



**BOARD OF SELECTMEN
AGENDA**

February 11th, 2013

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

PW # 13-32	\$ 124,374.35
DW #13-30A	\$ 21,653.66
BW # 13-31	\$1,222,001.45

AGENDA APPOINTMENTS

6:20 P.M. - Government Advisory Committee to report committee's decision on increasing size of Board of Selectmen from 3 to 5 members, and, to ask for further instructions on the second part of the charge and that it be defined more narrowly

6:30 P.M. - Executive Session pursuant to G.L. c. 30A, sec. 21(a) (3) to discuss strategy with Town Counsel with respect to pending litigation; Chairman declares to do so in an open meeting may have a detrimental effect on the litigating position of the town

NEEDS ATTENTION

Approve Property Use Permits, if any

Chairman to sign Bagnall bill submittals, if any

Review and Approve Special License(s) for Veasey Park functions – See license for wedding at Veasey on March 23rd

Correspondence:

- 1) See letter Greg prepared for Group Insurance Commission requesting information so a determination can be made whether to continue to participate in the GIC insurance. Board vote to approve Chairman signing said letter.

- 2) See attached Memorandum of Understanding that Tom Neve prepared and forwarded by Mike Dempsey – Both Greg and I have concerns with some of their deadlines and requirements. Please read over carefully before taking action. You will need to enter Executive Session if you want to talk about this before the Board considers signing it. MGL c. 30A, sec. 21(a) (6) to consider the purchase of real property. Chairman declares that an open meeting may have a detrimental effect on the negotiating position of the public body

AGENDA APPOINTMENTS

7:00 P.M. – Groveland Recreation Committee (CANCELED at their request— rescheduled for next meeting)

Note to Board: If you're going to need to speak about item #2 above you should call that Executive Session at this time because the next Session (see below) will involve only Chairman Darke and Selectman Greaney

Executive Session pursuant to G.L. c. 30A, Sec. 21(a) (7) to comply with a general or special law to discuss revising accepted Executive Session Minutes of March 14, 2012 which Minutes have not as yet been released as public documents

Date of next regular meeting – February 25th, 2013 @ 6:00 P.M.

MINUTES
BOARD OF SELECTMEN
FEBRUARY 11, 2013

Meeting called to order at 6:20 P.M.

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

Approve Warrants

Moved Greaney, seconded Darke, and it was

VOTED: To approve Payroll Warrant #13-32.

DARKE, GREANEY – "AYE"; GORSKI – "ABSTAIN"

Moved Greaney, seconded Gorski, and it was

VOTED: To approve Deduction Warrant #13-30A and Bill Warrant #13-31.

GIC Employee Health Insurance

Finance Director Greg Labrecque presented a letter he drafted for Chairman Darke's signature regarding questions he has on whether the health insurance plans offered by GIC is still the town's best option for the town and its employees. Labrecque told the Board that Blue Cross/Blue Shield is now offering new options and he feels the town should look at all options available to it.

Moved Greaney, seconded Gorski, and it was

VOTED: To approve Chairman Darke signing the letter addressing questions of the Finance Director.

6:30 P.M. Government Advisory Committee Chairman Daniel MacDonald

GAC Chairman Daniel MacDonald met with the Board of Selectmen to present the Committee's recommendation on the matter of increasing the size of the Board of Selectmen from three members to five members. MacDonald informed the Board that following several meetings with town employees/department heads the committee voted 5 to 3 to recommend increasing the makeup of the Board of Selectmen from 3 to 5 members.

Chairman Darke asked MacDonald the reasons for changing the size of the Board and MacDonald responded that the concern for those in favor of increasing the size of the Board is the problem with two Selectmen (quorum with 3 member board) having discussions about town matters outside of open meetings which is not allowed under the Open Meeting Law; that the proponents felt increasing the size to 5 would eliminate ethical issues that have occurred recently. MacDonald told the Board that he did not agree with the reasons of those voting in favor. Darke asked MacDonald if the Committee talked with other towns that had increased the size of their board as to whether the larger board took on more responsibility or work. Selectman Greaney asked whether the committee had talked with those other towns about the procedure for making the increase in size. MacDonald told the Board that other towns had been contacted and asked the Board if they would like a written report. GAC member Joe D'Amore told the Selectmen that their committee had extensive data on the procedures for making the change. Member Phil Taylor told the Board that the size of the Boards had changed in some towns due to large growth in the towns.

Chairman Darke asked each GAC member to state their reasons for recommending the change. Taylor stated the quorum issue for discussing business outside of an open meeting. Taylor told Darke that if the town votes to increase the size of the Board, it will be up to that Board to decide how they want to act;

that everyone on the committee had different reasons for or against increasing the size but the majority of the committee felt it should be five members. Lisa Dube' stated the quorum issue. Selectman Gorski, also a member of GAC, told the Board that she was in favor because of the diversity that would be brought to the Board. John Christopher stated he was not in favor of the change. D'Amore stated he voted in favor because he feels the Selectmen could be a liaison to other departments, and that the public would probably approve a larger board presenting changes to appoint rather than elect certain positions, such as the Road Commissioner position. Chairman Darke told the Committee members he thinks it will be interesting to see if Town Meeting/Election accepts that adding two additional members to the Board of Selectmen will help change elected positions to appointed positions. D'Amore told the Board that the Town of Newbury made the change because of the two being a quorum and ethics issue of two members talking about town issues outside of open meetings.

Chairman Darke told the GAC members that he believes it is the Board's plan to place the matter on the Town Meeting Warrant; that he personally has always thought that a Board of three was fine but thinks the Board should put the Article on the Warrant for the voters to decide.

Joe D'Amore told the Board that the GAC also talked about a Town Manager or Administrator position and did not feel the position was warranted at this time. Chairman Darke suggested the committee could put together an organizational chart. Finance Director Labrecque commented that there are six/eight people who run town hall and all are required under the law. Chairman Darke thanked the members of the GAC for the time they gave and their recommendation which will go before the voters of the town.

One-Day Liquor License-Veasey Park

The Selectmen reviewed an application for a one-day special license for a wedding at Veasey Park on March 23rd. Moved Greaney, seconded Gorski, and it was

VOTED: To grant a one day liquor license for a wedding at Veasey Park on
March 23, 2013. 3-0

Bussing Property- Center Street

The Board's Assistant advised the Board that Conservation Chairman Michael Dempsey had forwarded an email he received from Tom Neve, Bussing's Consultant, who asked that the Board review and sign this evening a Memorandum of Understanding he forwarded to Dempsey. Lewandowski told the Board that she has concerns with some of Neve's deadlines and requirements outlined in the Memorandum and asked that the Board read over the Memorandum carefully before taking any action on it. Lewandowski told the Selectmen that if they wish to discuss the Memorandum this evening, they will need to enter Executive Session inasmuch as a P&S Agreement has still not been agreed to at this time. Lewandowski suggested the Board would be best served to have town counsel review the document before the Board consider whether to discuss or take action at a later date. The Board agreed and Chairman Darke directed the Board's Assistant to forward the Memorandum of Understanding to Attorney Eichman for review and opinion.

EXECUTIVE SESSION #1

Moved Gorski, seconded Greaney, and it was

VOTED: To enter into Executive Session pursuant to MGL c. 30A, section 21(a) (3) to discuss strategy with Town Counsel with respect to pending litigation between the town and the City of Haverhill.

GORSKI, GREANEY, DARKE – "AYE" 3-0

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Chairman Darke declared that to meet on this matter in open meeting may have a detrimental effect on the litigating position of the town. Chairman Darke announced that the Board will return to Open Session upon the close of this Executive Session.

Executive Session was entered at 7:14 P.M. and closed at 7:43 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office. Selectmen returned to Open Session at 7:43 P.M.

EXECUTIVE SESSION #2

Moved Greaney, seconded Gorski, and it was

VOTED: To enter into Executive Session pursuant to MGL c. 30A, section 21(a) (7) to discuss revising accepted Executive Session Minutes from meeting of March 14, 2012.

GREANEY, GORSKI, DARKE – "AYE"

3-0

Selectman Gorski recused herself from this portion of the meeting inasmuch as the matter for discussion involves the Groveland Police Chief and Gorski has a son who is a member of the Department. Chairman Darke announced that the Board will return to the Open Session following the close of the Executive Session for the purpose of adjourning the meeting.

Executive Session was entered at 7:44 P.M. and closed at 8:00 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office.

Upon return to open session, moved Greaney, seconded Darke, and it was

VOTED: To announce that the Board of Selectmen voted in Executive Session to amend Executive Session Minutes dated March 14, 2012 by attaching thereto written statements prepared by Selectman Darke and by Selectman Greaney; and

VOTED: To release the Executive Session Minutes dated March 14, 2012 as public record.

2-0

Selectman Gorski returned to the meeting room.

Adjournment

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

VOTED: To adjourn. 3-0

Adjourned at 8:02 p.m.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant