



BOARD OF SELECTMEN AGENDA

August 26, 2014

6:00 P.M. - Call meeting to order
All stand for Pledge of Allegiance

Approve Bi-Weekly Warrants, votes needed

Payroll Warrant –	PW15-09	\$ 137,545.51
Bill Warrant -	BW15-09	\$ 336,590.06
Deduction Warrant –	DW15-07A	\$ 28,330.43

6:00 P.M. – South Station Fire Department personnel and Fire Chief to discuss Chief's Proposal for department equipment

Approve Property Use Permits, if any

Review Correspondence, take action if needed, votes may be taken

Review Correspondence, if any, vote(s) may be taken
Board vote needed to accept bond anticipation note in the sum of \$3,675,000.00 for Eastern Bank relative to the purchase of Bussing property on Center Street

Kopelman and Paige requests the Board's approval by vote consenting to the firm's representation of Whittier in regard to a law suit filed by one of the school's former employees. See attached email for information.

See attached Selectman D'Amore's report on his meeting on Sunday, August 17th with lower Center Street residents regarding trail project of Eagle Scout candidate Stephen Sample

Attorney Tom Donohue & representative of MIIA Jody Mills will be meeting with ZBA on September 3, 2014 at 6:30 PM. regarding the Haryslak case to update members. Would the BOS like to be updated that same evening either before his meeting with ZBA or during his meeting with ZBA. See attached email.

Decision on proposed policies, if any

Board of Selectmen – general discussion period, if needed

Adjournment

Date of next regular meeting: 6:15 P.M. - Monday, September 8, 2014

MINUTES
BOARD OF SELECTMEN
AUGUST 26, 2014

Meeting called to order at 6:00 P.M.

Present Selectmen Joseph D'Amore, William Dunn and Chairman Elizabeth Gorski

All stood for the Pledge of Allegiance

Candidate for State Representative

Long-time resident and former Board of Fire Engineer member Edward Watson introduced himself and told the Selectmen that he is running for State Representative in the Republican Primary on September 9th and said he hopes the people of Groveland will support him. Watson announced that he will be a full-time Representative; that he doesn't have a job to distract him and that he will stand up for the people and will hold regular office hour.; that people are going to know who he is and told those present that he is hoping to get some support. Watson thanked the Board for allowing him to introduce himself. Chairman Gorski thanked Watson for his announcement and announced that Lenny Mirra is the State Rep at this time and they invite him to come in and if he would like to say a few words before the election they will be happy to see him or anyone who is running for office if they want to stop by and tell the town about themselves; that the Board wants to be fair to everybody and thanked Watson again for coming by.

South Station Fire Department Personnel and Chief Lay -- to discuss Chief's proposal for department equipment

Chairman Gorski told those present that the Board had received a letter from the South Station firemen who were a little concerned about what the Fire Chief was proposing. Gorski told the men present that she wished they were able to discuss this over a cup of coffee or a lemonade without everybody coming in and being upset but, if the Board can work with them all to make things work harmoniously the Board will be happy to do it. Gorski stated that South Station, Central Station, they are all one Fire Department and they do a good job. Gorski asked the Chief if he wanted to take questions from the men; that she doesn't know how to do this exactly and wishes that they weren't having to do this. Chief Lay stood and went to the microphone. Gorski asked that they keep it congenial with no talking over one another and if they want to ask a question to ask it through this Board.

Lay started by saying he became the Fire Chief in October and in this sense it's a Strong Fire Chief which means he doesn't have a Board of Fire Engineers that helps him make decision; that he makes his own decisions. Lay told the men that that doesn't mean that he makes the decisions in a vacuum or without guidance because he has a lot of guidance because he has colleagues in the business which happen to be Fire Chiefs in all the neighboring communities. Lay stated that he works with the area Chiefs closely; that he attends all Fire Chiefs' meetings in the area and it's a great network for him to find out how other departments are run.

Lay stated he met with the Capital Planning Committee in the Fall to find out about long-range equipment needs; that he indicated to them that he was willing to revise his capital improvement plan by about \$800,000 over ten years; that it's a little reset to the plan they had, and a little

MINUTES-PAGE #2
AUGUST 26, 2014

change to how the Fire Department has been run over the last few years; that this is in no way an indictment of anybody in the past but what he will tell them is things change, and as things change, and the environment changes, and the community changes and conditions change, you would expect him to change and do something different. Lay said he responded to that and will tell them that the plan at a high level and he communicated this to all the officers, that the plan was to run at a two pump, one ladder configuration instead of a three pump, one ladder configuration; that it doesn't mean that they don't still have forestry trucks, ems type vehicles, etc., etc.; that they have other trucks that they depend on and use for certain applications.

Lay stated that in this case of the three pumps versus two pumps, in the case of two of the pumps are located in South Station, he characterized in a recent meeting with the Board of Selectmen that one was too big, and one was too old, and he apologizes if that was taken out of context but often times they need one pump out of that station; that they man one pump. Lay said when he's buying equipment for the pumps it becomes additive. Lay stated that this isn't something he's looking to do right away; that it's sort of a long-range plan. Lay told the men that they have two tankers, one with 2,000 gallons of water and the other with 3,000 gallons of water. He said that's a lot of water; that one is a couple of years old and they got it free through a grant; that the other is a little bit older. He told those present that they are heavy on tankers and have more than most communities need or have. Lay stated that last year they put a new water tank on line and have water in 95% of the town; that they have 180 homes outside of the water district. Lay told his men that this isn't about carrying around 8 to 10,000 gallons of water in case they have a fire outside of the water district; that this to him is about efficiency, economies of scale, return of investment, delivered value to the town of Groveland, being fiscally responsible to the taxpayers and giving them the most bang for the buck. Lay stated it's the right equipment, at the right time for this community, nothing more or nothing less; that if they're going to invest money, he wants to invest it in people and training because you can have all the equipment in the world but if you don't have the right people, and they're not properly trained, it doesn't happen.

Lay told the men that they can now ask questions or give their side or thoughts saying this isn't two sides, three sides, this is a work in progress; that he has talked to the Selectmen about this and said to the Finance Director about this is they don't on schedule change a truck until 2020, six years out; that he's gone in five; that's all he has left, so if in six years nothing changes and everyone wants to have a heavy truck fleet and want to maintain that, then nothing changes; that what he did say to the Finance Director and the Selectmen is that it's an opportunity to save a lot of money to accelerate the plan and get the equipment, save operational costs, maintenance costs, save training costs, save all kinds of costs, maybe unload a couple of trucks that have value today and get a new pump to replace those two trucks and be state of the art; that they have one truck that's unsafe; that the NFPA suggests that they don't put people in that truck. Lay stated there's a lot of stuff going on and he's looking at getting them there as quick as they can and realize savings as quick as they can.

Captain Greaney asked Lay whereabouts in the county are they using two pumps and a ladder and clarified to say from among their local peers around them. Lay responded Topsfield, Rowley, Georgetown, Merrimac, West Newbury who has a third pump down at Garden Street. Greaney asked the Chief what his ten year plan is and Lay responded it's driven by finance; that he talked with the Selectmen about this and it was the suggestion of the Board that he get

together with Selectmen, Finance Director, Finance Board and Capital Planning and have one meeting across the four disciplines, talk this through and say if there's really an opportunity to save money; that he thinks there is. Lay told the audience that every year you postpone the purchase of a truck, the cost goes up about 4 or 5%; that it's an average but when you're buying a \$4-\$500,000 vehicle waiting could cost you money; that currently they're not paying down any debt on apparatus. He stated it could be that the timing is right; that they are writing grants and would love to get a ladder truck for free; that the chances of getting a truck are extremely low; that they got lucky their first time out and did get a truck, but they can't hold a lot of hope on that, but the chance to accelerate the plan, make an investment and save money and reduce costs on the operational and maintenance side makes a lot of sense. Lay stated he doesn't train to run three pumps, he trains to run two pumps.

Captain Greaney asked the Chief in regards to replacing the ladder truck is it his plan in two years to buy a pump in two years, buy two trucks at the same time, what would be his plan and Lay responded that the ladder is the greatest need at this point; that it is the most unsafe, the most outdated; that they really need to get the ladder, they need one, they need the right ladder; that if they get a grant he would say they need to buy a pump as quick as they can, and if they don't receive a grant they would need to look at the whole thing; that it's a package and part of the work that they need to do is to determine the cost, offsetting costs of what will they save for maintenance costs, real hard costs. Lay said they need to get them there as quick as they can but also what makes sense for the town.

Greaney asked what the yearly cost is for maintaining the three pumps and Lay responded that preventive maintenance on one of the pumps is \$1,000; that they've had added costs on two and three recently and it's hard to say because it depends on what the repairs are. Lay said the trucks don't always have the same drivers; that some are skilled drivers and others aren't and that all adds to wear and tear on vehicles. Lay told Greaney he thinks they spend between \$12-\$15,000 a year on truck maintenance for the fleet, but will check and get back to him if the figure is different; that it certainly fluctuates. Lay told the men that if they all get behind this plan, which is what they need to do, then it's all of them coming in and saying they like the plan and they want to get there quickly. Lay said the economics of it is it may be way off and they wait it out six or seven years and buy another truck and continue with the status quo; that it doesn't make a lot of sense to him in a changing community and fire services changing which are incredible; that he feels they need to change with it and be responsible.

Captain Greaney told Lay that there is concern that they've been running with three pumps for over thirty something years and a lot of their surrounding peers do run with three pumps; that some have four; that it works out pretty well for them and his opinion is they always have two pumps in town if one is out for service or assisting another community. Greaney stated that the community is very diverse and continuing to grow and mature and the fire department has grown and matured 50 years since 9/11. Greaney told the Board that they are more than willing to work with the Chief but they are pretty confident on how they operate with all three pumps in the town; that they have a good plan on how they make things work; that during the day they have Engine 2 which is designed for either a short or big crew and pretty much handles everything; that it's a great support vehicle and does a lot of stuff. Greaney commented that Merrimac has asked him about that truck; that they are looking to get a similar truck and they have hydrants throughout their whole town which is kind of ironic. Greaney told the Board that

MINUTES-PAGE #4
AUGUST 26, 2014

those are their concerns and they are absolutely willing to work with the Chief to make things work but those are their concerns, especially the big financial ramifications down the road; that they are all taxpayers and don't want to tax the people too much; that he's sure the school will be looking for stuff also; that those are just the concerns they have as taxpayers and firefighters.

Lieutenant Tracy Gilford, town resident and member of the Fire Department for over thirty years spoke next. He told the Board that his concern when he heard the plan would be expedited was that the Fire Department would be placing their wants and needs over some of the other town departments; that they had their capital wish list in place when trucks would be replaced; that by expediting the plan by six years or so they may be taking something away from another town department that needs something more. Gilford said he supports the Chief in the replacement of the ladder truck; that when he first joined the department they had the 1942 ladder truck; that they move up to and 1968 ladder and now have a 1981 ladder that is need of a little TLC and replacement. Gilford told the listening public that they are a call department and there is no one at the fire stations unless they are training; that if a call goes to 911 it will take call firefighters two to three minutes to get to the station and another three to five minutes to get to most places in town; that the reason ladder 2 was designed with the extra water was in case they could only roll one truck during the daytime hours the crew could go in with 3,000 gallons of water and do a relatively good knock down if they were on short crew and couldn't hook up to a hydrant.

Gilford stated he was the pump operator the day of the recent Washington Street fire; that there were two other people at the station when he arrived and they rolled up to that house fire with Engine 2 with 3,000 gallons of water; that by the time the other trucks got there he was almost out of water and he would have run out if West Newbury hadn't arrived with their pump to pump the hydrant because that happens to be a dead end water line going up Washington Street. Gilford said they still have places in town like Uptack Road and Quakers Corner that do not have water supply. Gilford told the Chief he respects where he's coming from but he doesn't agree with him; that they wouldn't have come to this point this evening but at one point he did tell the Chief that he respectfully disagreed with his proposal and then the Chief gave him the look like somebody who just didn't want to hear it so Gilford said he added "I know, you're the strong Chief" and Chief Lay replied "yup, I am" and he walked away from Gilford.

Gilford stated that he's know all the men for many years and they all want to make this work for the taxpayers since they all are taxpayers; that if they get to the point where they are short trucked and they don't have enough water, it takes time for adjoining communities to get to here; that one of the things he is concerned with is if you have a major hurricane, or during the winter when you have a bad snow storm and you have extended delays of response time from neighboring communities, they can support themselves relatively good with what they have now. Gilford said if the Selectmen and Finance Board decide this is the right thing so be it, but he just wants to be on record that he respectfully disagrees.

Chief Lay commented that it's not up to him to determine if his needs are greater than anyone else's in this town; that there is wants and there is needs and what he wants first is for them all to get along; that what the need is an effective Fire Department; that at the end of the day the four committees/participants will all be fiscally responsible. Lay commented that it's not fair to stand there and match wits with Gilford; that 213 Washington Street burned down and how much water they had really didn't matter; that they drove by the hydrant, it happens, all the water in the world if they stopped at the hydrant; that he's not being critical of anybody; that he

MINUTES-PAGE #5
AUGUST 26, 2014

drove by the hydrant on Bare Hill Road when they lost the barn due to a lightning strike, it happens and said that it comes back to training; that it's all about the training and all about the people; that if they have proper training they don't drive by the hydrants and everything works the way it is supposed to; that this is not about trucks; that they have a lot of water and 95% of the house fires are extinguished with one effectively placed hand line and a few hundred gallons of water; that if you need 3,000 gallons of water on your house fire, it's not a good day for you; that that is a lot of water with today's building codes. Lay told the Board that it's hard to plan around some big catastrophic act of mother nature, but the County is responsible for that; that if it goes through Revere like it did, guess what, it didn't touch Everett and they sent personnel over so that's the way things work; that there's a plan for all of that all of the time. Lay said they had West Newbury, Newbury, Boxford and Georgetown at the recent fire; that they came from everywhere to help and that's the way it works; that you don't have to own all your own trucks, you need to own the opportunity to work with other towns, get them in quickly and ask for help and you get it; that they want to help us and we want to help them, that's the way it works.

Chairman Gorski asked if they do regional training and Lay responded that it is very difficult; that they do a lot of their stuff with the other towns; that it's harder to do with the cities because you run into organized labor issues. Gorski asked if the hydrant Lay spoke of that was driven by was the hydrant in front of 186 Washington Street and Lay responded yes; that he drove by the hydrant first, then Gilford drove by it next; that what happens is you're driving looking to your right at flames 20' in the air and not looking to your left for a hydrant when he had already told Gilford about the one he remembered at the end of Coleman Road. Lay added that they don't have the software today; that they don't have the technology where the Police Department is telling them where the hydrant is; that he has covered this with them, they were there first and could have said tell the Fire Department they are standing there and there are hydrants all over the place; that they have one or two fires a year and it's hard to get really good at it.

Selectman Dunn spoke telling the group that he read the letter that came to the Board and he believes there is a department problem; that he doesn't believe any of them should be there; that he's very outspoken and says it the way it is and feels there is a problem in that department; that Lay is the Chief, Gilford is a Lieutenant and they should have had this conversation over at the Station as grownup men. Dunn said that Gilford just said he spoke to the Chief and the Chief threw his hands up and Gilford probably thought that the Chief doesn't want to talk to him. Dunn told the men that the Department needs to work together better, forget the ladder trucks, forget the engines, forget everything because you have a bigger problem and that is just his opinion.

Deputy Kastrinelis asked to speak and told Dunn that he couldn't agree with him more; that he didn't expect to be there debating the plan; that he doesn't want to speak for the guys but his name is on the letter too and he's pretty sure the driving force behind the letter was that they all watched on television when the Chief told the Selectmen that everyone was on board and, obviously, that is not an accurate statement and he thinks that that was the driving force behind all this; that he agrees that they should be having this type of debate back at the station with all the officers or the four top officers. Kastrinelis told the Board that his concern from watching that on television, and what he believes is everyone else's concern, is that this was something getting legs under it; that it was going full steam ahead; that the last he had heard was that this was a concept and then the next thing he finds out on television that they are going forward with

MINUTES-PAGE #6
AUGUST 26, 2014

this and told Dunn that he hates using him as an example, but he was the one shaking his head like they should do this, like it's the right thing to do. Chairman Gorski responded saying that's not fair for him to say and he responded that it seemed like this moving forward quickly. Selectman Dunn responded that he understands but he thinks Chief Lay would tell him that he was kind of against him on it because he doesn't believe they need a ladder truck; that he owns equipment; that the Chief said to the Board that night that he had just put \$18,000 into that truck and Dunn said he feels that truck should be good until the next certification; that he knows it's an open truck but it got certified and it's good for three more years so he questioned if they need it now an Lay told him that every year they wait it's \$40,000 more and Dunn said he realizes that but do they spend \$18,000 to fix it and use it for three years or do they spend \$400,000, and that's what he was against. Kastrinelis responded that he agrees with the Chief on that and didn't mean his comments as a slight to Dunn; that the impression was the Board was very receptive to a plan that he had thought was in its conceptual stage and he learned on television that they were going off to the Capital Planning Committee and you all were going to get together and that was the concern.

Deputy Kastrinelis told the Board that he does have operational experience with the mix of the apparatus but he doesn't think this is the forum to sit there and tell them that he thinks Engine 2 is an important asset to the town and why it is; that that is a department issue for the strong Chief to make a final decision with input from his officers. Selectman Dunn responded that that was the point he was making earlier; that the men should have talked about this in the station and it would have been taken care of. Dunn added that if the Chief or all the men came to him and said the ladder truck has a crack in the boom and it's junk that he would have said fine, but it was presented to him that the truck was safe and certified for three more years, so if in three years they are ready to buy a truck then he would be ready to help them. Kastrinelis responded that he doesn't believe this is the forum tonight to address Dunn's concerns; that that is another night and Dunn agreed. Chairman Gorski told Kastrinelis that that's exactly what she had said to everyone before he had arrived, do they all really need to be there when they all could have been sitting together over a cup of coffee or lemonade, making decisions together; that what's best for the community and what's best financially for the town, are they top heavy with anything; that things change, fire services change, their training changes. Gorski said that they don't need to be there refereeing anything this evening and Kastrinelis responded that he couldn't agree with her more; that he didn't expect this to be a debate tonight; that they asked the signers of the letter to come in to discuss whatever the concerns were and didn't know the direction they were headed in. Gorski responded they did and they wanted the Chief present too because they can listen to five different groups and never get anywhere; that they are there to solve a problem and make sure things run smoothly and amicably and that they enjoy being firefighters.

Selectman D'Amore told the group that in sharp contrast to his colleagues, he welcomes any board or department if there is dissension, confrontation, he thinks it is okay for departments to reach out to the Board of Selectmen; that even though they aren't experts at it, use them as a sound off board or mediation unit; that it seemed to work pretty well a couple of weeks ago when there was a great deal of dissension regarding an Eagle Scout project and they brought people together and were used as mediators. D'Amore stated that he actually appreciates the fact that the Chief made a presentation and that he agree with the board's suggestion that they have another session and bring in the dissenting group which is those present tonight. D'Amore stated that the second part of this conversation is very difficult to follow because on one side it is

MINUTES-PAGE #7
AUGUST 26, 2014

fiscal and financial, then within the same sentence or within the same paragraph it goes to the other side and becomes operational; that as he is listening to the Chief and all of the men, and he respects all of them, he finds it hard to follow; that whether they are supposed to be there or not they are there so now he is going to ask a question. D'Amore said it seems like there is three pieces of equipment, Engine 2 which has 3,000 gallons, Engine 3 and the Ladder; that it is safe to say that everyone is in agreement that they need a ladder; that it's also safe to say that everyone is neutral on Engineer 3; that what is interesting to him and it will be a question to the Chief and anyone else that would like to chime in, is that Engine 2 seems to be the bone of contention; that by removing it and replacing it, and he's not worried about the fiscal side because he thinks they are all going to do the right thing fiscally; that if they need apparatus they are going to figure out how to finance it, but if they remove Engine 2 and lose a 3,000 gallon fire apparatus which is useful to respond quickly to a fire while the rest of the department or mutual aid arrives and gets plugged in to either a pond, a stream or a fire hydrant do they have an operational response to the loss of that equipment? Is there a way they can train or do things differently so that they do not weaken their rate of response?

Chief Lay responded that he will give him the short answer and take the ladder out of the equation; that this is Engine 1, Engine 2 and Engine 3, they have 3 Engines, then they have a tanker which has 2,000 gallons of water, so if it is about shuttling water to the scene quickly, they have a lot of opportunity to do that; that they bought a tanker three years ago that holds 2,100 gallons; that Engine 2 is the slowest truck in the fleet but was the right truck when they got it years ago; that when he tells them that the town has extended its water system and put another water tank in, they have water in town; that they are very skilled at shuttling water to homes outside the water district; that they practice this and are good at it. Lay told the Board that a number of guys that are new and at South Station can't drive Engine 2 because it's too difficult to drive and is too big of a truck. Lay said getting rid of Engine 2 simplifies them, makes them smaller, faster and reduces cost so they are not giving up any operational expertise; that they could go down to one pump and he could train the guys how to live with that; that this is the right mix at the right time and he will convince them of it.

Lieutenant Joe Santapaola told the Selectmen that the men are on board with the new ladder truck and are on board with maybe replacing Squad One. The Lieutenant gave kudos to the Chief for getting them new gear and various training such as medical being back on track; that this is all good stuff and they are not trying to pick on the Chief; that he was upset hearing the Chief tell the Board that the officers were all in on his plan because they're not; that he would like to continue discussion in a different forum rather than in public so it doesn't look like they are feuding with one another because they are not; that they all work well together and if they are needed they will be there.

Captain Ruchala spoke and told the Board that they did have an officers meeting where the Chief informed them of his plan and said if anyone has any fact based information why they should maintain what they have or change, please see him; that the characteristic that this was not discussed that they had discussed it and he wanted to clear that up. Ruchala told the Board that in the late 90's they eliminated a pump and there was no discussion, no asking of opinions, that it just happened; that one day one truck failed and it was gone and they were down to three pumps; that they used to run four in this town. Ruchala corrected Selectman Dunn's stated about the truck being certified for three years telling him it gets certified every year, not for three; that once it goes out on the t.v. and they hear it from the Board of Selectmen that the truck is

MINUTES-PAGE #8
AUGUST 26, 2014

certified for three years, it becomes fact for a lot of people in town so he cautioned everyone that they know what the dates are before making public comment. Ruchala stated that he heard someone say that the truck is used twice a year and he stated that is incorrect; that the truck is used all the time. Selectman Dunn apologized if he misspoke about the certification but thought that was how the Chief presented it when he met with the Board. Lay told him maybe he didn't explain himself well and stated that all the equipment is tested and certified annually; that the ladder should be good for three years but how do you know what will happen; that he characterizes that truck as his new money pit because it could be. He asked when do you say enough is enough; that he would like to get out ahead of it; that it is running pretty good right now

Chairman Gorski told the men that she is glad they all came in; that she hopes they will continue to meet and discuss it amongst themselves; that they are not in a hurry yet to do this, it's a long range plan, but if something should happen they would have to address it immediately. Gorski stated that she thinks public safety is a priority and doesn't feel that they should ever neglect the equipment they have and training that they all need; and that she hopes that someday when things are more orderly they will be sitting with the Finance Board, Capital Planning and all of them present this evening. Gorski told those present that she really appreciates them all coming in; that she thinks it was a good meeting and that they learned a lot from each other

Selectman Dunn commented that if the ladder truck went down tomorrow they have mutual aid; that Georgetown, West Newbury or Haverhill would come, and Lay responded correct. Lay said when the Ladder was out of town for a month that he had Georgetown as automatic aid; that they don't have to call them, they come automatically on certain types of calls; that they once relied on Georgetown for a year but you can't expect that to last forever but certainly there is coverage when needed and the others respond appropriately.

D'Amore told the group that the strong Chief law is a unique circumstance for our town and they all should be reminded that it was the vote of the people and, however, the strong Chief in his opinion should never be construed as system where dissent is eliminated because they still live in a democracy; that he welcomes this type of discussion where there is differences of opinion, but his hope and expectation is that this management of dissension and differences in opinion will lead to good strategic decisions for the town and done less and less in front of the Board and more on their own; that that is his hope; that they can't tell them to do that, but they are hoping to see the leadership more inclusive of all its members in making strategic decisions and testing ideas so that they don't eliminate dissent but quietly manage it for the common goal of doing what's best for the town. D'Amore thanked the men for coming in and thanked the Fire Chief and told him he added a lot to his understanding.

Chairman Gorski told the men that it was a good discussion and she doesn't want anyone to think they don't have a place to be heard; that there's no doubt they are steeped in tradition; that people love their Fire Departments, there's no doubt about it.

Approve Warrants

Moved D'Amore, seconded Dunn, and it was

VOTED: To approve Payroll Warrant #15-09.

D'Amore, Dunn – "Aye"; Gorski – "Abstain" 2-1

Moved D'Amore, seconded Dunn, and it was

VOTED: To approve Bill Warrant # 15-09. 3-0

Moved D'Amore, seconded Dunn, and it was

VOTED: To approve Deduction Warrant #15-07A. 3-0

Bond Anticipation Note

The Board reviewed Bond Anticipation Note in the sum of \$3,675,000 for Eastern Bank relative to the purchase of Bussing property on Center Street. Moved Gorski, seconded Dunn, and it was

VOTED: To approve the sale of \$3,675,000.00 at 0.75% interest General Obligation Bond Anticipated Note of the Town dated August 27, 2014 and payable June 19, 2015 to Eastern Bank, at par, plus the Premium of \$11,207.93 3-0

Moved D'Amore, seconded Dunn, and it was

FURTHER VOTED:

That in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 12th, 2014 and the Final Official Statement dated August 20, 2014, each and such form as it may approved by the Town Treasurer be and hereby are ratified and confirmed, approved and adopted; and it was

FURTHER VOTED:

That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a Significant Events Disclosure of Understanding in compliance with SEC Rule 15C2-12 in such form as may be approved by Bond Counsel to the town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time; and it was

FURTHER VOTED:

That we authorized and direct the Town Treasurer to establish Post Issuance Federal Tax Compliance Procedures in such form as the Town Treasurer and Bond Counsel deem sufficient or, if such Procedures are currently in place, to review and update said Procedures in order to monitor and maintain the Tax Exempt Notes status of the Notes; and it was

FURTHER VOTED:

That each member of the Board of Selectmen, the Town Clerk, and the Town Treasurer be and hereby are authorized to take any and all such actions and execute and deliver such Certificates, Receipts or other documents as may be determined by them or any of them to be necessary or convenient to carry into effect the provisions of the foregoing votes. 3-0

Request from Kopelman and Paige

The Board reviewed an email request received from town counsel asking that the Board vote their consent to the firm's representation of Whittier Vocational & Technical School in regard to a law suit filed by one of the school's former employees. Moved Dunn, seconded D'Amore, and it was

VOTED: That the Board of Selectmen consent to Kopelman and Paige representing Whittier Vocational and Technical School in a law suit filed by one of the school's former employees. 3-0

Haryslak vs. Zoning Board of Appeals

The Board's Assistant informed the Board that Attorney Tom Donohue and MIIA representative Jody Mills will be meeting with the Zoning Board on September 3rd at 6:30 PM to update on the Haryslak case and asked if the Selectmen would like to be updated that same evening.

Moved D'Amore, seconded Dunn, and it was

VOTED: That the Board's Assistant arrange for Attorney Donohue to meet with the Board to give them a summary overview and update at 6:00 P.M. on September 3rd; that the discussion will be in Executive Session prior to his Executive Session with the ZBA. 3-0

Chairman Gorski asked if there would be a conflict for Dunn being on the ZBA and now a Selectman. The Board's Assistant suggested that she will speak with Attorney Donohue to clarify if there would be an issue. All agreed.

Eagle Scout Project update

Selectman D'Amore provided the Board with a written report on his meeting on Sunday, August 17th with lower Center Street residents and Eagle Scout candidate Stephen Sample regarding the trail project he had planned to earn his Eagle Scout badge. The Board had authorized D'Amore to attend a meeting with the neighbors and the Scout at the site in an attempt to mediate a solution. D'Amore gave the following summary for the public:

D'Amore informed the Board that there is some disagreement amongst the neighbors to allow the project and he thinks there was general agreement even before that Sunday that if there was an opportunity to address the actual concerns that would be some progress. D'Amore reported that the concerns are significant, i.e., public safety, loitering, fire safety and trash management were the issues that were discussed; that there were several points of acceptance by the neighbors that if the following conditions and actions were completed the project would be acceptable; that they made a list of the things that are acceptable to many, not all, of the neighbors, which are: boulders are placed to restrict access by ATVs; no open fires; signage is an idea; no hunting or restricted hunting schedule with signage; no trespassing signs; a dawn to

MINUTES-PAGE #11
AUGUST 26, 2014

dusk restriction; and trail markers that would lead users down an established path that would route the furthest points away from people's homes. D'Amore told the Board that those were the highlights and that he felt the meeting was successful because they were able to get people together with differing opinions and dissent between them, to begin building some common understanding of the project and common ground.

D'Amore told the Board that he agreed with the neighbors who did not receive adequate notice or any notice that the experience on August 17th was important because they actually saw with their own eyes the actual project and that was very helpful.

D'Amore told the Board that what he needs from them tonight is a vote from them on what he told the Eagle Scout candidate, which was to cease all work on the trails project to allow for a cooling off period so the neighbors can reconcile their position; that this was recommended by one of the neighbors that they have a cooling off period and relook at it next Spring; that he had asked Stephen if he would be willing to do this and return on spring break next year to review everything with the neighbors; that everyone seemed to be in agreement with that.. D'Amore told the Board that the Scout Council had reviewed the project and Sample has his badge. Selectman Dunn asked if the conditions are what Stephen needs to meet for the neighbors to agree and he won't be able to do them until the Spring. D'Amore responded that's correct because he has left for college and won't be back until the Spring.

Chairman Gorski asked if they need to be so rigid with the list of things Sample is being required to do and asked if any of the rules were being imposed on land in Haverhill. D'Amore told her they were not.

Dunn suggested asking the Highway Department to mow down about 10' of the tall weeds at the edge of the parking area where people would need to walk to get up to the trail; that if the area was cut down he thinks there'd be less littering. Dunn also stated that he would not want to be the one to tell the young man he has to do certain things but doesn't have a problem with the cooling off period.

D'Amore moved, Dunn seconded, and it was

VOTED: To confirm Selectman D'Amore's directive to Eagle Scout candidate Stephen Sample to cease all work on the trail system at lower Center Street and reconvene in the Spring of 2015 to allow for a cooling off period for the neighbors so they can reconcile their position.

3-0

D'Amore told the Board that on their responsibility to the owner of the land which is the City of Haverhill, that everything he has read they did say they were going to say okay to the project as long as the neighbors were notified and satisfied to some degree. D'Amore told his colleagues that he thinks they need to notify Haverhill that there is some dissension with the neighbors and these are the steps they have taken to remedy them, and he thinks it's just a simple matter of sending Haverhill a copy of his report, and ask if they would like him to make a presentation to them or whether they would like to come to one of the Selectmen's meetings to discuss it. Gorski asked if they could just let Rob Moore of Conservation know that Selectman D'Amore went out there, had a meeting with neighbors; that the Board is only concerned with what goes

MINUTES-PAGE #12
AUGUST 26, 2014

on in Groveland but as a courtesy the Board would like them to see. Selectman D'Amore responded that it's a great idea and Selectman Dunn responded that he thinks they will be opening up a can of worms; that he thinks they should let it lie until Spring like was agreed by the neighbors. D'Amore stated that if the neighbors decide sometime in the future that they want to terminate the project they can go directly to Haverhill or they can ask the Board to do that.

Chairman Gorski asked that they hold off notifying Haverhill until the Board has had a chance to think about how to best handle this matter; that whether they should notify Haverhill or wait until Spring before doing so.

D'Amore told the Board that he feels it was a good meeting; that there was more agreement than disagreement by a significant majority on the specific points that needed to be addressed to make the entire project acceptable; that there was an agreement to reconvene in the Spring; that there was also a comprehensive agreement that no neighbor would wish the candidate not to receive his badge; that on balance it was a good opportunity to get people together to work out the problems.

D'Amore told the Board that some of the neighbors mentioned they don't wish Police Department to call if there is a problem on the Groveland side of the trails and the perpetrator proceeds to the Haverhill side of the trail. D'Amore stated he would like to hear from the Police Chief or his representative as to how Police Departments can pursue an investigation or some type of public safety action when they crossing city/town lines

D'Amore also expressed the neighbors' concerns that some of the trail points are a good distance from hydrants and they were concerned how fire apparatus can go into the woods to fight fires. D'Amore stated he would love to have an opportunity for the Fire Chief to come in and talk to them about this concern.

Other business

Selectman D'Amore told Chairman Gorski that he was appointed to represent the Groveland Board of Selectmen on the Regional Finance Committee and there is a meeting scheduled for September 25th. D'Amore told the Board that he is planning to attend a Conservation Commission meeting that night and asked Chairman Gorski if she is available to attend and represent Board; that the meeting will be held at the Middle School; that there will be a Selectman from each of the three towns, the three Finance Directors and the Superintendent. D'Amore told her that they are always good meetings and that this one will probably be the first roll out of budget talks.

Selectman Dunn told the Board's Assistant that he was told that Selectman D'Amore shouldn't go to the Conservation meeting and asked her opinion. Lewandowski responded that she doesn't know what the meeting is about and Dunn replied it is about him and he doesn't want to start a problem. The Board's Assistant told Selectman D'Amore that she believes it would be best that he not attend. He asked even if they post a Selectmen's meeting, that he was going only to get information. Lewandowski responded yes, that she doesn't believe that posting a meeting would prevent an issue occurring, but also that D'Amore had mentioned in his email to her that he was planning to speak. D'Amore agreed not to attend the Conservation meeting then stated he wouldn't speak. The Board's Assistant said she doesn't know all the facts but

MINUTES-PAGE #13
AUGUST 26, 2014

doesn't think he should attend whether he speaks or doesn't speak if the meeting is related to fellow Selectman Dunn, but she will ask someone to be sure. D'Amore told Chairman Gorski that if he ends up going to the Regional meeting she should join him anyway; that it will be a good meeting. D'Amore then announced he will attend the Regional Finance Board meeting and would love for Chairman Gorski to join him and she agreed and told the Board's Assistant not to bother asking anyone about whether it would be appropriate for him to attend the Conservation meeting. D'Amore asked that she post a meeting of the Selectmen because both he and Gorski will be attending the Regional Finance meeting.

The Board received an email from Bagnall Building Committee member John Osborne complaining about the Road Commissioner not doing some of the needed work at the school site. The Board's Assistant told the Board that she feels that the Board doesn't need to take action on Osborne's complaint; that it is between him and the Road Commissioner. She also told the Board she has a different take on what he is suggesting; that she was in the office a week or so ago when Osborne came in and spoke with the Commissioner and Arakelian had told him he could do for them and when Osborne left the office happy and laughing and then she received the email a couple of days later. She told the Board that Arakelian had already ordered the catch basin and told her today it had been delivered; that she doesn't know if Arakelian had agreed to do everything on Osborne's list because he had told him there were some things he didn't agree with nor did he have time because his guys were busy with other work. Selectman Dunn responded that he watched the Bagnall Building meeting on t.v. and he knows they were trying to find loam for behind the school; that he knows there is a lot of loam left up at the Middle School but he thinks some think some are supposed to do more than they are supposed to do and it's not a great understanding of what is going on, but it needs to be resolved. Lewandowski responded that Arakelian was working directly with John and John wants things done immediately Arakelian is busy with other things and doesn't return John's call right away so he gets irritated but everybody is asking the Highway Department to do everything; that last week Bob's guys were out putting up traffic barriers for the road race; that they do everything and they don't have enough time to do it all.

Dunn asked if there is anything in the email that the Board is responsible for and their Assistant responded no; that the committee decided they want it done and are trying to save money so they are relying on the Highway Department to do the work. Dunn commented that it is a big project; that he doesn't think the Highway has much money. Lewandowski responded that it's not a case of money because they have money to buy whatever they need; that it's a time issue; that the Highway Department has their own work to do and now they have been starting on the Pine's Rec Area because they have a deadline for some of that work down there; that you have three guys and a short period of time to get everything done; that all the mowing they have to do now takes up a guy's day, a couple of days actually.

Selectman D'Amore told the Board that he had asked Osborne to give them some bullet points as to what his needs are to finish up the project and to send it to Board's Assistant for distribution to everyone; that he did respond with the following items so he thinks the only course of action would be the Chair through the Board's Assistant give the bullet point list to Arakelian and have him respond directly to Osborne as to what he can do and when he thinks he can do it and he is sure that the response may not be at the pace that Mr. Osborne would like, but he trusts in both of the men; that they both care about this town; that they don't do

MINUTES-PAGE #14
AUGUST 26, 2014

anything for themselves, and he trusts the management ability of Arakelian to tell this is what they can and cannot do and in what time frame. D'Amore asked that Arakelian deliver the information directly to Osborne and if they feel they need to come before the Board so that they mediate the discussion, he is all in favor of that.

Chairman Gorski asked Dunn if he feels that there is a hefty amount of work there and Dunn agreed. He told the Board that after watching the meeting on t.v. that the Board wasn't in agreement as to whether they should put loam down on the fields or put in an irrigation system; he thinks that some areas may need loam and some don't and he thinks they should get a professional in there to tell them what's going on; that just what he knows of they are probably looking at least a minimum of 300 yards of loam to do that area the right way; that the irrigation system could go as high as \$20,000. Dunn told the Board that Arakelian had said when Rt. 97 gets done he was planning on taking the tailings to do the school parking lot and Dunn thinks the committee is getting impatient and wants to get the parking lot done; that Arakelian told him the project has been delayed. Dunn stated that he thinks it's a big project and would probably take two weeks to get it done.

The Board's Assistant told the Board that she was told the catch basin is either in or coming in soon and they would install that when it arrives; that he told John they would take care of a parking area he was concerned about; that Bob told her that the problem with putting down loam for the fields and area behind the school that once they fix them the school doesn't take care of them and they are ruined quickly. Selectman Dunn responded that he can vouch for that; that when he did it the work for Bob there a few years ago, they gave the school a water cannon and they used it for two weeks and shut it down because it was a pain to move it around; that that was the end of it because once you stop watering it burns up and grubs eat the grass and it's gone. Dunn told the Board that with a major project like the recent Bagnall project it needs to be maintained. Dunn suggested to ask Bob to look at the list, tell the committee what he can do and they can hire an outside vendor to do what he can't. Lewandowski told the Board that Arakelian has saved the Building project a lot of money; that his men have done a lot of work down that and the building project does not pay their wages when working there. Arakelian will be asked to let Osborne know what he can and can't do for them.

Chairman Gorski discussed the Expense Reimbursement Policy the Finance Director recently developed and asked the Board's Assistant how it had been received. Lewandowski told her that several people aren't pleased with it because the Finance Director is asking to see credit card statements if something is charged on a personal credit card but purchased for the town. Several employees are upset about that; that the form also requires information be provided for mileage reimbursement and some people are upset about that; that the Finance Director is standing her ground and have told those employees if they want to be reimbursed they must provide the information; that this is required by the auditors and the town has been lax in the past. Gorski commented it would be on her head if she doesn't receive the information required and Lewandowski agreed saying that the Finance Director is the one who answers to the auditors and the Department of Revenue. The Selectmen all said they thought the policy was really well done. Selectman D'Amore read it aloud for the public's interest and said the town need's a lot more policies in this town. Lewandowski told the Board that the Finance Director is only trying to make improvements for the town.

MINUTES-PAGE #15
AUGUST 26, 2014

D'Amore requested that the Chairman allow for discussion for probably two meetings, a discussion of how they can ensure that all employees are subject to random drug testing, and also how all employees are Cori checked; that he understands that employees who work for the town and are part of a collective bargaining agreement, that he believes they may have their own system for Cori checking; that he's not sure about random drug testing; that he knows there are three facilities locally, Quest Diagnostics on Summer Street in Haverhill and Pentucket Medical Associates in Haverhill, and also the Hospital; that they would all be available, and he knows that there is a whole procedure involved with that and it's very legal and he thinks it's a great way for them to ensure that their employees are safe and the public is safe, and also will address the question of liability and that it will also help manage some of the ugliness in town because he knows there are innuendoes out there that people are doing bad things; that if they do have a drug testing policy he thinks that would take care of a lot of problems.

D'Amore said he thinks that Cori checking today is just a sign of the times; that he knows teachers who have to pay for their own finger printing for example; that Cori checks are mandatory. D'Amore told his colleagues he would also like to see Cori checks for contractors and sub-contractors.

The Board's Assistant informed the Board that the town has a drug testing policy in the collective bargaining contracts and for certain departments where certain licenses are required such as Water/Sewer, Electric; that the Police and Highway have them through their Union contracts; that they require either random testing or if there is suspicion that there may be a problem; that she's not sure if the town can mandate that all employees be random tested without suspicion or cause; that she would have to check on that. Selectman Dunn explained that contractors driving equipment are required to have a medical card and in order to get it they need to be tested for drugs; that if they have the card they are clean; that most people that drive trucks and construction equipment have medical cards.

Selectman D'Amore responded that they may have to do nothing but they should look at what they have so they are not leaving gaps, exposures and liabilities to the town and to the public in regards to contractors, sub-contractors, and employees who may not fall within one of the departments that have the drug testing requirement. The Board's Assistant told the Board that she is going to have to do some research and possibly speak with town counsel about some of what Selectman D'Amore is proposing.

Lewandowski told the Selectmen that in regards to Cori checking; that the Council on Aging Director does that for her department because her employees and volunteers work with the elderly; that the Police Department has always done their own; and that she believes the Board recently designated the Finance Director to be the Cori Officer for all other employee checking; that she knows she has recently checked on the new employees for the library; that she's not sure if she ran checks on current library employees or if she is doing current town hall employees. D'Amore asked that when this discussion is placed on an agenda he would like the Finance Director to be present for the discussion; that there's no hurry; that he would like it on an agenda by the end of the year.

Selectman Dunn reported he received a telephone complaint that the flags on the telephone poles are torn. The Board's Assistant told him that would be Electric Department and that she will report it to the Manager.

MINUTES-PAGE #16
AUGUST 26, 2014

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

VOTED: To adjourn.

Adjourned at 8:00 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant