possible thereafter. 2-0

Harper told the Board that along with the letter of support, the Board will be asked to sign the application; that the Affordable Housing Committee Chairman will also be asked to sign the application. Buckley asked that the Board vote now to authorize the Chairman to sign the project application once counsel reviews and approves the letter of support. Moved D'Amore, seconded Greaney, and it was

VOTED: That when counsel approves the draft letter of support for the board to sign, that the Chairman of the Board is authorized to sign the project application for the project at 441 Main Street. 2-0

Harper took the time to thank Conservation, Affordable Housing, the Board of Selectmen and the Road Commissioner for taking the time to meet with him during this busy time of year.

In other business, Chairman Greaney stated that a letter was received from the Council on Aging Director, Lynne Stanton, informing the Board that following the recent meeting with the Board and Fire Chief regarding the Chief's complaints about the use of the Fire Station room and kitchen area by the Merrimack Valley Nutrition Program, she discussed the matter with the Director of MVNP and a decision was made to move the meal site from the Fire Station as of the past Friday. Stanton's letter stated that the seniors in town having meals delivered to their homes will not be effected by the closing but those who were coming to the site for their meals will be; that Stanton will try to find another way to accommodate those who ate at Groveland's former site.

Chairman Greaney announced that the Police Department held their annual dinner for the town's seniors on December 10th at Veasey Park and all were happy and had a good time; that Lynne Stanton assisted the Police Department notifying the seniors of the event. Greaney expressed thanks to all those involved in assisting the town's seniors.

2014 Common Victualler License Renewals

Moved D'Amore, seconded Greaney, and it was

VOTED: To renew the following Common Victualler Licenses for 2014:

Pentucket Regional School District-Bagnall School Cafeteria
Veasey Park, 201 Washington Street
Groveland Fairways, LLC, 156 Main Street
Tea Garden Restaurant, 904 Salem Street
Pub 97, 935 Salem Street
Cafe' 97, 921 Salem Street
Cedardale Swim Club, 20 Bare Hill Road
Epicurean Feast at Chesterton, 860 Salem St.
DeLeo's Pizza, 180 Main Street
Pizza Grove, 906 Salem Street
Your Place and Ours, 8 Elm Park
Nichols Village, One Nichols Way
Groveland Diner, One Elm Park (with BYOB)

2-0

Selectman D'Amore spoke about his service on the Groveland Government Advisory Committee; that the committee was charged to study town government and make recommendations; that they have already done their first charge which is to recommend to make the Board of Selectmen from 3 to 5 members. D'Amore stated that the committee is now working on its second charge and Greaney had suggested that there may be a conflict of interest on D'Amore's participation on any committee put together by the Board of Selectmen. Chairman Greaney responded stating that was not his concern; that his concern was that there are two Selectmen on the committee making recommendations back to the Board of Selectmen and voting on it again.

D'Amore stated that he did bring Greaney's concern up to two attorneys at the Ethics Commission and that there was some precedent that suggests that as long as the committee is not under the direct supervision of the Board of Selectmen, Board of Selectmen members, whether one or two, can participate on such a board and also vote on the same matters. One of the attorneys had suggested to have the question looked at by town counsel because the concept of "under the supervision" is subject to interpretation.

D'Amore quoted from a legal case that was used as a precedent which he stated basically supports that there isn't a conflict because the GAC may not be under the supervision of the BOS; that the BOS has appointing authority of the GAC but it doesn't directly supervise them. Greaney responded that the problem is that there are two Selectmen meeting and asked if they are posting it as a Selectmen's meeting. D'Amore responded that they are not and Greaney stated that that is the problem. D'Amore responded it is posted as a GAC meeting and Greaney responded but there is a majority of the BOS serving on that committee appointed by the BOS. Greaney asked if D'Amore had asked Ethics that question and he said he had, then stated that they suggested that too should be asked of town counsel. Greaney told D'Amore that that is what he is worried about because he doesn't want them to get in trouble.

D'Amore told Greaney that the conflict of interest issues relate to things such as they can't vote on things that will benefit themselves or their families; that they can't extend their stipends, and that the 21A as it relates to whether the BOS supervise the GAC, D'Amore stated it doesn't appear that they do. Greaney told D'Amore that he doesn't believe it is so much of an ethics law, but rather it could be a violation of the Open Meeting Law. D'Amore told Greaney he feels comfortable that he's ruled out the conflict of interest, that he doesn't think the BOS have direct supervision over the GAC; that if it is they would have to go through a process of having their appointments approved by Town Meeting. D'Amore told Greaney that he couldn't get a hard answer from either of the two attorneys he spoke with, but one suggested asking town counsel whether it is appropriate for two Selectmen be appointed to and sit on the committee. Greaney told D'Amore that a lot more people have called and commented about two of the Selectmen being on the GAC and said when people start to talk about an issue like that he (Greaney) gets concerned that it will blow up. Greaney approved the Board's Assistant asking counsel for an opinion.

One day liquor license request-Groveland Firefighters Association

The Board received a request from Groveland Firefighters Association for a One Day Beer and Wine License for a Fire Department Holiday Gathering on Weds., Dec. 18th, 2013 from 8:00 P.M. to 12:00 A.M. Midnight. Greaney stated he is a member of the Association and questioned whether he would be allowed to participate in that decision. In the absence of Selectman Gorski, the Board will vote to invoke the Rule of Necessity in order to allow Greaney to participate in this decision.

The Board's Assistant told the Board that this request just came in; that the Fire Chief told her they have received a license in past years and that she had reviewed all the licenses and could not find previous licenses had been issued to the Association. Lewandowski told the Selectmen that she has concerns. D'Amore asked what her concern is and Lewandowski responded that her concern is what is required for this group and/or any other to apply for such a license; that she explained to the Fire Chief what the Board has been requiring of others and asked the Board whether they want to require the same of this group, i.e., hiring of a detail officer, providing a Certificate of Insurance naming the town as additional insured for liquor liability and liability coverage. The Board's Assistant told the Board that the Board needs to work on a policy to be followed on issuing these licenses so she knows how to advise people, groups, etc who request a license and ask what is required; that she's worried the Board will get in trouble if we don't do this correctly going forward; that the town's insurance has a real concern about these special licenses and that is why the Board made changes to issuing licenses at Veasey Park which is another town building but the Board is requiring the people who rent there to provide insurance.. Chairman Greaney responded that what she is saying makes sense.

Selectman D'Amore asked Lewandowski what the Board does for this week with the current request and she responded that it's up to the Board to decide; that she just wanted them to know everything; that the request had just come in recently and despite being told by the Fire Chief that they have received licenses in the past, she reviewed all previous licenses and found that none were ever issued to the Association in the past. Chairman Greaney stated that he believes they had requested a one day license in the past and Lewandowski responded the Association has only applied for a Property Use Permit, not a One Day Beer and Wine License, and this time they did not apply for the Property Use Permit. Greaney asked Tracy Gilford, a

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Lieutenant on the Department, if he remembers and Gilford responded he believes they have, once or twice, but not every year. Lewandowski told the Board that she has every stub for every One Day Special License the Board has ever issued and they have never issued a One Day License to the Fire Association. Greaney stated that the question had come up about what they would do for a detail and one of the firemen is actually on the Police Department as well and they invoked him to be responsible for it but that's not the way the rest of the applicants have to do it. D'Amore stated he did not know what the requirements have been and the Board's Assistant responded that all One Day Licenses require that a Detail Officer be present while alcohol is served; that in order to have an Officer present, he needs to be paid; that they also need to provide a Certificate of Insurance for liability and liquor liability insurance in the amounts of \$1million/\$2million. Lewandowski stated that the Board once made an exception about the detail because it was an elderly event and they stated there would not be a lot of drinking but she told the Board that personally, from what she has recently learned from the insurance, she feels the Board should never do that again no matter who it is.

D'Amore remarked that this request is an 8:00PM to 12:00AM event. Lewandowski told the Selectmen that she did ask the Fire Chief what would happen if a call comes in while they are having their party in the Station and the Chief told her some people wouldn't be participating in the drinking. Greaney asked if it's difficult to get a Certificate of Insurance and Lewandowski responded that others seem to get them quickly, but the insurance costs money and she doesn't know what the Fire Association has for money or do they want to spend their money that way. She also told the Selectmen that she doesn't know what the town's insurance coverage is, if any, for liquor liability and liability of something happening on town property; that she is concerned with the Board's liability if issuing licenses and there isn't proper insurance coverage and suggested the Chairman speak with the Finance Director to see whether the town insurance covers the licenses issued.

Chairman Greaney left the meeting room to speak with the Finance Director. When he returned he stated that the town does not have liquor liability or any type of coverage for alcohol on town property. Greaney stated that the Fire Association will need to provide a Certificate of Insurance naming the town as additional insured for liability/liquor liability as is required of Veasey Park; that maybe they can talk to the Police Chief to see what his requirements would be regarding a detail officer. Lewandowski told Selectmen that the Possessed Quest planner had a friend on the Boxford Police Department who was willing to be the detail officer at her event without charging and Chief Kirmelewicz told her they could not allow it because of the Union.

Moved D'Amore, seconded Greaney, and it was

VOTED: To invoke the Rule of Necessary to allow Chairman Greaney to vote and grant a One Day Beer and Wine license to the Groveland Firefighters' Association contingent upon their ability to provide a Certificate of Insurance naming the town as additional insured, and providing \$1 million/\$2 million of coverage for liquor liability, and arrange with the Groveland Police Department for a detail officer from 8:00 P.M. to 12:00 A.M. 2-0

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Request for Chairman to sign GHA Capital Fund Grant

Moved D'Amore, seconded Greaney, and it was

VOTED: To approve Chairman Greaney signing the Groveland Housing Authority's Annual Capital Fund Grant. 2-0

Chairman Greaney publicly wished everyone a happy holiday, thanked all town employees for their service to the town as well as all appointed and elected boards and committees.

Moved Greaney, seconded D'Amore, and it was

VOTED: To enter into Executive Session pursuant to MGL Ch. 30A, Section 21(a) (3) to discuss collective bargaining meeting with Groveland Police and Fire Signal Operators/New England Police Benevolent Association, Local #113; that votes may be taken. 2-0

Executive Session was entered at 8:00 P.M. and closed at 8:23 P.M. The Minutes of the Executive Session are on file in a separate binder in the Administrative Assistant's Office. Chairman Greaney announced the Board will return to Open Session at the close of the Executive Session.

The Board returned to Open Session at 8:24 P.M. Moved Greaney, seconded D'Amore, and it was

VOTED: To enter into Executive Session pursuant to MGL Ch. 30A, Section 21(a) (6) to consider the purchase of real property located on Main Street; that votes may be taken. 2-0

Executive Session was entered at 8:25 P.M. and closed at 8:32 P.M. The Minutes of the Executive Session are on file in a separate binder in the Administrative Assistant's Office. Chairman Greaney announced the Board will return to Open Session at the close of the Executive Session for the sole purpose of adjourning their meeting.

The Board returned to Open Session at 8:33 P.M. Moved D'Amore, seconded Greaney, and it was

VOTED: To adjourn.

Adjourned at 8:34 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant

