

Groveland Board of Selectmen
Meeting Minutes
June 15, 2015

Present: Chair William Dunn, Selectman Daniel MacDonald, Selectman Ed Watson, Selectman Michael Wood

Absent: Selectman Joe D'Amore

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:33 p.m.

RESIDENT/PUBLIC COMMENTS – None tonight.

APPROVAL OF WARRANTS:

Selectman Wood voted to approve PW#15-51 in the amount of \$128,343.78; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve DW#15-49A in the amount of \$23,132.44; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW #15-51 in the amount of \$337,007.87; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Peter K. Danforth to the position of full-time Highway Senior Operator/Driver/Laborer effective July 1, 2015; Selectman Wood seconded the motion; voted 4-0. Chair Dunn spoke highly of him and said he will be a good asset to the Highway Department.

DISCUSSION AND POSSIBLE VOTE:

COA Board of Directors: COA Space and Discussion on the Expansion of Merrimack Valley Regional Transit Authority (MVRTA) Ring and Ride Use to Include Sundays –Lynn Stanton (COA Director) said Groveland is part of the MVRTA, but because there is no fixed bus route in town, a Ring and Ride program was created which was initially created for age 60 and over with curb to curb service in small handicap accessible mini vans at a cost of \$2.00 each way; it is dispatched through Merrimack Regional Transit in Haverhill. The town is assessed \$40,000+/year by the MVRTA to provide the Ring and Ride program but the program is underutilized. It runs Monday through Friday 5AM to 7PM and Saturday 9AM to 6PM. Ms. Stanton is asking the BOS to approve the expansion to include Sundays beginning July 1st. Ms. Dembkoski said of the \$40,553 that was deducted from state aid to cover the Ring and Ride Program, only \$1,753 was spent last year. Chair Dunn said there should be more PR to make people aware. Ms. Stanton said there are brochures in town hall; and it could be put it on the cable station. It is available for age 18 and up. Selectman Watson made a motion to approve the expansion of the Ring and Ride Program to include Sundays and offer it at no fare to Groveland residents; Selectman Wood seconded the motion; voted 4-0. The program will be revisited in six months.

Regards the Senior Center, Ms. Stanton they have surpassed their projections through 2020 and are seeking additional space. In 2008, funding (\$5,000) was received at town meeting to have drawings made to begin discussions for a senior center, but it has been tabled for years. The location was in front of River Pines. The cost for the approximately 5,600 square foot building would be \$1,065,000. She has been looking for ways to fund the facility and has met with the Affordable Housing Committee and other groups to possibly do a combined senior life/youth center and possibly use space at the bottom of a new

apartment building with facilities for exercise; wellness; food pantry; place for confidential meetings. Chair Dunn said we need to take care of the seniors and the children in Groveland. Marketing and gathering support is what is needed going forward. Ms. Stanton said that since Ms. Dembkoski's arrival, the COA has been welcomed into town hall to hold programs and events; they have moved their monthly luncheons here, but it is limited.

Joseph Ryan (865 Salem Street) to discuss safety issue with cars parking on the street and impeding the roadway – He is filing a formal complaint for safety issues for the town owned land on Salem Street. He submitted plans and documents for the board to review and said it was a state project; they mandated it; posted a 35 mph speed limit; installed no parking signs on either side, but nothing within the 100' so Mr. Greenwood starting parking there. Selectman MacDonald asked for backup from the state that required it to be no parking. Mr. Ryan said the town voted down the request for no parking. Ms. Dembkoski spoke to the Police Department and the Deputy said no one has called or complained about any hazards or safety issues on that street. He further said in their frequent patrols they do not see a lot of people biking; it is not a designated bike path; it is the fog line of the street, and they do not view it as a safety issue. Chair Dunn said in order for the board to act, we need proof that there is no parking allowed. Ms. Dembkoski said Section 12.44 of the Bylaws talk about parking on certain streets. It read that upon the following streets or highways, parking is hereby prohibited (#4 is Salem Street) on both sides from the Georgetown town line to the City of Haverhill line, amended in a Special Town Meeting October 11, 2012 Article 2. The members want to review Town Meeting Article 2 before acting on it.

Rick Greenwood (863 Salem Street), owner of Greenwood Auto Body, has been there 33 years and said he has never tried to block Mr. Ryan's view or interfere with him seeing out of his driveway. Barbara Greenwood said no other neighbors have complained, and the business is grandfathered as it existed at the time of zoning 70 years ago. She feels Mr. Ryan does not want them to run a business; he has reported them to every agency and called the police on customers. Chair Dunn asked for paperwork saying it is grandfathered. He suggested meeting again to possibly make an agreement rather than making it a court issue. Ms. Dembkoski said it is not a state road; the state handled the reconstruction and turned it back over to the town; it is not a state road for them to maintain and manage. The police can't enforce it because there is no designated no parking. The Road Commissioner felt it is not part of the road, but is part of the business, and he did not feel it is appropriate to put a no parking sign on someone's business. The matter will be revisited in July after the board gets a formal opinion from the Road Commissioner, reviews Article 2, and information from Mr. Greenwood is received and reviewed.

Strawberry Fields Discussion and Possible Removal of Moratorium – Chair Dunn said Mr. Angelini's permit grants him access to the property for five years to remove gravel. Selectman MacDonald said the agreement did not specify nor did it say it was exclusive use and specifies the entrance and exit locations. Mike Dempsey said the Water Department and Conservation Commission have the authority to dictate how he removes the gravel. Ms. Dembkoski said anyone who wants to use any town property has to come before the board with a Property Use Request. Mr. Angelini arrived and Chair Dunn explained the board's concerns. Mr. Angelini said they close at between 3:00-3:30 p.m. and do not work on Saturdays. He assured the board that there will not be any problems. Selectman MacDonald made a motion to lift the moratorium and act on the permit applications as they come in; Selectman Wood seconded the motion; voted 4-0.

Discussion on Board of Selectmen Meeting Procedures – Chair Dunn said everything should be discussed at a meeting; no Selectman should be acting on their own; we should be acting as a board; no decision should be or can be made outside of a board meeting; no one Selectman can make a decision for the entire board; board members cannot expect emails or requests to employees to be answered immediately, employees have work to do. Selectman Wood agrees with that. He has met with the Conservation Commission and Rec Committee as a liaison. He informs them that he is acting as himself and not a board member to gather information and he does not have the authority to say yes or no, just fact

gathering. Selectman MacDonald said that as a member he can talk to constituents and he can lobby for issues and agendas that are important to him and his constituents. He would like the ability to request information from department heads if there is something pertinent that is going to appear on our agenda and he needs records to make an informative decision prior to the meeting; he said he has a right to freedom of information. He wants to see and discuss candidate applications/resumes. Ms. Dembkoski said you can't discuss applicants unless you form a screening committee to discuss them; applicants have a higher right to privacy because during the application phase it is still a confidential process. Town Counsel has stated that if the board wants that information, the process needs to be discussed and voted on. She can email and summarize why they chose a certain candidate, but it must come with confidentiality because if that information gets out, the board and personal members can be held liable for that information leaking out and/or defamation of character if there were negative comments about somebody. Selectman Watson said the Administrative Assistant was for the BOS and wanted to know why the BOS is not more actively involved. Ms. Dembkoski said the position is not dedicated to the BOS; it is a general Administrative Assistant to assist the BOS. Selectman Watson thinks they should be involved in the process. Selectman MacDonald made a motion that at least a week in advance prior to any appointment for a town hire, that we have the employment application, resume package sent to each BOS member for them to hold in strict confidence for their review in making decisions as to whether or not to approve the hiring of that position; Selectman Wood seconded the motion; voted 4-0. Ms. Dembkoski read an email from Selectman D'Amore that stated "the handling of this matter should be dealt with in spirit, form and substance in compliance with counsel's advice. This specifically includes that no dissemination of confidential file items should occur either to the Chair, the board or especially individual members. If the board wishes to receive/ review any such information in any forum; executive session, public meeting or individually I will iterate here that I wish not to participate and will recuse myself from participation in any such forum."

Selectman MacDonald brought up that the Chair should be able to make motions. Chair Dunn has no problem with that. Selectman MacDonald made a motion that the Chair can make motions; Selectman Watson seconded the motion; voted 4-0.

Vote on Bond Sale - \$3,815,000.00 dated June 18, 2015 to Raymond James & Associates, Inc. at a price of \$3,969,260.25 – When the Bussing property closed last year, we temporarily financed money; we have now gone to the market to permanently borrow it. The board is voting on the actual financing; not taking a position on the property. On a motion by Selectman Watson, the Board voted that the sale of the \$3,815,000 General Obligation Municipal Purpose Loan of 2015 Bonds of the Town dated June 18, 2015 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$3,969,260.25 is hereby approved and confirmed. The Bonds shall be payable on June 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$195,000	2.00%	2023	\$195,000	4.00%
2017	195,000	2.00	2024	190,000	4.00
2018	195,000	4.00	2025	190,000	4.00
2019	195,000	4.00	2026	190,000	2.50
2020	195,000	4.00	2029	570,000	2.75
2021	195,000	4.00	2032	560,000	3.00
2022	195,000	4.00	2035	555,000	3.125

Further Voted: that the Bonds maturing on June 15, 2029, June 15, 2032 and June 15, 2035 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

<u>Term Bond due June 15, 2029</u>	
<u>Year</u>	<u>Amount</u>
2027	\$190,000
2028	190,000
2029*	190,000

*Final Maturity

<u>Term Bond due June 15, 2032</u>	
<u>Year</u>	<u>Amount</u>
2030	\$190,000
2031	185,000
2032*	185,000

*Final Maturity

<u>Term Bond due June 15, 2035</u>	
<u>Year</u>	<u>Amount</u>
2033	\$185,000
2034	185,000
2035*	185,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 27, 2015, and a final Official Statement dated June 9, 2015 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking 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 Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize 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 status of the Bonds.

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. Selectman Watson moved the motion; Selectman Wood seconded the motion; voted 4-0.

VOTES OF THE BOARD:

1. Selectman Watson made a motion to accept the May 18, 2015 Meeting Minutes; Selectman Wood seconded the motion; voted 4-0.

2. Selectman Wood made a motion to approve the Special Event Permit for the 4th Annual Groveland Road Race; Selectman Watson seconded the motion; voted 4-0.
3. Selectman Watson made a motion to approve the request by Neurofibromatosis, Northeast for the 5th Annual Cost to the Cure bike ride; voted 4-0.
4. Selectman MacDonald made a motion to approve the Property Use Permit – PYF Football for use of Strawberry Field Monday-Friday, 4:30pm-8:30pm; all day Saturdays August 1 through November 30, 2015; Selectman Watson seconded the motion. Selectman MacDonald asked how they would deal if a competing group wanted to use it since it is not being used continuously. Mr. O'Neill said they would be flexible, cooperate and work with them. Voted 4-0.
5. Summer Baseball Property Use Permit (Brian Lynch) – Ms. Dembkoski said Mr. Lynch is working with GBL to decide on a schedule and has spoken with them about using Washington Park; they plan on using it 2-3 days/week for practice; none of their games are held there. Selectman Wood made a motion to approve the permit contingent on receiving the insurance certificate; Selectman Watson seconded the motion; voted 4-0.

NEW AND OLD BUSINESS:

Selectman MacDonald asked the status of the Bagnall School Summer Program. He wanted to speak with them before the program started but the scheduling and budgeting was already in motion before the board discussed it. Jim Day is scheduled to come in to the next meeting; Matt Castonguay will also attend. The summer program starts the program and fees in January. Chair Dunn said it was postponed so Ms. Dembkoski could speak with the DOR for answers. The Department of Revenue governs Municipal Finance Laws. She will get a written opinion as to what, if anything, can be done legally with the excess funds. Selectman MacDonald said the purpose of the summer program was to be for Groveland residents, but we are providing services to children outside of Groveland. Mr. Castonguay was told by the previous Finance Director not to turn anyone away, to open it up to all communities; they are paying a fee. He has no problem restricting it to Groveland residents or setting a different rate for in-town vs. out-of-town if that is something the board wants. Selectman MacDonald feels the BOS should set the payroll. Ms. Dembkoski said they should come before the BOS and Finance Committee every fall to discuss the programs, cost and staff in order to determine the cost per pupil and set the number at town meeting; currently at town meeting it is an arbitrary \$115,000 for the program.

Selectman Watson asked about the back taxes and the list of property that is owned by town or the state. He would like to look at the parcels and possibly put some of them up for sale to get them back on the tax roll. Ms. Dembkoski said the town has auctioned off town-owned property in the past. The reason why she was waiting was because some of the properties that were auctioned off were not legally owned by the town, but now that we have an accurate list; we know what property we truly own.

Chair Dunn asked about the boat ramp at the Pines. He would like the harbormaster to come in for a discussion. The boat ramp opened in May but the floats were not put in until the electricity was back.

Chair Dunn asked about the Building Inspector's position. There have been no applicants as yet. Ms. Dembkoski recommended reappointing the existing Building Inspector for an agreed upon term until another candidate is selected. Chair Dunn asked if the applicants can come before the board after Ms. Dembkoski narrows down; yes, but the BOS typically interviews executive level positions; not the day-to-day staff. The board wants to interview the Administrative Assistant.

Selectman MacDonald wanted to know the bid process for the fire truck. Ms. Dembkoski said it is the state bid list. They go out and get the best prices from companies; they provide a contract; and we call them knowing they already have a negotiated rate. The Chief and the Fire Department have been shopping around.

CORRESPONDENCE:

1. Minutes from June 1, 2015 to be reviewed.
2. Standard & Poor's Credit Rating Report – The town received an AA+ (the second highest credit rating attainable) putting the town in a great financial position.
3. Zoning Board of Appeals Letter regarding Fees – They voted to reduce the Special Permit fees in order to entice businesses to come to Groveland.
4. Statement from Brandolini Construction – Correspondence was received stating they were going to turn it over to a collection agency, forward it to an attorney, and are now charging us interest and penalties. Ms. Dembkoski was told they will not submit any more paperwork to us; it will go to an attorney. Selectman Watson asked to check with the City of Haverhill to see if they have a business permit for the city. Selectman MacDonald said we should do nothing; the burden of proof is on them.
5. Email to Selectman D'Amore regarding Noise Ordinance – Selectman D'Amore forwarded an email to Ms. Dembkoski about somebody looking for a noise ordinance. There is no noise ordinance in the bylaw. The board may take this up for town meeting if they wish to.
6. Letter from Neighbors of Homestead Lane:
 - a) Follow-Up Communications from the Planning Board Chair – Ms. Dembkoski said this was regarding a project that was proposed in 2008. She noted that although it states Selectman Darke as one of the owners, he was not involved; it was a family member. She spoke with the PB Chair; they had dozens of public hearings; they were sent certified mail; the decisions have been recorded; it was forwarded to town counsel; the response was that the town cannot be held liable for any subdivisions or any projects; not responsible for permits that were issued. They will send a response after they receive the subdivision that was filed.
7. Year-to-Date Budget Reports – The budget was discussed. For the second meeting of every month the Town Accountant will provide the board with a year-to-date budget report.

FINANCE DIRECTOR'S TIME – No items for discussion tonight.

SELECTMEN'S TIME:

Chair Dunn said Groveland was named one of the safest places in Massachusetts. Thanks to the Police, Fire, Town Hall workers that do a great job keeping the town safe.

Selectman Watson suggested other boards follow the lead as the Board of Appeals and lower their fees. Ms. Dembkoski said the budget is based on the revenue projection of the current fees. If anyone wants to change the fees, they should not do so until the next fiscal year.

The next meeting will be held Monday, June 29th at 6:30 p.m.

Groveland Board of Selectmen Meeting – June 15, 2015

Chair Dunn made a motion to adjourn; Selectman Wood seconded the motion; voted 4-0. The meeting was adjourned at 9:46 p.m.

*** Unanimously approved on July 13, 2015 ***