



**BOARD OF SELECTMEN
AGENDA**

July 15, 2013

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

Acceptance of Minutes – June 17, 2013 & July 1, 2013, vote needed

Approve Warrants:	PW # 13-54	\$ 33,643.21
	DW #13-52A	\$ 24,883.38
	BW #13-53	\$ 109,506.84
	PW #14-02	\$ 132,590.87
	BW #14-01	\$ 316,437.21

AGENDA APPOINTMENTS

6:20 p.m. – Ruth Mattingly – to ask Board a few questions regarding the town's proposed/pending purchase of her property off Center Street

6:30 p.m. – Senator Bruce Tarr – update on pending Special Legislation (3-5 Selectmen); and Information on legislative process for renaming bridges

7:00 p.m. - Mike Dempsey – Conservation Commission – Enforcement issues on Marion Avenue, Lower Center St. and Sewall St. update

Note: Resident Anthony Dalton has requested appointment to the 3 year vacancy on the ConCom—appointment would be effective immediately through June 30, 2016

7:30 p.m. – Conservation, Open Space & Water Department -- update on Center Street purchases; status/sign purchase & sales agreements; and Natural Heritage and Endangered Species Program review of Center St LWCF grant applications update.

Note: Open Space & Trails Chairman requests appointment of Maura Bradford, Michael Davis and Fred O'Connor

NEEDS ATTENTION

Chairman to sign Bagnall bill submittals, if any

Board vote to authorize Chairman to sign State FY14 Formula Grant for COA

Review Correspondence, if any; take action, if needed

Appoint Call Firefighters as shown on list submitted by Acting Fire Chief through June 30, 2014

Appoint William Sheehan as Special Assistant to South Station through June 30, 2014

Request Board call Special Town Meeting for August 5th or 12th (see attached email from Attorney Hewig regarding approval of town meeting needed to settle with City of Haverhill regarding landfill

Selectman D'Amore – discuss “process for naming public structure”

Adjournment

Date of next regular meeting – July 29, 2013

MINUTES
BOARD OF SELECTMEN

July 15, 2013

Meeting called to order at 6:29 P.M.

Present Selectmen Elizabeth A. Gorski, Joseph R. D'Amore and Chairman Donald N. Greaney

All stood for the Pledge of Allegiance

Property Owner Ruth Mattingly

Mrs. Ruth Mattingly asked to be heard by the Board of Selectmen regarding the pending sale to the town of her property off Center Street. She read aloud seven questions/items concerning the sale of her property and requested that she receive a written response within fifteen days, a copy of which is attached hereto and made a part of these Minutes. Chairman Greaney informed Mattingly that her questions/comments will be reviewed and discussed with counsel. Mattingly told the Board that her property has been tested by EPA; that five test wells were clear; that the property had been used to ice skate, swim and pick flowers and she would like to have another place like that where the kids today can go. She told the Board that she wants to be held harmless and indemnified in the Purchase and Sale Agreement before she will sign the Agreement; that said indemnification will include herself and all members of her successors and assigns. She was adamant that nothing shall be built on the property; that it shall always be and remain completely open green space and not leased or used for any other purpose and that she shall have final approval of the plaque naming the David T. Dye. She also requested a copy of the appraisals for the Angelini and Bussing properties (land the town is also hoping to buy which abuts Mattingly's property). Mattingly thanked the Board for their time and stated again that she expects to receive a response within fifteen days.

Accept Minutes

Moved Gorski, seconded D'Amore, and it was

VOTED: To accept the Open Minutes of June 17, 2013 and July 1, 2013,
as presented.

3-0

Approve Warrants

Moved D'Amore, seconded Greaney, and it was

VOTED: To approve weekly Payroll Warrant #13-54 and #14-02. 2-1.

D'AMORE, GREANEY – "AYE"; GORSKI – "ABSTAIN"

Moved D'Amore, seconded Gorski, and it was

VOTED: To approve Deduction Warrant #13-52A. 3-0

Moved Gorski, seconded D'Amore, and it was

VOTED: To approve Bill Warrant #13-53 and #14-01. 3-0

APPOINTMENTS

Resident Anthony Dalton requested appointment to the vacancy on the Conservation Commission. D'Amore moved, Gorski seconded, and it was

VOTED: To appoint Anthony Dalton to the Conservation Commission, said appointment effective immediately through June 30, 2016. 3-0

Open Space & Trails Committee Chairman Alex Johnson requested appointment of Maura Bradford, Michael Davis and Fred O'Connor to the Open Space & Trails Committee. Moved Gorski, seconded D'Amore, and it was

VOTED: To appoint Maura Bradford, Michael Davis and Fred O'Connor to the Open Space & Trails Committee, said appointments effective immediately through June 30, 2014. 3-0

Acting Fire Chief Michael Kastrinelis submitted his appointment lists for call firefighters for July 1, 2013 through June 30, 2014. Moved Gorski, seconded D'Amore, and it was

VOTED: To appoint the firefighters on attached list submitted by Acting Fire Chief Kastrinelis, said appointments effective immediately through June 30, 2014. 3-0

Moved Gorski, seconded D'Amore, and it was

VOTED: To appoint William Sheehan Special Assistant to South Station, said appointment effective immediately through June 30, 2014. 3-0

Correspondence

Selectmen reviewed an email from town counsel William Hewig requesting the Board call a Special Town Meeting for August 5th or 12th for the purpose of the town voting to approve the settlement negotiated with the City of Haverhill for the town's use of the Haverhill landfill during the period of 1940/50 through the late 1970s. Chairman Greaney updated Selectman D'Amore on the matter, informing him of the investigation that was completed over the last few years prior to the town agreeing to pay \$700,000 settlement. Greaney told D'Amore that the payment will clear the town of any further liability. Selectman Gorski noted that the Board and counsel worked very hard to negotiate a fair settlement. Chairman Greaney stated that the insurance company has paid \$500,000 in legal costs since this case began; that the town was the only other entity that had a written agreement to use the dump and an expert determined that base on our size we would be found responsible for 10% of the use; that the City of Haverhill, Aggregate Industries and the town are held responsible for the clean-up costs. Greaney stated that our savings will be reduced by 50% because the town will pay \$600,000 and the insurance company will pay \$100,000; that the \$600,000 will be paid from Stabilization which will require a 2/3's vote. Moved Gorski, seconded D'Amore, and it was

VOTED: To call a Special Town Meeting for Monday, August 5, 2013 at 7:00 P.M. at the Bagnall School. 3-0

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Senator Tarr's Aide-Update on Special Legislation & information on Legislative Process for renaming the Congressman William H. Bates Bridge

Senator Tarr's Aide A. J. arrived at the meeting and informed the Board that Senator Tarr was unable to meet this evening. A. J. reported that a public hearing will be held on July 23rd for Bill #1799 (Increasing the size of the Board of Selectmen from 3 to 5 members); that Senator Tarr will support the Bill. A.J. told the Selectmen that they are welcome to join the Senator or submit written testimony; that the hearing will be held in Room A1. A.J. reported that once the Bill is approved the town will need to present the change on the town's ballot for town voters approval or rejection.

A.J. informed the Board that nothing has been filed with Tarr's Office regarding renaming the Bates Bridge; that the Bates Bridge will remain as such by statue in memory of the late Congressman William H. Bates. A.J. suggested if the town is interested in pursuing a name change, it should get in touch with the City of Haverhill and present their interest jointly if in fact Haverhill would be in favor of the change.

Several members of the town's veterans organizations were present as was resident James Dole who has been advocating on social media for support to rename the bridge after Stephen Krajewski, as local resident who was killed in the Vietnam war. Selectman Gorski reminded those present that there was an uproar in Haverhill when the Mayor suggested changing the name of the Comeau Bridge. David Tuttle asked if they could add on to the bridge name such as Congressman William H. Bates Veterans Memorial Bridge. A.J. suggested the interested groups form a committee with Haverhill and work on their interests and have the government bodies decide. Veteran Kenneth Hamilton suggested that if there was any single veteran named it should be the Medal of Honor recipient. Selectman Gorski responded that the Board is not looking to change the bridge name. Tuttle told the Board that they will talk to the VFW and American Legion members and report back to the Board. Resident Dole told the Selectmen that he has talked about re-naming the bridge; that soldiers that lived came home but those who died during the war did not and that there would be no better honor for their sacrifice to name the bridge after them; that there were only two from Groveland who did not return home alive.

A.J. told the Board and the residents that his office does not get involved with local agency's decisions. D'Amore commented that Dole makes a very strong argument for renaming the bridge. Chairman Greaney responded that the town doesn't own the bridge, that the State does; that we don't know where Haverhill stands with this or where the State stands on it; that we don't know if we have the right to be doing this. Tuttle responded that he doesn't know how many died but maybe they could make a plaque that could be attached to the bridge showing the names of those who died. Selectman D'Amore stated that the town doesn't own the bridge nor does Haverhill but they do have a right to look into renaming the bridge; that if the groups form a committee he would hope they would include everyone. A.J. told the parties that whatever they decide ultimately the State would need to know that there had been joint public hearings with sufficient public input. He told the groups that although there seems to be some conflict among them, they are not far apart and strongly suggested they get in touch with Haverhill and join with them. Everyone thanked A. J. for his time and information.

Conservation Chairman Dempsey – Enforcement Issues – Marion Avenue, Lower Center Street and Sewall Street updates

Conservation Chairman Mike Dempsey met with the Board and provided them with a list of Enforcement Issues the Commission has. See attached document dated July 15, 2013 and made a part of these Minutes. Dempsey told the Board they don't have a procedure for issuing fines; that it seems counter-productive to fine the town and that they work with the department as closely as they can. Dempsey

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told the Board that they have worked with one department due to complaints from a resident that the town was not maintaining culverts causing harm to his property. The department filed a Notice of Intent and developed a maintenance plan for the area; that the department failed to follow portions of the plan and the resident continuously calls and complains repeatedly; that the resident is asking the Commission to issue an Enforcement Order and fine against the town department but the Commission doesn't know if those steps can or should be done and for that matter, whether it would solve the problem.

Dempsey told the Board that they need a clear procedure for fining property owners when necessary; that they need legal advice on enforcing/fining town departments; and that they need a mediation routine with the Board when there are problems with other town departments to avoid the need for enforcement and fines. Selectman D'Amore stated he doesn't believe that a Board of Selectmen can be used for mediation or that its legally possible. Dempsey suggested it could be on an informal basis. Chairman Greaney suggested it's possible the Selectmen could help by talking with the parties involved in example 2; that he will try to meet with the parties involved.

Dempsey then gave an update on the Sewall Street Quarry. See attached one page memo Dempsey provided for the record. Dempsey informed the Board that the Commission will be holding a hearing on July 24, 2013 at Town Hall and reported that Chairman Greaney had given approval for him to speak with town counsel recently on this matter. Dempsey told the Board that they should be concerned because they will be the last board the Quarry owners will come to. Dempsey told the Board there are access and drainage problems on Sewall Street. Chairman Greaney asked whether the owners are wasting their time inasmuch as there is only a 40' right of way. Water Commissioner Sheehan stated that a 40' road is fine. Chairman Greaney authorized Dempsey to contact town counsel and ask him to attend the hearing on July 24th.

Conservation, Open Space & Water Commissioners-update on Center Street land purchases

Water Superintendent Tom Cusick told the parties that the last meeting with Natural Heritage was pretty positive; that they thought everything the town wants to do will be fine. Dempsey reported that the town is still in the running for the grants up to \$450,000. The State does not have a date for when awards will be made. Selectman D'Amore asked whether the town would know quicker if it had a signed Purchase & Sales Agreement and Dempsey responded no.

Dempsey reported that Bussing should be in place this week; that they are ready to have us sign. Dempsey stated he is not sure where Angelini is at; that they will meet on his property in late June. Engineer Woody Cammett was present and explained the process of what needs to be done stating he does not have any issues or concerns at this time. Water Commissioner Sheehan told the parties that Angelini is not happy; that there is a lot to do and Angelini is getting antsy. Sheehan suggested they need to get through DEP as quickly as possible. Selectman D'Amore asked whether there was anything the Board of Selectmen could do to help and Sheehan replied no. Water Commissioner Willet commented that Angelini has been very patient. D'Amore told Commissioner Sheehan that he is representing the town beautifully. The parties meet again soon for updating on the process.

Selectman D'Amore-Naming of Public Structure

Selectman D'Amore informed his fellow Board members that he had put together a draft of a process for nominating/considering/voting on the matter of naming a public structure and provided the Board with a copy of his suggestion, a copy of which is attached hereto and made a part of these Minutes. D'Amore asked for his colleagues input.

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Chairman Greaney asked why everyone is trying to name everything all of a sudden. Greaney pointed out that there are a lot of people who have done a lot of good things for this town and he doesn't know why they are even having this discussion. D'Amore responded that the Selectmen have a responsibility to hear from their constituents. Greaney responded that he doesn't think that is part of a Selectman's responsibility. Resident James Dole responded that the idea to name the addition at the Bagnall School after the late Donald Beaton was wholly his recommendation. Attached hereto is a letter dated July 1, 2013 submitted by James Dole regarding this matter. Chairman Greaney responded stating he too likes Don Beaton but he doesn't know why they are trying to put more names on a building that is already named. Selectman Gorski commented that Beaton did more for this community in her lifetime than anyone she knows; that Bagnall has always been a safe place and an extension of home and Don made that happen. D'Amore suggested that the Board should adopt his proposal or some other type of a process for naming structures so they have a means of dealing with these matters when presented with them. Selectman Gorski responded that she would like to think about this and talk with other towns about it .

Amendment to June 6, 2013 Minutes

Selectman Gorski asked that the third paragraph of the June 6th Minutes be amended as follows: " that Selectman Gorski stated she does not want to leave this open ended; that she wants Bob Lay to be comfortable and does not want the Chief's letter or other information placed in Lay's personnel file."

Moved Gorski, seconded D'Amore, and it was

VOTED: To amend the Minutes of June 6, 2013 as follows: Add to the fifth sentence of the third paragraph on page #2 after the word 'comfortable' the words "and does not want the Chief's letter or other information placed in Lay's personnel file." 3-0

There being no further business to come

Adjournment

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

VOTED: To adjourn. 3-0

Adjourned at 8:49 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant