

Groveland Board of Selectmen
Meeting Minutes
September 8, 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.

RESIDENT/PUBLIC COMMENTS:

Karen Conti attended to discuss the water issues she's had at the Pines. She was told by the Water Department there was nothing wrong with the water. She contacted DEP; they came out but she has not yet received their finding. She also contacted Representative Mirra who called the Water Department on her behalf. The last water result showed the nitrate levels in the water were 10; state law says 10 is the highest level and you should not be drinking water with 10 nitrates. Chair Dunn received a letter from Tom Cusick saying that the water line is dead ended; it is not a looped line and what's happening is that the sediments are being brought into the loop line and sitting in the pipes and they are getting sediments from that. He suggested following up the letter with the Water Department asking that they flush the hydrants more often to try and improve the water quality. Ms. Dembkoski said they will flush four times a year. Chair Dunn told Ms. Quinn to call the Water Department right away so it will be documented. Selectman D'Amore recommended that (1) the Water Department increase flushing the water mains in the Pines complex quarterly; (2) the Pines maintenance personnel should establish a consistent flushing program at the main service line and look at internal plumbing as well; (3) existing water heaters should be evaluated and upgraded; and (4) if an expansion of the building is considered in the future, the existing dead end should be looped. The conditions should be reevaluated after a year of increased flushing. Chair Dunn is asking the residents to prepare a list of their concerns so the board can discuss them when they meet with the Water Department. The Water Department will be asked to test the water ASAP.

Tracy Gilford (Fire Department member) invited the board to attend a ceremony honoring members from the Fire Department with 20 years or more of service, as well as recent graduates from the Massachusetts Fire Academy Call Volunteer Firefighter Recruit Program on Tuesday, October 13th at 7PM. He is also researching Lt. Elmer Thompson who died in the line of duty in 1972. He is asking that anyone who has information such as photographs or relatives to contact him.

APPROVAL OF WARRANTS:

Selectman Wood voted to approve PW#16-11 in the amount of \$135,020.34; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve DW#16-09A in the amount of \$27,741.39; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood voted to approve BW#16-11 in the amount of \$1,201,882.79; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Katherine Shaw to the position of part-time Outreach Worker for the Groveland Council on Aging effective September 21st; Selectman D'Amore seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Stephen J. Collins to the position of full-time Highway Senior Driver/Operator/Laborer effective September 22nd; Selectman Wood seconded; voted 5-0-0.

Chair Dunn made a motion to appoint John A. Gebauer, Esq. to fill a vacant seat on the Conservation Commission through June 30, 2016; Selectman MacDonald seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Kacy Bailey to fill a vacant seat on the Zoning Board of Appeals through June 30, 2016; Selectman Wood seconded; voted Selectman Watson for; Chair Dunn for; Selectman Wood for; Selectman D'Amore for; Selectman MacDonald abstained.

DISCUSSION AND POSSIBLE VOTE:

Chair Dunn recognized that there are problems at the library with the numerous resignations. He asked whose responsibility it is to run the library on a daily basis and was told the Library Director. He asked what the Director's role is and was told it is to run the library on a daily basis, to hire the staff, and to work with the Board of Trustees for the service of the library. After discussing the roles of the Director, Trustees, Chairman and Vice Chairman, it was determined that the library personnel do not know their roles; they need to be clarified. Selectman D'Amore asked if anyone present wanted to speak to get their perspective on the condition of the library that would cause talented, capable, enthusiastic people to quit. Laurie Leblanc (10 Madison Avenue) said she was the first to resign saying the board went around the Chair and were not working with her at all; things were going on behind their backs. Because they were not working cohesively as a board, she felt she had no choice except to leave. Selectman D'Amore asked if the Executive Session Minutes from August 17th had been released; no. Ann Marie Wilson-Crockett spoke to the Attorney General and was told that Executive Session should not have been an Executive Session. He said the trustees will need to read into record the Executive Session Minutes and amend them as an open session meeting. Selectman D'Amore asked if anyone had contacted the Mass Board of Library Commissioners expressing concerns. Ms. Burton said the former Director had called them. Selectman MacDonald said something changed in the dynamics of the organization but does not know what the crux of the problem; he felt it is up to the Board of Trustees to resolve any conflict within the organization.

Jennifer Close (24 Highland Avenue) said the terms of the job description should be clarified. Chair Dunn felt we should put the appointments on hold until clarification of the roles is resolved. Selectman Watson is of the opinion that the Library Trustees should speak with Town Counsel to have the roles properly defined since they are currently ambiguous. Selectman D'Amore does not agree with the board to hire Town Counsel; he said we have bylaws; read them and follow them; the duties are very clear; the employees of the library fall under the jurisdiction/supervision of the Board of Selectmen through the Finance Director who is also the Personnel Director. He appreciates all who serve and have served and thinks we need to get the people of Groveland to elect Trustees who can follow them and those that can't follow them, vote them out. His opinion is that we don't need to hire an attorney to tell us to follow the bylaws. Selectman MacDonald said if the description of the Director's role is ambiguous, use Town Counsel to define the interpretation; get an impartial opinion. Chair Dunn said everyone needs to do their jobs and stay within their roles. Selectman Watson made a motion to allow the Library Trustees to come up with questions, present them to the Chairman and get Town Counsel involved to hear some of the concerns; Chair Dunn said the concerns will be based on the bylaw; Selectman MacDonald seconded the motion; voted Selectman MacDonald for; Selectman Watson for; Chair Dunn for; Selectman Wood for; Selectman D'Amore against. Selectman Watson made a motion to table the appointments; Chair Dunn seconded the motion; Selectman MacDonald for; Selectman Watson for; Chair Dunn for; Selectman Wood for; Selectman D'Amore against.

John Osborne (Chairman, Bagnall School Building Committee) – Mr. Osborne submitted estimates to the board; they are within reason; the engineering estimates are high but feel they can bring them down. The well estimate is \$14,200. They thought they had \$230,000 in the school building account but found out today they only have \$102,000. This will cause a delay and CPA funds will need to be applied for. Chair

Dunn said the BOS has not voted to move that money yet; it will have to be done at the fall town meeting. He had a concern that it could become a soccer field and they may want it for their own, but Mr. Osborne said he was assured by Steve Merrill that would not happen; he is open to negotiations and discussions with other parties. Mr. Osborne is not sure he wants to spend \$15,000 until he sees the money available for the project; until they receive additional CPA funds (\$130,000-150,000) they don't have a project. They do have money they can spend on the pavilion and well and can make efforts to move forward if the board agrees that the proposal is acceptable. He has not had an opportunity to discuss it with the Committee because he was only informed this afternoon of the money development. Chair Dunn thinks it would be best to do it in bits and pieces to get the project moving. Selectman Wood was disappointed when he heard about the funds and agreed that we should start something. The infrastructure should be done first so as not to ruin the field after \$150,000 is spent to fix it. Mr. Osborne said if they receive CPA funds they will spend \$15,000 on the engineering study which is essentially for the fields; they could manage to do the pavilion without the engineering.

Selectman MacDonald was upset when he found out today that there was a shortage of are \$100,000+. He was critical of how it was managed from a financial prospective and said it was a wild goose chase putting together numbers for a quarter million dollar project only to find you have half a loaf in the breadbox. He thinks it is pathetic; the fields need to be done. He said the schools are the reason people move in and out of town; either they are good or they are great. He said there is \$1.6 million in the CPA account. With regard to the soccer field, the BOS has control over it; it's town property. There is no problem with any organization applying to use it. At some point in time he would like to see a beginning balance with zero and see how much money the summer program collected and what it spent. Where did the money go?

Jim Day (Bagnall Building Committee Member) was angry because since May he has been coming here and the figure has been in the \$250,000 range. Matt Castonguay said how much money was going to be in that account. Mr. Day said the Committee worked all summer long with that figure. How do we come here today and now the number has changed by that much.....what happened? Ms. Dembkoski said they are still paying bills on the summer program up through this warrant which is why she did not have the correct number. The summer program spent more than it took in this year; she does not know why; that is a question for Mr. Castonguay who is coming before the board at the next meeting. This is the first year there is a deficit. Mr. Day said the fields can't get done with the money that is there.

Kim Jackson (Bagnall Building Committee, Vice Chair) asked does the board want them to expend the \$15,000-\$16,000 to get the engineering study going now or would they rather wait until the meeting on the 21st to decide. With the existing funds they could utilize 50% of the engineering study on the first big field, put the well in, put the main drainage in, and with the second round of money can finish the second field and pavilion. Mr. Jackson believes the primary objective is the well to support the field and at least one field. The pavilion was a Phase 2 item. Selectman Wood said there would be \$102,000 left; that would cover one field with some money left. Mr. Jackson would not propose building 1½ fields. He would build one correct field and lay out the second field. Chair Dunn wants to get it to the point where it can be used for the children and the summer program. Selectman D'Amore is against approving anything at this time, including a study, until we find out what happened and ask the residents in October to approve and move the money into a special fund and to let the CPA do their process; he said doesn't think it's good public policy to piece meal it. Melissa Colby (representing Groveland Youth Soccer) said she was impressed with the knowledge of those who worked on the proposal; the group is dedicated; everyone will stay focused; and there are volunteers for future maintenance. She hopes it will be found out what happened to that money; where did it disappear to; someone has to be accountable. Ms. Dembkoski clarified that she doesn't believe there is money actually missing; the numbers were all estimates based on enrollment and spending. Not only did they not take in what they assumed, they spent more than what they took in. Selectman Wood said in June there was \$170,000-\$180,000 and overage estimates going into the next year. Ms. Dembkoski said there is no excess of overage and they spent more so you're decreasing the overage that was there and not adding anything to it.

Selectman MacDonald said proposals can be submitted until September 21st. He said if we can find money to plant grass around town hall; it would be better used at Bagnall; in his opinion he would rather see it be dirt all around town hall and put those resources over there. He said there is money there and it shouldn't be a negotiation in his opinion; it should be done because you should do it; find it in the budget. He said he is flying blind because he doesn't have any numbers and if he can't figure out a way to pay for grass behind the building he will quit. Selectman Wood agreed that people want grass there. Selectman MacDonald interrupted and said it's time we planted grass on the moon in Groveland. Chair Dunn also agreed but asked if he should be yelling at the board because we can't get grass planted there. Selectman MacDonald said he is frustrated with this board. Chair Dunn said he shouldn't be yelling at the board; we are trying to come up with a plan. Selectman MacDonald said we cry poormouth but find budget neutral transfers; when you want something you find the excess in one budget and do a neutral transfer; Chair Dunn asked him to calm down and asked is there a \$102,000 in an account that we can move to be proactive; Selectman MacDonald became extremely overexcited yelling that he hasn't received financial records; he has no numbers and gets them a half hour before the meeting; he's had enough; at this point he was asked by Chair Dunn to leave. Still incensed he said with pleasure and continued yelling saying to the Chair that if he wants to sit here and bootstrap and wing it alone go right ahead. He said to have some financial records at the next meeting. He said is going to go home to his family and said the Chair could sit and pretend he knows what's going on. Chair Dunn thanked him. Selectman MacDonald apologized to those who worked on it and said you're on a wild goose chase because the board can't get any numbers on the table. He said no wonder he gets frustrated. Chair Dunn told him he gets frustrated because he gets himself in an uproar. He starts off slow and talks himself into an uproar; Selectman MacDonald said you pretend to know; you don't even have the information; Chair Dunn said he knows there is \$102,000 in an account that we can move to get the thing moving. Selectman MacDonald said where did the \$120,000 go; Chair Dunn said we just found out about it. Selectman MacDonald said maybe we'll get an answer; maybe we'll get an excuse. Selectman MacDonald told the board to have fun. Before exiting he asked Ms. Dembkoski for financial reports stating he asked 47 times; she replied that they are all sitting there for him.

Chair Dunn said we first need to transfer the money at Special Town Meeting and state the money is for the Bagnall School project. We will have the Committee in to explain what happened to the money. On the 21st we will review all proposals. Selectman Wood made a motion to request an article be submitted at a Special Town Meeting to move \$98,000 from the Bagnall Summer Rec Revolving Account to an account to spend for Bagnall exterior renovations; Selectman D'Amore seconded; voted 4-0-0.

Chair Dunn apologized to the town for Selectman MacDonald's behavior saying it was not right and not called for. For the record, Ms. Dembkoski pointed out that she has financial reports for several weeks of different kinds that have been sitting here that Selectman MacDonald has not looked at or taken. She also told the board that many of the reports have to be hand generated because we don't have the capability; she has numerous spreadsheets she has worked on. Selectman D'Amore said for the record the packets are ready on Thursdays. He said the board's duty is to study the agenda, packet and correspondence not just before the meeting, but throughout the weekend. The board agreed that Ms. Dembkoski sending the packets on Thursday is adequate. There are at times last minute updates that that can't be foreseen.

Sam Joslin, Building Inspector (to discuss revised request to increase Building Permit Fees) – Based on FY15 information, there is roughly \$11 million in construction value in town; revenue collected was approximately \$44,000; basic costs to operate the department is a little under \$53,000; leaving the \$8,500 difference to be paid out of the general fund rather than fees. He said the fees should be covering the cost of the department. There is a minimum \$75.00 permit fee (a square footage cost). Based on last year's intake that's about \$4.00 per thousand; he is proposing to increase that to \$5.00 (half of what he requested the last time) and do away with the \$75.00 minimum fee because most permits that are under \$10,000 will be less than the \$75.00 minimum fee; the low end average for other towns is \$10.00 per thousand. Mr. Joslin said it makes the fees easier to understand because they are based on the cost of the project. He made

some other alterations: replacement cards and temporary occupancy permits. Selectman Watson is inclined to support it. Mr. Joslin explained the process of transfer saying it transfers the permit from the homeowner to the contractor who will assume liability. Selectman Wood made a motion to approve the Permit Fee Schedule; Chair Dunn seconded; voted 4-0-0. Selectman Watson made a motion that the Building Inspector be allowed to waive the fees for portions of homes damaged by fire or natural disaster; Selectman Wood seconded; voted 4-0-0.

Special Town Meeting (set date and formally open the warrant) – Selectman Wood made a motion to hold the Special Town Meeting on Monday, October 26th and officially opened the warrant with articles to be submitted no later than September 30th for consideration; Selectman Watson seconded; voted 4-0-0.

VOTES OF THE BOARD:

Selectman Watson made a motion to accept the August 10, 2015 Meeting Minutes; Selectman Wood seconded; voted 4-0-0.

Selectman D'Amore made a motion to accept the resignation of Amy Kraemer, Library Director, effective September 2, 2015; Chair Dunn seconded; voted 4-0-0.

Selectman D'Amore made a motion to accept the resignation of Julie Hauss, Registrar, effective August 17, 2015; Selectman Wood seconded; voted 4-0-0.

Selectman D'Amore made a motion to declare two zero turn mowers as surplus; Chair Dunn made a friendly amendment that we make an effort to sell them; Selectman Wood seconded; voted 4-0-0.

NEW AND OLD BUSINESS:

Selectman Watson asked the status on Washington Park. Ms. Dembkoski said the Committee is starting to work on it.

Selectman Watson asked if there is a list of town owned property that can be declared surplus. Ms. Dembkoski said it will be in their packets and put on a future agenda.

Selectman Watson asked the Chair the status of the permit list. Chair Dunn talked to Debbie Webster; she discussed it with the Building Inspector and it is moving forward. They are waiting for Merrimack Valley Planning to put the draft packet together so they can sit down as a committee and go through it; hopefully within a month.

Selectman Wood asked the status at the Pines. Ms. Dembkoski said the paving has been done; the weather has been too hot to do the curbing. The boat ramp is currently out to bid; bids are due back on September 28th; to date nine companies have taken out documents. The boat ramp is estimated to be approximately \$292,000. The Road Commissioner said if the bids come in too high, he will do it within his department. Paving was estimated to be \$70,000-\$80,000; then curbing; the Highway Department will backfill and seed the area; the cost for street lights is approximately \$7,000. We could get the costs for the remaining fields and bathroom and go to CPA; no taxpayer money has been spent on the project. Selectman Wood felt we cannot keep going to CPA to improve projects; they have a finite amount of money, especially when it should be a budgeted project. She said this project has been ongoing for 6-7 years; costs have changed dramatically from what was originally estimated. The electrical, water, sewer, plans, engineering costs and prep work for the bathrooms are in. The in-water work is only allowed November 1st to March 31st; they plan to award the bid the first week in October which will give them time to order materials and hopefully start close to November 1st. She said it is not costing the residents; it is a benefit from the town selling the sand. Chair Dunn said the money came from the sand and the project has been done with that money.

Chair Dunn talked about the pumpkin project and felt it would be good for community involvement. His thoughts were to place the pumpkins on the sidewalk at town hall up to the building or across the front of the building, but not too close to the road. The total cost to set up and rent staging for three weeks is \$625.00. He contacted Claire Walsh; she said they can cover the cost. Ms. Dembkoski said she thought possibly putting them on the lawn in front of the police/fire department where there are security cameras. A date will need to be determined to set up the staging. Pumpkins could be accepted between the hours of 4:30PM and 7:00PM; they could be put out on October 22nd and lit on October 29th between 6:00PM and 7:00PM. The Firefighters and Police Associations will be contacted to see if they have an interest in sponsoring something. A sign will be needed along with place cards for identification. It will be an agenda item for September 21st.

CORRESPONDENCE:

1. Minutes from August 24th and Executive Session Minutes from August 10th to be reviewed.
2. Summons from Brandolini Construction for Outstanding Balance – Before scheduling an Executive Session to discuss the matter, Ms. Dembkoski said we should let Town Counsel draft a response.
3. Letter from Mr. & Mrs. Robert G. Scott supporting the Bagnall Summer Program – Chair Dunn said he received a call; their son has a disability; he came to the program as a child, became an instructor; the program was nothing but positive for him.
4. Resignation letter from Ann Marie Wilson-Crockett from the Board of Library Trustees effective September 2, 2015.
5. Resignation letter from Carlos del Castillo from the Board of Library Trustees effective September 2, 2015.

FINANCE DIRECTOR'S TIME

Letters of advertising have gone out to 62 taxpayers covering the years 2011-2015. Anyone who has delinquency other than the current year we are in has received a letter of advertising. The scheduled advertising date is set for Friday, October 9th. Residents have until October 2nd to pay off their balance; it must be paid in full in order to stop the advertising from going forward. Once advertised, the law requires a minimum of two weeks before placing into tax title. A lien will be placed if not paid. She will keep the board posted. Outstanding tax amount looking to be collected with the letters is \$287,000.

SELECTMEN'S TIME:

Selectman D'Amore said that New and Old Business is redundant; Selectmen's Time is to be used to make statements, propose future agenda item, etc. Old Business will be removed.

Selectman D'Amore said he did not vote for the motion, but supports the board on the decision to engage with the attorney to help the Library Trustees understand their roles. Ms. Dembkoski will reach out to Ms. Burton to see when the list will be ready so it can be placed on the agenda.

Chair Dunn asked if all town offices are open on Monday night. Ms. Dembkoski said all of the positions and employees that are appointed solely by this board and have no other elected authority are here on Monday nights. There are some elected boards that do signoffs that are not here, and there is an elected department that is not fully staffed that answers to another board. Chair Dunn said we changed hours so the residents can come in and be able to conduct business. Selectman D'Amore made a motion that we

draft a letter asking all appointed board members to be in attendance to conduct the people's business on Monday nights and respectfully request that the elected positions would consider doing the same; Chair Dunn made a friendly amendment and wants the letter to go out by Cassandra Murphy, the reason being he wants them to understand the Selectmen are requesting it. Chair Dunn said she will write it on behalf of the BOS. Selectman Wood seconded the motion; voted 4-0-0.

Selectman Watson attended the tour of the new athletic fields at the Junior High School. Members who were unable to attend can contact the superintendent if they would like a tour.

Selectman Watson said it is time to meet with Town Counsel in Executive Session to discuss litigation facing the town. Ms. Demboski said Town Counsel reached out early in the summer and wanted to schedule something for the fall; she will forward dates of availability.

Selectman D'Amore asked Selectman Watson if he went to the meeting regarding the fee structure with the School Committee; he said Selectman MacDonald was to attend. Selectman D'Amore will email Marianne Naffah and ask for those School Committee Minutes.

Chair Dunn asked if there was any feedback regarding Center Street and Conservation; it is this week.

The next meeting will be held Monday, September 21st 6:30 p.m.

Selectman Watson made a motion to adjourn; Selectman D'Amore seconded; voted 4-0-0. The meeting was adjourned at 9:40 p.m.

*** Unanimously Approved on October 5, 2015 ***