

Groveland Board of Selectmen
Meeting Minutes
June 29, 2015

Present: Chair William Dunn, Selectman Joe D'Amore, Selectman Daniel MacDonald, Selectman Ed Watson, Selectman Michael Wood

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:31 p.m.

RESIDENT/PUBLIC COMMENTS – None tonight.

APPROVAL OF WARRANTS:

Selectman Wood voted to approve PW#15-53 in the amount of \$153,255.25; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve DW#15-51A in the amount of \$24,523.79; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW #15-52 in the amount of \$68,546.18; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW #15-53 in the amount of \$4,254,979.51; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW #16-01 in the amount of \$43,495.41; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Annual Appointments – Selectman D'Amore made a motion to appoint the Fire Chief as the Forest Fire Warden. Chair Dunn suggested it be left open to all fire fighters in the event the Chief does not want the appointment. Chair Dunn seconded the motion; voted 5-0-0.

Bruce Adams (Affordable Housing Committee) has moved out of town but has asked to be reappointed until the new members transition into the group.

Chair Dunn made a motion to remove Fred O'Connor from Open Space & Trails, making it a five member board, and wait for the new appointment to come in; Selectman Watson seconded; voted 5-0-0.

Selectman D'Amore made a motion to appoint the current Building Inspector, Pat Schena, for a period of 30 days effective July 1 through July 31st while in the process of evaluating candidates for the hiring of the position; Selectman Watson seconded; voted 5-0-0.

Selectman D'Amore made a motion to reappoint Dan MacDonald to the Zoning Board for a three-year term; Chair Dunn seconded; voted 4-0-1 with Selectman MacDonald abstaining.

Ms. Dembkoski said the Police Chief recommends the Harbormaster and one Assistant Harbormaster. A previous board appointed additional Assistant Harbormasters. The board will meet with them on July 13th. Chair Dunn made a motion to leave the appointments as is until the July 13th meeting; Selectman D'Amore seconded; voted 5-0-0.

Selectman D'Amore made a motion to appoint Michael Wood as an alternate on the Zoning Board; Chair Dunn seconded; voted 4-0-1 with Selectman Wood abstaining.

Selectman Watson made a motion to accept the appointments as presented by Ms. Dembkoski; Selectman Wood seconded; voted 5-0-0.

Chair Dunn made a motion to accept the Fire Department's yearly appointments as presented by Fire Chief Lay; Selectman Watson seconded; voted 5-0-0.

Chair Dunn made a motion to accept the Police Department's yearly appointments as presented by Police Chief Kirmelewicz; Selectman Watson seconded; voted 5-0-0.

The Police Chief explained the hiring process. Having no issues, Selectman Watson made a motion to accept the appointment of Alessandro E. Doto as a full-time Police Patrolman effective July 1, 2015; Selectman Wood seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Alex Johnson (Center Street Committee Discussion) –The town purchased the Bussing property with a bond; not CPA funds. There are many ideas as to what to do with the property so the thought was to create a committee that would include representatives from various committees to get viewpoint, as well as information from people not affiliated with town committees. Mr. Johnson previously identified proposed committee members with the former board and asked if this board wants to move forward. Selectman Watson noted that Affordable Housing and Recreation were not included. Selectman MacDonald said Conservation and Open Space historically have not cared about taxes in town and wants to see more conservative minds and people with business backgrounds on the committee; it needs to be made profitable; he wants to see businesses in town represented. Mr. Johnson said if the board agrees to move forward he will come back with the list of nominees for appointment in September. The board will define what the committee will do and what avenues they will pursue. Selectman MacDonald said the plan has to be self-sufficient. Selectman D'Amore said Affordable Housing and Recreation should be included and would like to see Selectman MacDonald or Selectman Watson be the BOS representative on the committee; the Finance Board and Capital Improvement Committee could also be included. Chair Dunn suggested local businesses being involved. Chair Dunn made a motion that Alex Johnson reconvene again with a list of committee members for the Center Street property, try to include Recreation, Affordable Housing, and as many local businesses/business savvy people on the committee in addition to the current list, come back before the board we will try to come up with ideas as well, we can discuss and approve it and can move on to the next step; Selectman D'Amore made a friendly amendment that whatever timeframe is suitable (sooner rather than later); Chair Dunn accepted the friendly amendment; Selectman Watson seconded; voted 5-0-0.

Finance Board – Chair Dunn wanted to clarify what the BOS needs, what the Finance Board needs, and what Ms. Dembkoski needs so from this point forward we are on the same page. Andrew Wildes said specific dates are needed; all budgetary information must be received by the end of February and it should be made very clear that if the information is not received, the budget will be level funded. From January through March they meet once a week. Bill Cook said there are many variables that go with the Finance Board such as waiting for final numbers from the state. He also said there should be a budget binder so the Selectmen and Finance Board are on the same page. The needs more than the wants have to be looked at; if it's predictable it's preventable. The Finance Board is responsible for the town's budget but does not have the enforcement capability to get the information needed on time. Ms. Dembkoski explained that the departments/boards/committees were not accustomed to providing budget requests and did not provide her with the information she requested of them.

Community Preservation Committee proposals will be printed and put in the Finance Board mailbox when ready. When asked about the school budget, Mr. Cook said they have no authority over the school budget. Ms. Dembkoski said that she and Selectman MacDonald represent Groveland on the Pentucket Regional Finance Board and they will let Mr. Cook know when the meetings are. She also said there needs to be a more defined process of waiting for information to come in from the Finance Board. In most cities and towns the budget goes to the Selectmen; the Selectmen vote it and give it to the Finance Board for them to do what they want and then present it at the town meeting. Selectman D'Amore said the five action items are (1) specific dates by the end of February (contractual needs, department needs), (2) budget books, (3) copies of CPC/CPA proposals, (4) invitations to the Regional Finance Committee meetings and other School Committee meetings, and (5) that this board be done with the budget by January 31st. Ms. Dembkoski doesn't think they should develop a process right now; she thinks the Finance Board should weigh in on it, select a timeline and decide what the process will be. They will be back before the board September 21st. The budget to actual will be provided to them once a month. Ms. Dembkoski said actual expenditures column figures are now in the warrant. Selectman MacDonald asked what their involvement is in the year end process. Mr. Wildes said they are told there are some line item transfers to balance out the books; they review it; ask questions and get explanations as to why transfers are needed. Mr. Wildes said once they get the final final numbers and figure out what wasn't spent in some areas they could eliminate them, but there are unforeseen circumstances that cause the line item transfers.

Bagnall Summer Recreation Program Discussion –Matt Castonguay (Director), Lisa Stevens and Annie Kalashian (Assistant Directors) were present. The program was started by Jim Day; Mr. Castonguay took over 11 years ago. Chair Dunn asked if expenses are paid out of that account. Mr. Castonguay said the town owns the school so they don't pay rent, but they do have their own custodian they pay for. He reports to Ms. Dembkoski all accounts payables/receivables and payroll. Groveland children are hired first. Selectman MacDonald said the programs offered are not flexible for working parents and asked why it was structured that way. Mr. Castonguay said he based it on parents' needs. Selectman MacDonald said they should accommodate drop-ins and thinks buying 3 or 7 weeks is rigid, a disservice to the town; it's junk. Mr. Castonguay said it is a very successful program. Selectman MacDonald said it makes money because you got a free ride for twelve years; you pay zero in overhead. He also had an issue with children from outside Groveland participating and felt it should be for Groveland children only. Mr. Castonguay explained that he was not told that he could not accept children outside of Groveland. Selectman MacDonald wants it offered to Groveland children only and wants the schedule to be more flexible for working parents. Chair Dunn said the program is working and there is a large of money in the account. Selectman D'Amore wants to make sure that we are compliant with the law on how the money is managed.

Mr. Day said originally the program was just for Groveland; he had to come to the BOS with the budget; obtain approval; and at the end of the summer come back before the board for an update. Mr. Castonguay was told he did not have to do that; that it was not needed. Ms. Dembkoski said she met with Mr. Castonguay about coming to the BOS and Finance Board in September to discuss what the plan is, the cost, the budget, etc. Selectman MacDonald made a motion that they accommodate parents and their children on a more frequent basis than buying blocks of three. Selectman Wood asked if the program was getting requests for that availability; Mr. Castonguay said no. He said the program was developed to accommodate working parents of Groveland; Selectman MacDonald said he didn't like the development of it. Chair Dunn said he doesn't want to micromanage his committee. Selectman MacDonald said you have someone who has been running it with no oversight from the BOS; it's not micromanagement; it's a lack of oversight by the BOS.

Chair Dunn wants a committee to be formed to oversee the program and report to the BOS at least three times/year. The Recreation Committee will be asked to be involved. Selectman Watson asked if Mr.

Castonguay sets the salary himself; yes. All salaries should be set by the BOS. Selectman Watson had a concern with Mr. Castonguay being there every day while he has another year-round job. Mr. Castonguay said he is not needed at his school job all summer long. Selectman MacDonald made a motion to include more Groveland kids. Selectman MacDonald made a motion that the Recreation Committee oversees the Bagnall Summer Program; Selectman D'Amore will not support it. When asked why he would not support it, Selectman D'Amore said we don't have a content issue; we have an issue with the management of the money and the reporting of that money, and he doesn't feel the Recreation Committee should be involved because they don't have jurisdiction over the money; the board does. Ms. Dembkoski said they are a town program operating under the town Tax ID number; we collect their money and pay the bills and salaries. The board wants to control the finances, not the program. The anticipated overage for this year \$60,000-\$70,000. Selectman MacDonald said if there is excess in the revolving funds the town legislature can vote what to do to transfer those funds. Ms. Dembkoski said you have to dissolve the revolving fund and it would transfer it to surplus revenue or you would have to establish another revolving account to transfer it to and are limited to what can be spent under that account. Selectman MacDonald said the BOS with the Finance Committee can vote to increase that; Ms. Dembkoski said you cannot; it can only increase 1% of our tax levy which is \$12 million, so only \$122,000 can be spent out of that account; currently it is \$115,000 but it can go to \$122,000. Jim Day asked if the town can put an article on the warrant to dissolve that revolving fund and on a second warrant transfer the money to the Bagnall Building Committee for the fields and pavilion. Ms. Dembkoski spoke with the DOR and they recommended putting something in writing and they will provide a written response. Their feeling is that this money is user fees, and to use it for something other than the summer program is being considered a tax. Selectman MacDonald said we should get an opinion from town counsel, not DOR. He said you want it done you find a way. He said there is misinformation at this table. He said to Ms. Dembkoski if she wants to get it done she can get it done. She said we are audited by the DOR and she has to follow Mass General Laws. If we are operating a revolving account that does not meet the criteria of the law; Selectman MacDonald said to create a revolving account; she said she does not have the authority create a revolving account, town meeting does; he said we do, she said no, town meeting does, he said we can set it up on a warrant, town meeting doesn't walk in and say we are going to vote on this we have to spoon feed it to them cause that's what our job is, we put it on paper. Chair Dunn said if we get a new revolving account; close out the old one; can we spend the money on that property. Selectman MacDonald said Ms. Dembkoski doesn't want to do it; she said it's not that she doesn't want to do it, she is legally responsible. When the DOR comes in and asks why they spent user fee money on a field, she has to be able to provide them with an answer. She spoke with the DOR and they will provide a legal opinion if you can use the funds for it. Give her the proposal and she will submit it to the DOR.

John Osborne (Bagnall School Building Committee) was approached by Steve Merrill and members of the Groveland Youth Soccer Program with drawings to improve the fields. He is asking the board to support the development of the soccer fields and pavilion and give them approval to get preliminary estimates. Ms. Dembkoski said to present the proposal and she will submit it to the DOR and let them give a written response on how to do that (include when the program was started and the original Article 2009 annual town meeting warrant stating when the program was authorized and what the proposal was). Selectman MacDonald made a motion to get an opinion from Town Counsel; Selectman Wood seconded. Ms. Dembkoski reminded them that if they put it in another revolving account, they are still limited to the 1% of the tax levy which is still \$122,000. The law states that you can only take revolving fund money and put it into another revolving account or it goes into surplus revenue. Ms. Dembkoski does not feel we need to spend money on Town Counsel when the DOR sets the law and they can answer it. Selectman MacDonald made a motion to dissolve the existing program and put the excess funds into the town surplus, and earmark a proposal and talk about special town meeting in the fall, dissolve the revolving, transfer the surplus revenue, a warrant article for field spending and create a new revolving account for the summer program. Selectman D'Amore said it sounds like a circumvention of the law; we are not meeting the spirit of the law. He does not agree and won't support it, but not to spend to town counsel. Selectman MacDonald made a motion to ask town counsel if in a special meeting in the fall the town can

dissolve the current revolving account, transfer the surplus revenue, create a warrant article to spend the money on the fields and create a new revolving account for the summer program; Selectman Watson seconded; voted 4-1-0. Selectman D'Amore voted against. Chair Dunn made a motion that the group will come before the board three times a year; Selectman D'Amore seconded; voted 5-0-0. Chair Dunn made a motion to form a committee with the summer program which will have a diverse group of people (recreation, parents, staff, school); Selectman D'Amore seconded; voted 5-0-0.

Erin Pinkham and GBL regarding the CPA Proposal – She feels she should be able to continue to run the CPA project with Ms. Dembkoski for the Washington Park project, but the GBL does not feel the same. Chair Dunn said he does not know the history behind what is going on. Ms. Dembkoski's opinion is that the proposal that went to CPA was from Groveland Baseball; not from Ms. Pinkham (even though she did the majority of work). Having two conflicting sides, she asked for the board's guidance. Joe Sullivan (GBL President) said it was never a one person project and presented a timeline that showed all that were involved. GBL voted Lisa Phillip as the Chairperson of the Washington Park Revitalization CPA project. There will be members and non-board members on the committee; Ms. Pinkham has been invited to be on the committee. Selectman MacDonald read Article 22 that says the project is to be managed by the Town's Finance Director and the Groveland Baseball League. Selectman D'Amore said we have a jurisdictional issue. Selectman MacDonald made a motion that we have to follow the warrant article; Selectman Watson seconded; voted 5-0-0.

Liaison Policy – Selectman D'Amore read the Liaison policy he is asking the board to consider adopting. Selectman Watson appreciates Selectman D'Amore's work but doesn't think it is necessary and can't support it. Selectman MacDonald is not against the policy and feels the board could try it. Chair Dunn wants a go-to person and wants each board/committee to come before this board. Selectman D'Amore said we have a list of liaisons and should define a clear set of rules/expectations. Selectman Watson made a motion to table it; Selectman Wood seconded; voted 5-0-0.

VOTES OF THE BOARD:

1. Selectman Watson made a motion to accept the June 1, 2015 Meeting Minutes as amended; Selectman Wood seconded the motion; voted 5-0-0.

Dan Stewart (4 Matthew Drive) said his position regarding weddings, receptions and parties is that anybody accommodating liquor at Veasey Park needs a Certificate of Insurance naming Groveland as an additional insurer; Ms. Dembkoski said they do that. He said the requirement for people to buy liquor liability for a vendor coming in is not needed. He wanted to clarify that if Veasey Park sells liquor they need their own policy. Ms. Dembkoski said they are looking at obtaining a liquor license from the town and being their own server and hiring a bartender to work for them.

2. Selectman Wood made a motion to approve the Property Use Permit for the Amateur Astronomy Club to use Strawberry Fields; Chair Dunn seconded; voted 5-0-0.
3. End of Year Transfers – End of year transfers totaled \$47,217.00. Selectman Wood made a motion to approve the year end transfers; Selectman D'Amore seconded; voted 5-0-0.
4. Reserve Fund Transfers – Selectman Watson made a motion to approve the Reserve Fund Transfers; Selectman MacDonald seconded; voted 5-0-0.

NEW AND OLD BUSINESS:

Bob Arakelian, Road Commissioner, asked the Chair to publicly announce that the Pines will be paved within the next two weeks. Ms. Dembkoski received notification today that the Army Corps of Engineers has extended their permit for the boat ramp; it can now move forward.

Selectman D'Amore asked the status of the collection of back taxes and what is legal or not legal about potential payment plans. Ms. Dembkoski said there is no authority under the law for payment plans; the law takes discretion out of the process so everybody is treated the same. Only if they are legally in tax title can they be put in a payment plan. She said they are still going through the process; 2002-2014 had until June 19th; beginning in July they have 30 days to pay or it will be advertised; after advertising there will be an actual taking date and a lien will be placed at the registry. Selectman D'Amore said we are a good board and have no personal interest and commended the board because we have been able to take that step that no other board has been able to do. We also have a great Finance Director that has shown us these steps.

CORRESPONDENCE:

1. Minutes from June 15, 2015 to be reviewed.
2. Selectman D'Amore said Mr. Fields responded as a follow-up regarding the ATVs. He offered suggestions and said there have been some improvements and thanked the BOS and Environmental Police. He wants the presence of the police and enforcement to continue.

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski is interviewing this week. On July 13th she will be ready to present recommendations for interview. Three candidates will be forwarded to the Selectman for the Administrative Assistant. The Building Inspector candidates will be interviewed by the board. Ms. Dembkoski said the board should be interviewing executive level staff (department heads). The board will not interview the custodian. The cleaning company was asked to stay on one additional month.

Mr. Angelini's annual renewal for his Earth Removal Permit will be on the next agenda and a Public Hearing will be held. Now would be the time for suggested changes to the permit.

SELECTMEN'S TIME:

Selectman MacDonald asked about the bathroom for Shanahan Field and the bidding process. The green modular bathroom creator is not on the state bid list; the spec will have to be changed. Steve Merrill joined the meeting. He said the contract needs to be reworded; it is mostly generic now. The reason he is going with the septic system being all inclusive is because they don't have the funding to connect to sewer. Ms. Dembkoski said to put the drawings into a narrative, explain what we are looking for and provide a spec sheet. There are two people interested in being put on the state bid list. Chair Dunn will find out the process.

There will be a discussion with the board concerning Recreation on July 13th at 8PM.

Selectman MacDonald asked about the draft Zoning Bylaw. Ms. Dembkoski will contact town counsel for an update.

The next meeting will be held Monday, July 13th at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman Wood seconded the motion; voted 5-0-0. The meeting was adjourned at 11:00 p.m.

*** Unanimously approved on July 27, 2015 ***