



BOARD OF SELECTMEN
AGENDA

September 8, 2014

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

Approve Warrants:

PW # 15-11	\$ 129,359.52
DW #15-09A	\$ 23,805.46
BW # 15-11	\$ 4,511,207.34

NEEDS ATTENTION

Approve Property Use Permits, if any

Chairman to sign Bagnall bill submittals, if any

Review and Approve Special License(s), if any

Correspondence

Board of Selectmen –

AGENDA APPOINTMENTS (Votes may be taken)

6:20 p.m. – Bob Arakelain, Roads Commissioner – Ch. 90 Request for Paving

6:30 p.m. - John Clement, Acting Fire Department Clerk – at Board’s request to discuss current Clerk position

6:45 p.m. – Salem Street resident Joseph Ryan – to discuss public safety issue on Salem Street

7:00 p.m. – Building Inspector, at Board’s request re discussion/review of Building Permit issued for former Esty Lumber property

SELECTMEN’S TIME

Use this time to make statements, propose future agenda items, or congratulate residents/teams on accomplishments; this time should not be used to initiate a discussion.

Date of next regular meeting – Monday, September 22, 2014 @ 6:15 PM

Workshop Session with Planning & ZBA – Monday, September 15, 2014 @ 6:30 PM
(continue review/discussion for Zoning Bylaw rewrite)

*BOARD OF SELECTMEN
MEETING MINUTES
Monday, September 8, 2014
6:15 p.m.
Groveland Town Hall*

A meeting of the Board of Selectmen was held in the Groveland Town Hall on Monday, September 8, 2014, Chair; Bette Gorski opened the meeting at 6:17 p.m.

Attendance: Chair, Bette Gorski, Selectman Joe D'Amore, Selectman Bill Dunn, and Finance Director Denise Dembkoski.

6:18 p.m. – Bob Arakelian, Roads Commissioner – Ch. 90 Request for Paving - Request by Bob Arakelian for approval of release of Chapter 90 funds to complete paving work. Application and required forms reviewed and signed by board members. Approved 3-0 on a motion by Selectman Dunn and seconded by Selectman D'Amore.

Approve Warrants:

Motion by Selectman D'Amore to approve payroll warrant 15-11 for \$129,359.52, seconded by Selectman Dunn, Motion passed 2-0-1. Bette Gorski abstained

The Board voted unanimously on a motion by Selectman D'Amore to approve deduct warrant 15-09A for \$23,805.46..

The Board voted unanimously on a motion by Selectman D'Amore to approve bill warrant 15-11 for \$4,511,207.34.

Discussions:

6:30 p.m. – John Clement, Acting Fire Department Clerk – at Board's request to discuss current Clerk position – Discussion with former Fire Chief and current Fire Department clerk on current status of his position. Current engagement of duties reduced to approximately 8 hours per month. The position has been reduced by the Chief Lay due to implementation of new administrative and clerical software. Mr. Clement expressed concern that a "check and balance" for purchases and budget-line items has been lost since clerical functions have been re-routed to other fire department personnel Mr. Clement reiterated -from past meetings- his concern that certain purchases may be inappropriate and that without a clerk this may continue. Finance Director Dembkoski informed the Board that she will continue to review all purchases and that all departments and purchases - including the fire department - fall under the auspices of audit requirements.

Selectman D'Amore indicated his satisfaction with the Finance Director's role and auditing resources as adequate to provide adequate oversight. Selectman D'Amore also believes that the officers of the department provide a level of "check and balance" through their willingness to engage directly with the BOS in alerting of matters of concern, including financially important issues pertaining to the clerk's function

Selectmen Dunn and Gorski questioned Mr. Clement on further clerical function details and provided support to Chief Lay for transferring substantial role and duties to other department personnel who are supported by new software

It was discussed and subsequently unanimously voted by the board on a motion by Selectman D'Amore to terminate the fire department clerk position. The Board thanked Mr. Clement for fulfilling the board's request to assume the position of clerk for a transition period. Mrs. Kathleen Kastrinelis announced a retirement party for Mr. Clement and his long-time service to the town as Fire Chief in March of 2015.

6:50 p.m. – Salem Street resident Joseph Ryan – to discuss public safety issue on Salem Street –

Selectman Gorski recused herself from this portion of the meeting citing conflict of interest due to a) Officer Eric Gorski has been one of several officers over the years who has responded to calls and grievances from Mr. Ryan b) She is a customer of Mr. Greenwood.

Dispute and Mediation of Discussion between Mr. Joseph Ryan and Mr. Rick Greenwood

Mr. Ryan made a presentation with extensive photos, court orders, orders of condition documents and plans police reports - accumulated over 27 year period - to establish various grievances as abutter to Mr. Greenwood's auto business. The central issue of concern is an obstructed view at the end of his driveway which may create a safety hazard for when he leaves his driveway. Mr. Greenwood provided an extensive history of dispute with Mr. Ryan and is of the opinion that no resolution of any matter is possible because Mr. Ryan is not willing to accept any condition for addressing a concern/issue fairly. He suggested that pursuant to a past court action, a judge suggested to Mr. Ryan that he move/sell his property if he cannot achieve satisfaction with living next door to an auto business.

Selectman D'Amore offered to mediate a discussion on the location between Greenwood property and Mr. Ryan's property. He will report to the board - in writing- of his findings and outcome, if any. Selectman Dunn reiterated the position of asking the two men to resolve their differences without litigation.

7:16 p.m. – Building Inspector, at Board's request re discussion/review of Building Permit issued for former Sty Lumber property

Discussion with the Building Inspector Pat Schena establishing his assessment that all building activity is fully supported by compliant and appropriate oversight on the former Esty Lumber property.

Selectman Dunn provided a brief review of the ZBA order related to the property and established that there are no concerns with the order. The concern is centered on the Building Inspector's oversight and Selectman Dunn asked the Building Inspector what permit or set of permits were active .

Building Inspector Schena indicated that a General Permit had been issued and that through numerous site inspections all building activity - in progress - or - completed ,

are fully compliant with building code and meet all requirements of the Zoning Board decision specifically issued to the owner of the property, Mr. Eric Harper. Representatives of Mr. Harper's team and Mr. Harper provided information regarding their compliant profile related to activity as well as a brief history of his intervention on the property to bring it to a productive standard that will bring value to the surrounding community

Mr. Harper also went on to say that he is fully committed and capable of meeting all code requirements

Fire Chief, Bob Lay and Fire Captain Kurt Ruchala provided a contrary presentation indicating that there are certain violations of fire protection orders and code provisions. Chief Lay has alerted the board all affected boards regarding his concerns in writing (attached)

Selectman Gorski questioned Chief Lay on the particulars of his written concerns and cautioned Building Inspector Schena that compliance on the property is to be comprehensive to a degree where all code requirements bracketed by state and local laws; that is both building and fire – are to be satisfied

Selectman Dunn expressed concerns that there needed to be a reconciliation between what Mr. Harper and the Building Inspector 's positions were (that all activity in progress- or completed is compliant) and the Fire Chief's position that some activity in progress- or completed- is not compliant

Selectman D'Amore offered two solutions a) General permit is rescinded and replaced with individual building permits allocated to each building b) and/or a full code review is conducted in the interim. Neither of these suggestions was supported by the Building Inspector.

Mr. Harper announced that he will hire a fire engineer as a consultant to prepare a report and detailed plan to ensure his compliance to fire code.

Chief Lay requested that any such report or plan be accompanied by certified site plans to allow for a comprehensive review that will lead to a fire protection plan for the property and surrounding community

All parties agreed to an intensive and focused action to ensure compliance and completion by late fall

Selectman Gorski won consensus from the board to secure additional, building code inspection and oversight from state sources so that the town can be better assured that all code compliance functions are consummated. The Board felt reliance on the Building Inspector, exclusively in this matter, is not sufficient under the current circumstances and concerns were raised.

The Board has asked Finance Director Demboski to compose a letter to the ZBA ensuring all decisions are provided to the Building Inspector in a timely fashion. In addition, she will speak to counsel about requiring that all Building permits include a signoff by the Fire Department and the fact that the Board would like him to use the assistance of the State Building Inspector with regards to the former Esty property.

Correspondence:

The Stewart Family provided information on taking over the maintenance and upkeep of the memorial in honor of James Stewart as Veasey Park. The family expressed concern that

after many donations, to make the memorial possible, there has been no upkeep, the space was overgrown, and the flagpole was broken. The Family will continue to maintain the area with no assistance or monetary contribution from the town.

Selectman Gorski reminded the board that a gate should be locked at Strawberry Fields/Center street property. She is concerned that now the town owns the property that liability exposures and property abuse issues may arise, primarily by individuals with recreational vehicles or motor vehicles. Selectman Dunn concurred. The Finance Director will ask Bob Arakelian on key/mechanism required to ensure lock up with access permitted to Police, Fire, and Highway departments and current users of the property (Youth Football) until their season ends October 31st.

Selectman D'Amore announced to the public a reiteration of a policy established, supported by a vote at the August 26th meeting pursuant to restricting the use of the property until such time that a committee is formed and produces recommendations for a) Design and layout of property with multiple uses b) revenue raising plans c) permitting and authorized/ unauthorized use of property.

The BOS – by consensus believes that a moratorium of use for an period of time required should remain in place so as not to a) established unfavorable precedents for use of field b) liability exposures are addressed c) revenue raising components are implemented ; all of these in a sound overall strategic plan that meets the town's goals for open space, recreation and aquifer protection.

Selectman D'Amore asked the board to study a written document dated September 8th, which he prepared to detail his assessment and objections to planning aspects presented by the Fire Chief in previous meetings and reviewed extensively at the August 26th meeting , where dissenting opinion from fire department personnel was expressed.

Chair Gorski did not allow an open discussion of this letter at the beginning of the meeting. Selectman Dunn expressed a desire to discuss the matter at a future meeting. Selectman Gorski will evaluate the letter and make a determination if it will be discussed at a future meeting and all members agreed that if so discussed it would be courteous and necessary to have Chief Lay participate in that discussion as well.

Selectman D'Amore asked Finance Director Dembkoski on status or preparation for discussion information regarding employee drug testing / CORI compliance policy . Finance Director Dembkoski provided details on the current status and ensured that more details would be forthcoming as the policies are revised.

Greg Stark offered to provide information regarding the possibility of land being available in the downtown area for parking. Finance Director Dembkoski cautioned that this was not on the agenda and any discussion on the topic should be properly posted in advance of the meeting. The Board decided to hold off on placing it on the agenda until and if there are more developments with the owner of the property.

Adjournment:

The Board voted unanimously to adjourn at 8:43 p.m. based on a motion by Bill Dunn and seconded by Joe D'Amore.

True Attest:

Denise M. Dembkoski

Finance Director

A handwritten signature in blue ink, appearing to read "Denise M. Dembkoski", with a long horizontal flourish extending to the right.