

Groveland Board of Selectmen  
Meeting Minutes  
March 23, 2015

Present: Chair Bette Gorski, Selectman Joe D'Amore  
Absent: Selectman William Dunn  
Others Present: Denise Dembkoski (Finance Director)  
Recorder: Melanie Rich

The meeting was called to order at 6:00 p.m.

**RESIDENT/PUBLIC COMMENTS:** None tonight.

**APPROVAL OF WARRANTS:**

Chair Gorski invoked the Rule of Necessity which was voted on February 9<sup>th</sup>.

Selectman D'Amore voted to approve PW#15-39 in the amount of \$142,112.44; Chair Gorski seconded; all voted in favor; warrant approved.

Selectman D'Amore voted to approve DW #15-37A in the amount of \$22,604.36; Chair Gorski seconded; all voted in favor; warrant approved.

Selectman D'Amore voted to approve BW #15-39 in the amount of \$311,671.98; Chair Gorski seconded; all voted in favor; warrant approved.

**DISCUSSION & POSSIBLE VOTE:**

Open Space and Trails Committee (Community Trail Update) – Alex Johnson (461 Main Street), Open Space Trails Committee Chair, and Michael Davis (212 School Street), Committee Member, were present to give an update/current status of the Groveland Community Trail project in regards to the 25% Design Phase warrant article for town meeting. The proposed project is a 3.25 mile shared use; non-motorized path which will run from King Street to Main Street (“off-road segment”) along the National Grid right-of-way (1.95 miles), and will continue along 441 Main Street to Town Hall (“on-road segment”) (1.3 miles). The off-road segment will be a 10’ wide paved path with 2’ minimum grass shoulders on either side. The on-road segment is a TBD approach (on-street markings, sidewalk enhancements, etc.). There is a 25% design for the off-road segment and a 10% conceptual design for the on-road segment. The discussion tonight is for the 25% design. Last years’ warrant article was approved for \$150,000 for design planning. This years’ warrant article is for \$150,000 of CPA funds to advance the 25% design for the off-road segment to a 100% design MassDOT approved construction-ready design plan. They will be back to finish the design elements for the on-road segment; with the total cost being \$500,000-\$550,000. The town pays for the design; MassDOT grants and public funding pays for the construction. Mr. Davis said they have made the public aware since 2013. There are no title concerns with the right-of way. Selectman D’Amore asked for an explanation of the percentages. John Hendrickson (FST Engineers) said MassDOT has a procedure of submitting 25%, 75% or 100%. The 25% submitted to MassDOT is a preliminary design to approve the alignment. Aleece D’Onofrio (FST Engineers) gave a brief presentation showing how the community can be connected and the benefits of the trail. Mr. Hendrickson explained the design in more detail and said a public forum will be held on April 13<sup>th</sup> at the elementary school. In July a project need form and project initiation form will be submitted to the MassDOT District Office for them to decide if this is a feasible project.

Bill Steelman (Chief Operating Officer), Essex National Heritage Commission, said they have worked with many communities at various stages of developing rail trails and feels they are very worthwhile projects. Todd Fontanella, Merrimack Valley Planning Commission, shared his involvement and said this project is good because it is knitting together local uses and has tremendous potential. Kate Day discussed her involvement in the Danvers 4.2 mile long corridor. Selectman D'Amore asked what has caused a community to design a plan but not receive funds from the state. Todd Fontanella said it is not that a project gets designed and not built; it's the beginning of the process at the local level (getting a plan designed).

Mitchell Kroner (3 Cannon Hill Road Extension) asked if it starts as a license and turns into a lease, what is the liability between the power company and the town, and is the maintenance shared between the power company and the town. Jeff Wade said they have a license which has to be renewed every five years, it can be revoked at any time, and they can back out at any time with notice. There is a certain risk that National Grid will continue to allow you to use it. The state requires a 99 year lease. It is up to the town whether they want a license or if they want a lease. Chair Gorski said concerns of the community would be maintenance and public safety issues. Mr. Wade said the cost for maintenance is \$2,000-\$3,000/year.

Finance Board and Proposed Policy Discussion – Selectman D'Amore believes very strongly that governing is a process, a decision-making process, and that good government is based on that. He suggested that rules be put in place that would help the Finance Committee and Board of Selectmen work better together. Other than the BOS, the Finance Committee is the only authority who can directly address town meeting concerning financial issues. He said responsibility should be based on doing due diligence and he was concerned what transpired at the last meeting. He felt there was criticism without due diligence being done and that ideas were dismissed and the questions asked showed there was not enough care or respect for people and work proposed. His proposal for the Finance Committee is that committee members are appointed by the Board of Selectmen and would suggest that be a one-year appointment; the chair position be rotated (all appointed boards will be asked to do this as well); the committee be reduced to five members; the first meeting of FinCom should occur no later than August 1<sup>st</sup> (with the Finance Director present) to organize and to elect the chair; a total of six meetings per year be held; three of those joint with the BOS; a joint session with the Capital Improvement Committee; all proposals, budget documents, capital improvement documents and minutes must be reviewed by FinCom members throughout the year; FinCom to provide in writing their definitive advisory to the BOS for town meeting no less than 30 days prior to the town meeting; and no member can publicly comment on any proposal or budget item unless they affirm that they have reviewed or studied it in advance. We have an obligation to do what's best for the town.

Chair Gorski disagreed with some of Selectman D'Amore's comments saying that serving on committees and boards takes a lot away from their private lives; and she's not always prepared but will listen and ask questions. Mr. Dempsey said he was unprepared for some of the comments that could have been brought to him sooner since FinCom has a representative on the CPC, but did not feel that at the meeting discussing the projects was the right time to talk about the process.

William Cook (10 Estes Way), Finance Committee Chair, said Selectman D'Amore talks about being professional, yet sent some slighted emails to different people which are now public records. Mr. Cook said the FinCom is the checks and balance for the town. There are there to look through and question everything and are not going to be guided by the BOS; it's a democracy not a dictatorship. People have a lot of great ideas, but costs have to be controlled. He felt that significant items such as fire trucks and training for the Police Department have to be put on hold, but property will be bought at a midnight

session to vote on a P&S on property that we don't even have signed before town meeting. He said that's what happens here all the time; that's the truth. He said there a Groveland Housing Authority and an Affordable Housing Committee (\$10 million, 27 units, 27 spaces). We have experts in the Groveland Housing Authority that say we can't get any HUD money because there are parameters of the project that don't work. Regards the Getty Station, a study was done questioning whether we should buy the property, and now we are going to pay to have another study because we didn't agree with our last experts. He said he will continue to speak his mind and ask the questions. He believes the board is owed an apology from Selectman D'Amore. Relating to the changes the BOS has made, Mr. Cook said he believes bylaw changes need to go before town meeting. FinCom needs to think about everybody; not just significant certain groups. The bottom line has to be looked at and tough questions asked.

Mr. Cook talked about Mr. Dempsey's presentation and how he said to look at the website for more information. The Finance Committee should have hard copy paperwork. Mr. Cook suggested everyone have a binder to be more professional. There are some communities that have packets delivered to their house the week before. Mr. Cook did not have all the information on Mr. Dempsey's presentation. The problem he said was that CPA has \$1.7 million and we had to take a loan out on other land. Mr. Dempsey told Mr. Cook that he didn't have anything to do with the other land; but he did directly have something to do with it. Mr. Cook said we took out a loan and questioned why that money didn't go towards that open space area to pay toward that tab instead of coming in with other projects. He has concerns with the bike trail. He asked might the focus may change in MA because we have so much debt; that might change mid-stream on us. Is there a possibility there could be a bike lane on Route 97 that would save some costs on that end of it? He said doesn't know, but that's why he asks the questions. Someone else might have the answers, but he knows he's not sending out derogatory emails about Selectman D'Amore.

Michele O'Keefe (15 Benham Street), Finance Committee Member, said many of the proposals would be bylaw changes. She had an issue with the BOS and Finance Committee being a checks and balance. She believes there will be problems with one-year terms. She said people serve for three years on a rotating basis so that there is never a control by an appointing board to control this board. She feels the Finance Committee is being singled out because they voiced their opinions against the Board of Selectmen.

Kathleen D??? (3 Hemlock Lane), Finance Committee Member, was personally offended by the emails, proposals and Facebook messages that were sent to her, and brought a letter of resignation. She said you don't want a Finance Committee; you want a yes committee. Because we didn't agree with you, you said we were unprepared. It takes a lot of time to go through the budget line by line. How are they supposed to come up with a budget, vote on it and make recommendations, when the Board of Selectmen haven't told them what the final numbers are; they are still operating with proposals. She asked how dare they take away our first amendment right to free speech. In her opinion Mr. Dempsey did not come in with a proposal, he did not give a presentation with all the information and the process was vetted. She was thoroughly offended by this and found it completely inappropriate and beyond unprofessional.

Mr. Dempsey said it is the job of Community Preservation Committee (CPC) to look at community preservation projects. In his opinion, it isn't the job of the Finance Committee to examine the CPA proposals as they would budget proposals because CPA comes from an entirely different source. CPA articles come under the purview of the CPC which is in a unique position; it acts as the financial board of CPA spending. Seven proposals were put before them, they looked at them, studied them, reduced the number on one them, the rest met the funding criteria, and the Selectmen were asked to put them on the town warrant. He was not asking FinCom to financially review the project. It is his job to make sure

due diligence is done and that the proposals meet the CPA requirements which are different from what the town budget offers. What he was doing was informing. He expected to be asked questions but wished the process questions could have been answered other than in a forum.

William O'Neil (45 Elm Park), Finance Committee Member, thanked the Chair for her acknowledgement of the work FinCom does. He told Selectman D'Amore that he took great offense at the suggestion that FinCom doesn't care. Addressing the one-year term limit, he felt it is a bad idea since a board can be dissolved after one year if you disagree with them, leading to a board that basically yeses whatever you want. Dissent is the pillar of democracy. He is not a yes man to anyone, he is prepared to resign, and will vote his convictions and doesn't expect to be agreed with.

Selectman D'Amore said he will bring the proposals in front of him to the new board for discussion. Those requiring structural changes that will impact the bylaw are a separate process. He is not planning to implement anything on his own; he does not have the capacity. He asked Mr. Dempsey about affordable housing which is a concern because it is an \$11 million project, as well as the risk of not receiving state money for the rail trail. Selectman D'Amore said the first phase of the affordable housing project indicated a high probability that it was going to be financially feasible. He has attended meetings to better understand the financial components that are being proposed this year. He said FinCom has the capacity to speak at town meeting for or against this particular project and asked them to become more familiar with it as local aid can be curtailed if the gap is not closed.

Selectman D'Amore said it is a ridiculous rumor that they are secretly trying to buy the Getty Station, but that he is an advocate. He is hoping that it will continue as a tax property. Mr. Dempsey's proposal is to update the previous appraisal to establish its worth in the event the town is interested in buying it. Chair Gorski said we have to make sure it is a clean site, there is a lot of work to be done, and buying another piece of land takes it off the tax roll where we are currently getting real estate taxes from it. We can't buy another property that we don't gain anything from. Mr. Dempsey said the wetlands study will look at the factors. The plan that was brought forward by the Groveland Square Committee will be reviewed and addressed. Mr. Dempsey said it was not they are going to take the station off the market and make it open space, but more to help the business community with parking. Selectman D'Amore said there is no proposal to expend money unless there is a Purchase & Sale Agreement.

Andy Wildes (288 Main Street), Finance Committee Member, reminded the BOS that it is they who approves or disapproves the CPA articles to be put on the warrant. FinCom does not have a choice. Mr. Cook does not agree with Mr. Dempsey and said the FinCom does not only look at the question, but the cost factors such as will there be a loan at the end, what is the final cost, is a taxpayer being taken off the rolls. Ms. O'Keefe said the use of CPA funds does impact the town budget and, if it is going to affect the town, planning is needed for this year and beyond. Chair Gorski said we need to be cautious on how to go forward with proposals. She also said sharing information and ideas and being respectful of one another is what we should be about. Mr. Wildes said \$314,000 of taxpayers' money and state aid was spent on Washington Hall which is not open; he will not vote for something that is an open ended. Tracy Guilford (4 Abbot Circle) said a fundraiser is planned and the Historical Society's goal is to open it by the end of the year. Ms. O'Keefe is concerned about relying on state aid since the state has a \$2 billion shortfall budget.

Mr. Dempsey said CPA money has nothing to do with the town's general budget. Mr. Cook said that if CPA money does not cover the entire project, they will be back to tell the taxpayers that more money is needed; all the extras are not explained. Mr. Dempsey said purchasing the Bussing property was not done with CPA funds, and there are some advantages of not purchasing it with CPA funds such as the

Police Department wanting to put a firing range on a small portion. That would not be possible if CPA funds were used. The primary reason the Selectmen decided to buy it was to protect the water resources, not solely as an open space project. Mr. Cook said we need to finish projects.

**Votes of the Board:**

Property Use Permits: Selectman D’Amore made a motion to allow the Property Use Permits for Charles River Wheelmen (Sunday, May 17, 2015-Shanahan Field), and Essex County Greenway Association (Signs for Earth Day on the lawn of the Library and Stacy’s Corner); Chair Gorski seconded the motion; all voted in favor; motion approved.

Pentucket Regional Finance Board’s proposed letter to Whittier Tech Communities: Selectman D’Amore said the Pentucket Regional School, along with the Board of Selectmen, want to have a joint session of the different government entities that have been operating on their own. He read the letter from Merrimac Board of Selectmen inviting participation with member communities. The concern is that our local children are being excluded, but we are paying to educate children outside of the district. The admission policy states that our in-district children, when placed on a waiting list, are being selected before the out-of-district children, so perhaps the policy works but is not being implemented. It is not known how many children have been denied the opportunity. The vocational school should be an avenue for children who have a career path.....no child denied. Selectman D’Amore made a motion that the Board of Selectmen adopt the letter and sign it along with colleagues of the other towns so we can be part of the process; Chair Gorski seconded the motion; all voted in favor; motion approved. Ms. Dembkoski clarified that the decision made amongst the regional board was that Merrimac will sign on behalf of all three communities. There is a meeting on May 14<sup>th</sup> at the Merrimac Public Library. All are encouraged to attend.

**Correspondence:**

1. Chair Gorski read into record William Dunn’s resignation letter from the ZBA effective April 1<sup>st</sup>.
2. The Police Department has responded to the board’s request for a response to Linda Moore’s concerns with ATVs and dirt bikes. Ms. Dembkoski will send a response to Ms. Moore.
3. Minutes from the All Boards February 28<sup>th</sup> meeting, along with March 9th, March 14th Meeting Minutes and Executive Session Minutes from March 13<sup>th</sup> will be tabled to the April 6<sup>th</sup> meeting.
4. Selectman D’Amore said the email sent to the Finance Committee expressing his concerns and the attached ideas were sent through Ms. Dembkoski and the Chair as well.
5. Selectman D’Amore Email to Whittier Principal: He emailed the principal who suggested he reach out to the superintendent. Selectman D’Amore will do that and report back to the board.
6. Selectman D’Amore Email about Whittier Admission Policy: Discussed earlier.
7. Whittier Admission Policy: Discussed earlier.

**Finance Director’s Time:**

Ms. Dembkoski reminded all that the deadline to submitted articles is Wednesday March 25<sup>th</sup>.

Selectman D'Amore asked if the Board of Selectmen allows a warrant article to be on town meeting, does that mean they endorse it? Ms. Dembkoski said yes. When the board approves those articles, it is your endorsement of the article and your favorable action. When the time comes to vote favorable action, it should only be the Finance Committee who addresses town meeting. This can be changed in the future, but is currently built into the warrant. She said in most communities it is the moderator who appoints the Finance Committee so that they are not answering to the BOS or held accountable to the BOS as a board; you are on the same level. The BOS gets the warrant, budget, votes it in its entirety, and then votes to send it to the Finance Committee. Upcoming meetings are scheduled for March 30, April 1, 2, 6, 7, & 21. The auditors will be attending the April 6<sup>th</sup> meeting. Representative Mirra responded to her request to attend and discuss legislative items. She will send a second request to Senator Tarr.

Selectman D'Amore said the regional school budget increased 2.2% for the district; however because of a change to the formula, the increased assessment to our town is 6.8%. Ms. Dembkoski said some of the factors that changed the formula were that Groveland is the only community that has significant new growth, and has several developments. The other two communities do not, so they see that expansion as new revenue coming in, and the potential of more children attending Pentucket.

**Selectmen's Time:** No reports tonight.

Selectman D'Amore made a motion to adjourn; Chair Gorski seconded the motion; all voted in favor; motion approved. The meeting was adjourned at 9:13 p.m.

**Minutes Unanimously Approved on April 21, 2015**