

Groveland Board of Selectmen
Meeting Minutes
July 13, 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 6:30 p.m.

Chair Dunn announced changes to the meeting: audience members wishing to speak must come to the podium and identify themselves, 3-5 minutes will be allotted to speak, and the Selectmen must have the attention of the Chair before speaking. Chair Dunn also took responsibility for the criticism in relation to the last meeting and said it will not happen again.

RESIDENT/PUBLIC COMMENTS:

Matt Castonguay (Director, Groveland Summer Recreation Program) read a letter to the board, specific to Selectman MacDonald. In part he said he felt personally humiliated and attacked by Selectman MacDonald for no reason. He has established a quality, safe, and accommodating summer program based on the needs of residents of the town. He took great offense to the comment saying he was double dipping because he is a principal in Tewksbury and working as a director at a seven week summer program. Regarding the excess funds, he said there would be no excess funds if the program was not successful. He asked that in the future he is treated in a more positive manner as he has done nothing but give his all into shaping the program into what it is today, a safe, reliable, fun and overall positive attribute that you should be happy and proud to have in this great town.

Selectman MacDonald apologized for his demeanor but said he stands by the substance of what he said. Mr. Castonguay appreciated the apology. Selectman MacDonald said Jim Day was paid \$5,000 and his salary more than double. Mr. Watson questioned how he could do two jobs at the same time and felt people should know he has a 52 week/year job in addition to the summer program. Selectman MacDonald wants to know who is running the program, what they are doing and why. He said all revolving fund financial reports are to be presented at town meeting and he is frustrated with the neglect of the financial matters of the town. He apologized for shooting the messenger, but as far as asking how the program is run, he has a criticism that it is too restrictive and does not accommodate working parents.

Inez Steele (6 Union Street) had a concern about the decision making process of the board. She said it seems very difficult for the board to make on the spot decisions about things they haven't had time to look into or examine. She was also concerned about the dynamics of the group and, as a citizen of Groveland, she was embarrassed and apologized on her behalf for what Ms. Dembkoski had to sit through at the last meeting.

Lacey Page (425 Main Street) said the board should conduct themselves in a more professional manner; the behavior has been a disgrace. She said volunteers play a large role in the community and should be shown more respect. Decisions should be based on what is best for Groveland as a whole, not what is best for an individual family referring to Selectman MacDonald's personal attack on both the finance director and summer program director.

Selectman D'Amore thanked the speakers who stepped forward to voice their concerns. He recommended that the board purchase Parliamentary Procedure books for the members and ask the Mass Municipal Association to provide a workshop for the review of proper parliamentary procedures on how to run meetings. The board agreed and Ms. Dembkoski will follow-up.

APPROVAL OF WARRANTS:

Selectman Wood voted to approve PW#15-55 in the amount of \$59,735.26 for three days; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve PW#16-03 in the amount of \$110,584.84 for seven days; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve DW#15-53A in the amount of \$26,474.55; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW#15-55 in the amount of \$356,237.56; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW#15-55C in the amount of \$5,628.52; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW#16-03 in the amount of \$891,459.25; Chair Dunn seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman D'Amore made a motion to appointment Tokala Sage Close for the part-time Custodian/Facilities Coordinator effective start date August 3, 2015 at a starting rate of \$18/hour; Selectman Watson seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Claire Walsh to discuss Renewal of Lease for 423 Main Street – Ms. Walsh is President of the Historical Commission/Society. She was present to renew the lease for the land for the Historical Society Building at Shanahan Field known as the “Knox Building”. Having no issues, Selectman D'Amore made a motion to renew the lease at 423 Main Street for a five-year period; Selectman Watson seconded; voted 5-0-0.

Public Hearing (Renewal of Water Commission's Permit for Earth Removal activities on property located on Zachary Lane) – Chair Dunn made a motion to open the Public Hearing; Selectman Wood seconded; voted 5-0-0. Selectman D'Amore read the hearing notice into record. Jim Sheehan (Water & Sewer) is formally requesting the BOS to renew the Earth Removal Permit. There are no changes; it is part of the original P&S and it does not pose any risk to the aquifer. Mr. Dempsey has been working with Mr. Angelini and Bob Arakelian and developed a checklist combining information from both the gravel removal permit and conservation permit. According to the permit, gravel can be removed from one of five sections, and Mr. Angelini cannot move on to the next section until one is completed; Mr. Arakelian will ensure all requirements are being met. Ms. Demboski spoke with Town Counsel and said it is an annual permit; it is dated July 14, 2014. Since a public hearing was held July 14th last year with further discussions in August and December (when it was finalized) and the closing was in February, Town Counsel felt it was safe to use the actual date of the permit. Town Counsel said the full application process should be done annually but because the permit was only good for a month and there were no changes, there was no need to go through the process.

Bob Arakelian (Road Commissioner) would like to change the traffic pattern. Currently the permit says to exit the pit and turn right to go to Washington Street and take a left up Washington Street to the stop sign and take another left onto Salem Street and come in empty the other way. He wants to reverse that because there is a bad culvert on Center Street. Chair Dunn made a motion for to remove traffic flow

restrictions coming out of Center Street; Selectman D’Amore seconded; voted 5-0-0. Selectman Wood made a motion to renew the one year Earth Removal Permit; Selectman MacDonald seconded; voted 5-0-0. Chair Dunn made a motion to close the Public Hearing; Selectman Wood seconded; voted 5-0-0.

Harbormaster Discussion – Chief Kirmelewicz and Mike Vets, Haverhill Harbormaster, were present. Other than the Police Chief making recommendations to the board for the Harbormaster and assistants, they have little involvement at the boat ramp and river unless there is a crime. Numerous complaints have been received by the Haverhill Harbormaster about some of the assistants harassing people at the boat ramp and river. Mr. Vets is willing to continue to be Harbormaster; he is currently training an assistant. The Chief’s concern is that the Harbormaster falls under public safety so the Police Department needs to be more involved, especially in the screening process; background checks need to be done. Mr. Vets has been controlling the waterways the last 4-5 years. Chair Dunn would like to see someone in charge of the land side and the safety of the dock. Ms. Dembkoski expressed her frustration saying that out of a list of approximately 20 moorings permits, only 3-4 have paid and she does not know if there is a person to give the list of granted permits to verify if there are other docks out there. Jack Callahan (previous Harbormaster) said Bobby Shawis taking care of the land since he can no longer do it.

Mr. Vets said some towns have a Harbor Commission that meet and determines fees, regulations, etc., so it is not up to one person. The Chief likes the fact that Mr. Vets is across the river and can be there if something happens since water rescue is a concern as well. There is \$1,000 in the budget for expenses and the Chief would like to continue to use that for the Harbormaster, but would also like to see a salary stipend. The town could enter into a Mutual Aid Agreement with Mr. Vets who would share his equipment with us. Chair Dunn would like to see the current situation remain the same, but wants the Police Department to handle the safety issue aspect and wants to create a commission as suggested by Mr. Vets to establish a group who will take care of the land side use of the property. Selectman MacDonald suggested getting a proposal for the board to review and vote on; Selectman Watson would like to see a job description. Mr. Vets is willing to sit on a commission as a non-voting member in an advisory capacity. Chair Dunn made a motion to leave it as is for the time being, leaving the Haverhill Harbormaster in charge, discussion tabled until he comes back to the board with a formed committee; Selectman MacDonald seconded; voted 5-0-0.

Recreation Committee Initial Board Discussion – The concerns expressed by the previous board were that (1) the BOS should be careful about letting any group control valuable town resources; (2) the Recreation Committee should establish a Recreation Budget Fund for approved expenses because currently they collect fees and maintain their own money (which is a violation of the law). Selectman D’Amore wanted to make clear that the money flow is the issue, not the volunteerism; and (3) the Recreation Committee is paying vendors on their own, separate from the legal municipal process; the town accountant has no oversight on their spending. Chair Dunn clarified that this discussion is specific to the appointed Recreation Committee only. Ms. Dembkoski gave a summary from audit report and read that MGL Chapter 41 Section 35 states “that as an appointed committee, the treasurer receives all money belonging to a city...” and that Chapter 41 Section 52 states “that it is the responsibility of the town accountant to approve all payments of all bills for the department before they are paid by the treasurer...” She stated there are two options to handle (1) keep the current Recreation Committee as an appointed committee but reformat them by either establishing a revolving account or establish a budget; or (2) disband the Committee and let them function as they are and create a 501c3. It needs to be one or the other; they are currently operating as both. Selectman D’Amore suggested not making a decision tonight and to give it more review; Ms. Dembkoski said a revolving account would be the best choice; Selectman Watson thinks it should not be disbanded. Chair Dunn made a motion to leave it as is and bring them into compliance; Selectman MacDonald seconded; voted 4-0-1.

VOTES OF THE BOARD:

1. Selectman Watson made a motion to accept the June 15, 2015 Meeting Minutes; Selectman D'Amore seconded the motion; voted 5-0-0.
2. Selectman D'Amore made a motion to accept the resignation of Diana Cummings, Adult Services Librarian, effective July 15th; Selectman Watson seconded; voted 5-0-0.
3. Selectman Watson made a motion to accept the final FY15 end of year transfers in the amount of \$4,220; Selectman D'Amore seconded; voted 5-0-0.
4. Chair Dunn made a motion to approve the Property Use Permit for the sidewalk outside Groveland Diner to raise awareness and funds for homeless children at kettlebell4kids.org; Selectman D'Amore seconded; voted 5-0-0.

The board agreed to give Selectman Wood the authority to review Property Use Permits that do not require a discussion with Ms. Dembkoski rather than waiting to be approved at a meeting.

NEW AND OLD BUSINESS:

Selectman D'Amore wants to include as a future agenda item discussion about the youth groups insurance liabilities issues that have been raised. There is the potential that the insurance company may not pay certain types claims based on the way we are organized.

Selectman MacDonald asked about the Zoning Bylaws. Ms. Dembkoski spoke with Town Counsel; they plan to go to Planning Board with a revised format. Once the PB agrees, they will start working on content changes. The statute/bylaws call for any changes to come from the PB not the ZBA, but because the board controls the warrant, the board could solicit the ZBA for their involvement in the process.

Selectman MacDonald would like a future agenda item to include Washington Hall to discuss the best use for the property.

Selectman Watson asked for an update on the back taxes. Ms. Dembkoski said the next step in the process will be with official letters of advertising giving taxpayers 30 days to make payment or it will be advertised; taxes must be paid in full to stop the advertising. Two weeks later a lien will be put on the property. Some of the more significant delinquent taxpayers have come in and paid off their taxes or made payments.

CORRESPONDENCE:

1. Minutes from June 29, 2015 to be reviewed.
2. Letter from James Dole asking for Consideration in Naming the Addition to the Bagnall School after Donald R. Beaton – Selectman D'Amore gave his background experience with renaming public buildings. Selectman Watson said generally that person has contributed a large sum of money towards the construction of the particular wing. Selectman MacDonald suggested having a time period for residents to submit a citizen for recognition/recommendation and put it to a vote. Ms. Dembkoski will put a survey on the website for 90 days asking residents if this is something they would like to do, and also for nominees.
3. Letter to Employee regarding Confidential Personnel Matter – For the board's review.

4. A letter was received from Brandolini Construction threatening litigation for non-payment of the snow removal bill. Selectman D'Amore's feeling is that we should pay the bill but will support the board without bias. Selectman MacDonald said we asked them to show all overtime hours and have not received it and remains skeptical that all the hours are overtime at the \$60/hour rate; the town should not pay the bill; the burden of proof is on them. Chair Dunn agreed and does not want to pay the bill until we see the documents. Selectman D'Amore said his dissent is removed on the issue; he thought the information received was sufficient to prove what they charged. Chair Dunn said we should do nothing at this time; the board agreed.
5. Planning Board Correspondence – Informational letter regarding Groveland Fairways.

FINANCE DIRECTOR'S TIME – No items tonight.

SELECTMEN'S TIME:

Selectman Watson would like Chris Liquori and the Cable TV Committee to attend a meeting in August to explain what is going on and why it is not being monitored. He also wants to know what Mr. Liquori's job responsibilities are because there is no job description.

Selectman Watson heard complaints about dead spots in town on Seven Star Road and in the vicinity of Main Street. He wants to reach out to the Police and Fire Departments to see if they are having a public safety problem where the transmission is not being heard. Ms. Dembkoski will follow-up with Police and Fire. She also asked Selectman Watson to find out who the carrier is for those who complained.

Selectman MacDonald asked about the Board of Health and mosquitoes. Ms. Dembkoski said the town participates in the Northeast Mosquito Control. A notice was put out to residents that if they wanted to be on the "do not spray" list they had to provide a certified request. Selectman MacDonald is looking for test results. She will follow-up.

Chair Dunn asked if there was a way to come up with money for hot top for the road; there is not enough to do all the roads. Ms. Dembkoski said some communities put Chapter 90 in their capital plan and budget capital money each year in addition to Chapter 90. She said it can be part of the FY17 budget process. She will follow up with Bob Arakelian and inform the board. Selectman D'Amore would like to see roads in the cemetery done each year. Ms. Dembkoski will check to see if the cemetery roads were accepted by the board.

The next meeting will be held Monday, July 27th at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman MacDonald seconded; voted 5-0-0. The meeting was adjourned at 9:05 p.m.

*** Unanimously approved on August 10, 2015 ***