



**BOARD OF SELECTMEN  
AGENDA**

**April 22, 2013**

- 6:15 P.M - Call meeting to order  
All stand for Pledge of Allegiance  
Acceptance of Minutes – April 8, 2013  
Approve Warrants:**

PW # 13-42	\$ 124,962.79
DW #13-40A	\$ 22,556.37
BW # 13-41	\$ 274,170.12

**NEEDS ATTENTION**

- Approve Property Use Permits  
Chairman to sign Bagnall bill submittals, if any  
Review Correspondence, if any-- take action, if needed

**AGENDA APPOINTMENTS**

- 6:20 p.m. –** Chief Kirmelewicz and Deputy Gillen – to discuss proposal for use of Safety Car **(Cancelled due to Selectman Greaney being absent and Selectman Gorski having to recuse herself---will be rescheduled)**
- 6:45 p.m. –** Cemetery Commissioners-joint meeting with Selectmen to fill vacancy created by resignation of Commissioner Mark McCabe-remaining Commissioners request appointment of Robert Guptill, to be effective immediately to 2014 Town Election in accordance with the provisions of MGL Ch. 41, Sec. 11.
- 7:00 p.m. –** Mike Dempsey – requesting Chairman to sign grant application and letter appointing Mike as representative for the town regarding the grant—Also, Executive Session may be needed, MGL Ch. 30A, Sec. 21 (6) to discuss land values
- 7:15 p.m. –** Executive Session – pursuant to MGL Ch. 30A, Sec. 21(a) (3) for the purpose of reviewing and discussion on Settlement Agreement in Dalton v. Town and Kirmelewicz (MCAD Case #BEM031771) – Chairman announce Board will return to Open Session to vote its decision and sign Agreement

Finance Board at Chairman Darke's request last meeting for discussion on land Articles on Town Meeting Warrant

**Date of next meeting - Monday, Apr. 29, 2013 @ 6:30 PM @ Bagnall School**

**Date of next regular meeting – May 20<sup>th</sup>, 2013**

MINUTES  
BOARD OF SELECTMEN

APRIL 22, 2013

Meeting called to order at 6:47 P.M.

**Present** Selectman Elizabeth A. Gorski and Chairman William H. Darke.

**Absent** Selectman Donald N. Greaney

Selectman Gorski announced that Selectman Greaney is absent because his mother became ill recently and had been taken to the hospital; that she is holding her own and asked that residents think of Pat tonight.

Chairman Darke commented on the tragic events that occurred at the Boston Marathon a week ago and sent good thoughts and prayers to everyone affected by the sadness.

**Cemetery Commission**

Commissioners Vernon Cotton and Richard Sciacca met with the Selectmen regarding the vacancy on the Commission due to the recent resignation of Commissioner Mark McCabe. Gorski moved, Commissioner Sciacca seconded, and it was

**VOTED:** To jointly appoint Robert Guptill, Fairview Circle, Groveland to fill the vacancy created by the resignation of Mark McCabe, said appointment effective immediately through the 2014 Annual Town Election.

Gorski, Darke – "Aye"; Sciacca, Cotton – "Aye"

**Approve Warrants**

Selectman Gorski, calling upon the Rule of Necessity due to the absence of Selectman Greaney, moved, Darke seconded, and it was

**VOTED:** To approve Payroll Warrant #13-42.

Moved Gorski, seconded Darke, and it was

**VOTED:** To approve Deduction Warrant #13-40A and Bill Warrant #13-41.

**Executive Session**

Moved Gorski, seconded Darke, and it was

**VOTED:** To enter into Executive Session in accordance with the provisions of MGL Ch. 30A, Sec. 21(a) (6) to discuss land purchase negotiations.

GORSKI, DARKE – "AYE";

Selectman Darke announced that the Board will return to the Board's Open Session at the close of the Executive Session. The Executive Session was entered at 7:01 P.M. and closed at 7:14 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office.

**Finance Board---Land Purchase Articles**

The Finance Board was asked to return this week in order to discuss the land purchase Articles that are on the Town Meeting Warrant. Also present were Conservation Chairman Mike Dempsey, Finance Director Labreque, Water/Sewer Commissioners Adams, Willett, and Sheehan, and their Office Manager, Pat Rogers. Chairman Bill Cook told those present that there are concerns with all the land purchases; that there has been talk that the appraisals were less than the price the town is paying; that the town paid \$10,000 for the appraisals and are not paying the price the land is appraised for. Cook said the large parcel is an override; that taxes have increased regularly; that it is wrong to pay more than the land is valued for. Cook referenced Amesbury overextending itself buying land and suggested they almost went bankrupt. He said he himself doesn't see people building 100 homes anywhere.

Chairman Darke responded that they have a new appraisal and Dempsey stated that Bussing's land has always been under the appraised value; that they looked at the appraisal for Angelini's land and saw it was appraised only as open space so they reappraised it and it came in higher than the town will be paying for it. Mattingly is appraised for what they will be paying. Dempsey told those present that the purchase of these three properties is for water protection; that most people want clean water; that if the town doesn't buy the properties there will be 100 houses built upon the aquifer and that he thinks what they are doing is financially smart.

Water/Sewer Commissioner Bruce Adams told the Finance Board that this is an opportunity to purchase 150 acres of prime acreage; that we are one of the few communities around that have this type of water resource; that it's close to 5 million dollars for all three parcels but look at Valley Screw. The cost to clean that site up far exceeds the cost of this proposed purchase.

Chairman Darke told the Finance Board members that when he got elected the first time the first thing he did was help with the purchase of Nun's Hill; that when they were trying to get the land some very smart people said they were going to bankrupt the town. Darke told Cook that the 100 houses will be there and asked what the impact of those are; that it has to be huge. Darke said that the Center Street property is the most valuable piece of property in town. Finance Board member John Gray asked how the town is being protected if the land is contaminated and Dempsey explained that the property would have to pass an environmental review, and if it doesn't pass, the owner will have to clean it up if he wants the town to buy the property. Water Commissioner Jim Sheehan told Gray that the aquifer needs to be protected. Cook responded by asking if we know what we are buying and that we are in a big rush to get this. Bill Cook asked if there will be an increase in the water rates in order to buy the property and he was told by the Water Commissioners that there would not be. Cook expressed concern that there is not any top soil on the property and that it's a barren desert; that to build fields there as is being promoted would be very expensive. Chairman Darke told Cook that the people who are talking about putting fields there is not what those present this evening are talking about; that the town will need to know how much it will cost to build fields, maintain them, and who will be able to do it. He told Cook that the town does a good job financially; that Groveland has the best fields around; that it has two cruisers on per shift compared to some of the neighboring towns. Darke told Cook that any money spent at the property will have to be approved by a future town meeting.

Cook told those present that our school district takes in 178 Choice students at an average of \$5,000 per student; that we could handle more children coming to our schools; that this property is coming off the town's tax rolls and he is concerned. Finance Board member Tom Minichiello stated that the Articles reference a P&S Agreement and asked if they could see it. Minichiello was told that the P&S is still with the attorneys. John Gray reminded how 13 years ago a location for a new high school was being looked for and asked if the school could be built on this property. Darke responded that the high school will stay where it is; that it makes sense to be located on its present site and if needed, it can be built up. The question was asked if the town doesn't get the grants applied for will the taxpayers be asked to pay the full price. Water Commissioner Bruce Adams responded that if they don't get the grants CPA will pay the

difference. Darke told the Finance Board that there are three different owners and everything has come together; that they have been talking about this purchase for over ten years. Water Commissioner Adams told Cook that they know the land they are buying and that there is water underneath it. Darke agreed that it's a lot of money no matter how your slice it; that they have working on this for years and that the town is in good financial shape.

#### **Chairman Darke on Ethic's charges**

Chairman Darke stated he only has one more meeting so it doesn't matter any way and reported that when the Board met a couple of weeks ago, he made mention of the ethics issues but it hadn't recorded and he doesn't think it was because of technical difficulties, but he doesn't think everyone got to see it so he just wants to say it again for the record. Gorski stated that what happened was the previous statement was shown live but not recorded for continued showing. Darke responded that the recording was out in cyber space somewhere and that just for the record, he wants to have the video taped again. He stated that two weeks he said that everybody knows that things have been going on for the last year and a half; that a lot of stuff has happened that should not have happened. Darke suggested that a lot of craziness has happened, things that he thought about that are his reasons he is not running; that that is the main reason. Darke said it just got to the point, and that he told it to the Ethics Commission because they all got charged with complaints; that he has been serving for almost 18 years on the Board of Selectmen and in his 18 years, this is the second complaint that was filed against him; that the first was a few years ago when the Board put the Article on the Town Meeting Warrant to make the Planning Board appointed and not elected; that someone filed against him because his brother was in the process of trying to go before the Planning Board to subdivide some land. Darke reported that that complaint was dismissed because he had nothing to do with any of that and the Ethic's Commission dismissed it.

Darke said another one was filed against all of the Board over Police Department issues and going through negotiations with the Chief and Deputy Chief; that they all had to go down individually to Boston and testify under oath and ~~they~~ they had the opportunity to follow that up with a five page written statement. Darke said that a few weeks or so ago he and he thought Selectman Greaney both attached part of their statements to the Minutes regarding certain things said they felt were important enough and wanted them in the Minutes; that basically the outcome was that he and Don got off the hook and they found Bette guilty of some things, one being that she was trying to influence Darke and he thought Greaney not to give the Chief and Deputy a contract extension; and that was one of the things mentioned when he testified under oath that no Bette never asked him not to give the Chief and Deputy Chief a contract extension. He said it never came up; that it wouldn't come up because they both know that can't come up. Darke said the other issue was the night that the Selectmen had a meeting that was posted for contract negotiations with the Chief in March; that Darke got to the meeting late and he and Don, the Chief and Nancy just sort of talked for a bit, not for very long, and then.....Darke said he blames himself because he was Chairman, then realized he wasn't, that Gorski was, so he was just acting Chairman in Gorski's absence. Darke said he doesn't think the Board did things exactly the right way; that they didn't formally vote to come out of Executive Session they just sort of assumed that they were and they were just talking at that point and it was brought up that the Chief would like to make amends with Bette or the Gorski family so Don called Bette. (Note for record: Chairman Darke was corrected by Gorski that he (Darke) had been the one to call her so Darke continued that he called Selectman Gorski; that Eric couldn't come down because he was at something else; that Selectman Gorski came down and Darke even said to the Chief "we are all okay here? No ethics violations will be filed, we are all just talking? This isn't contract negotiations, it's just them talking as people that have known each other for a long time and they all agreed. Selectman Gorski interjected "as friends" and Darke said yes, as friends, and then somebody filed with Ethics. Darke said he doesn't know who filed and that he said this two weeks ago, "why would we invite Gorski to come down to a meeting if they were trying to set her up for something like that."

Darke stated that he just wanted to say that and let people know that wasn't the case; that the stuff never happened; that it's wrong what happened; that the whole thing was wrong. Darke said he is not the type

of person that lives in the past, but this is the one instance he wishes he could go back in time about a week before the whole thing started that November and then things would have been a lot different for everybody.

Selectman Gorski responded that its been a tough time for a lot of people; that it's a shame after you (Darke) served all these years that these events caused you to make the decision that you did not want to be doing this any longer; that being in public service is tough. Gorski said she has been in public service for 23 years, 13 in Groveland and nothing like this has ever happened to her before, but she is confident that her name will be cleared; that she has had to retain counsel which is very, very expensive and why these things happen in such a tiny town when people should be able to talk with one another, she doesn't have the answers, but she appreciated Darke saying that and she appreciated working with him all these years because he brings a lot of strengths and talents to the table. Gorski told Darke that what he did tonight explaining the land purchases and how they only benefit the community and that they don't want to be viewed as being short sighted and have another Valley Manufacturing incident. Gorski told Darke she truly appreciates his friendship and his good work.

Darke thanked Gorski and told her he appreciated that. He stated he thought a little about when he leaves here; that he has never been in it for the glory; that he just felt like he wanted to do the job. Gorski responded that the town is a nice town to live in, that it really is; that they have a lot of things to be proud of; that when she sees the Bagnall School, the Pines Rec Area, the kids having a good time at Washington Park; that River Pines Housing is not part of the town of Groveland but it is here in our community operated by the State and HUD and it's a great place for people to live; and that people love the library. Darke agreed and said we have a nice town and Gorski stated that they have some great things, an awful lot to be proud of and good people and unfortunately it gets harder and harder to be in public service because somebody wants to reach out and hurt you and if they are believed, its up to you, as John Christopher told her, its up to you to prove yourself innocent because they just take that at face value. Gorski said all the years she has been here she has never written an ethics complaint about anybody and at times they have been outraged asking "why did this happen? Why did they do this?" but asked why would she do that? Gorski said you are judged by the work you do and how you treat people, then thanked Chairman Darke again.

#### **Executive Session**

Moved Gorski, seconded Darke, and it was

**VOTED:** To enter into Executive Session in accordance with the provisions of MGL Ch. 30A, Sec. 21(a) (3) to review Settlement Agreement regarding MCAD claim # BEM02177, Dalton vs. Town of Groveland and Chief Kirmelewicz. 2-0

GORSKI, DARKE – "AYE";

Chairman Darke announced that the Board will return to the Board's Open Session at the close of the Executive Session for the purpose of announcing its decision and if needed, signing said Agreement. The Executive Session was entered at 8:08 P.M. and closed at 8:15 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office.

The Board returned to Open Session at 8:15 P.M. Chairman Darke announced that the Board had reviewed the Settlement Agreement in MCAD case No. BEM03177, discussed the contents of same, and upon motion duly made by Gorski, seconded by Darke, it was

**VOTED:** To accept the Settlement Agreement in Dalton v. Town of Groveland and Chief Kiremelewicz, MCAD Case No. BEM03177 and sign said agreement. 2-0

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Chairman Darke announced that Counsel will be contacted to determine whether the Agreement is confidential or has now become a public document going forward.

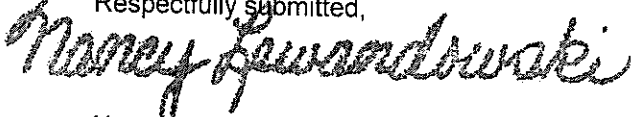
Adjournment

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

**VOTED:** To adjourn. 2-0

Adjourned at 8:21 P.M.

Respectfully submitted,



Nancy Lewandowski  
Administrative Assistant

Approved 5/6/13 – Gorski/Darke