

Groveland Board of Selectmen  
Meeting Minutes  
November 30, 2015

Present: Chair William Dunn, Selectman Daniel MacDonald, Selectman Joe D'Amore, 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.

To allow Selectman D'Amore and Chief Lay to speak before Resident/Public Comments, Chair Dunn made a motion to amend the meeting; Select MacDonald seconded; all voted in favor. The two met and discussed what they agreed and disagreed on regarding the fire truck. Selectman D'Amore said we had a goal of buying a fire truck but not sure how to do that, and also have a joint goal of utilizing the existing warrant to borrow and to obtain a new fire truck. Selectman D'Amore acknowledged that in the heat of the most recent meeting he made some inappropriate statements; he does have faith in the Fire Chief, the leadership and members of the Fire Department. Both the Chief and Selectman D'Amore agree that it is not in the best interest of the department or the best financial interest of the town to purchase a used truck; they agreed to buy something new this year or nothing. The plan is by December 14<sup>th</sup> to meet with Chief Lay and the Fire Truck Committee to review all applicable research specifications and comparisons. Chief Lay said the committee worked for ten months and did their due diligence. His failure as their leader was that he didn't share the depth of the work; he felt he was picking out the truck himself and the board would give him the money to buy it; he was unaware of the financial situation. He met with Selectman D'Amore; they shared their work and are asking the board to understand the work that was done. They started with a \$1.2 million truck and got it down to \$750K. Chief Lay addressed social media. He said the press release was not a good idea on his part, but he was careful about it; some of his members have not been so careful on Facebook. He further said it could have been prevented if the board accepted his Social Media Policy he wrote in June of 2014. He wrote a policy that would not let them take the public interest out on social media. He gave Ms. Dembkoski a copy of the policy and strongly urged the board to consider it. He believes they have a good understanding of what needs to be done going forward: meet, communicate and collaborate. He is confident they will move to find the financing to purchase what they think is the best deal for the Town of Groveland. Chair Dunn said we need to work together to find the financing or ask the taxpayers; either finance it or pay for it with a lump sum payment. Selectman D'Amore doesn't think we should shift our responsibility and have the taxpayers decide; we could ask for a debt exclusion.

Captain Kurt Ruchala (Central Station) agreed that we need to buy new. Buying a used truck could potentially cost \$2 million over a thirty year period. He commended the Truck Committee; said it was started in September 2014; people were invited to attend their meetings (only Chair Dunn came); it was presented to the board in February 2015, and a platform, quint, single axel was voted for. Selectman Wood said the people need to know what plans are available.

On December 14<sup>th</sup>, Selectman D'Amore, Chief Lay and the Truck Committee having come to an agreement will make a presentation to the board and the public on the complete scope of the work, the research, and what they deem together to be the correct choice for a ladder truck. At the January 11<sup>th</sup> meeting the fire truck proposal will be opened for public comment. They will also ask Ms. Dembkoski for a report on the financing options. The primary goal is to use the existing warrant that was approved by the town to borrow the money to buy it. At the February 8<sup>th</sup> meeting Ms. Dembkoski will provide options for financing. Chair Dunn said we cannot afford it in town budget and doesn't think it is fair to cut budgets. Leasing could be an option. Chief Lay would send a letter of intent to the company that you want to buy the truck because it will be gone soon, and use some stabilization money instead of borrowing it all. The first payment is not due for a year; authorize a debt exclusion. Ms. Dembkoski said stabilization money cannot be used without a 2/3 vote at town meeting; the board cannot authorize the use of stabilization; town meeting has to authorize

the debt exclusion as well. Selectman D'Amore said it will be town's decision; either town meeting and/or ballot. Selectman MacDonald said it was flawed at town meeting because it never specified where the funds would come from. Last year there was a deficit because of Assessor's overlay money, health insurance reimbursement, and snow budget; savings had to be used; how can we add \$70K; he does not want to raise taxes; but will respect the voters if they vote to raise taxes. He can't responsibly create a budget deficit; he wants them to consider that part of the equation. Chair Dunn said 63% of the town's cash flow drain is coming from the schools. Groveland does not have a commercial tax base; it costs the town approximately \$2K for every new house; we need to turn this around and bring revenue in. Ms. Dembkoski said by February they should have the state aid numbers and hopefully the school numbers so we should know what shape we will be in going to town meeting.

John Stokes (92 Seven Star Road) said at the onset the discussion was for productive dialog but hasn't heard that in the past month. Selectman MacDonald asked (1) if he was the PR person for the Fire Department; yes (2) was he paid to speak tonight; no (3) was he was responsible for drafting the article that was promoting the ladder on the website; he said the Fire Department is responsible for the content; he helps write, edit, and distribute. Selectman MacDonald said that's a yes and that he was a paid advocate for the Fire Department.

Mr. Merrill said Chief Lay and Selectman D'Amore put forward a proposal to come up with a potential solution. He said the firefighters are not happy with the way things went over the past month because they feel like their work has gone unappreciated; part of that is the failure was to communicate with the BOS; part of the blame is the BOS not following through with the original plan; there is a shared blame. Selectman Watson finds it disturbing and unnecessary that the Groveland Fire Department wastes the money to hire a public relations firm. He hopes it becomes a line item in the budget so it can be voted on. He also feels the town has been anti-business; it is difficult to get through some boards; the regulations need to be relaxed to make it easier for businesses to move into the town.

Lt. Credit said they came to support the Fire Chief. Selectman MacDonald asked did he think it was a personal issue; Lt. Credit said it appeared that way; they received an apology from Selectman D'Amore and are happy and hopefully can move forward. Selectman MacDonald said there is no money in the budget for this. Lt. Credit said there has to be some way to do the math so households can pay \$20/year over the next 20 years to make it work.

**RESIDENT/PUBLIC COMMENTS:**

Bill Daley (7 Hemlock Lane) asked the status on the bathrooms at the Pines. Chair Dunn said there is \$50K-\$60K set aside for ongoing work (parking lot striping, bathrooms and street lights). Mr. Daley asked the protocol; he does not think they are what the Pines represent or how they wanted it to look. He had concerns with the design. Chair Dunn will pass along his concerns to the Road Commissioner. Ms. Dembkoski said they are a long way from being done; they will have good working structures; one of them was donated; one was purchased at a minimal cost; plumbing is estimated at \$20K; the electricity, heating and air conditioning is there; and it is being done in-house. There will be good decent bathrooms that can be maintained, cleaned and secured, and we are savings the taxpayers' money.

**APPROVAL OF WARRANTS:**

Selectman Wood made a motion to approve PW#16-23 in the amount of \$144,253.13 Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-21A in the amount of \$26,923.48; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-23 in the amount of \$365,720.68; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS:**

Selectman Watson made a motion to appoint Rock Dower to fill the Cemetery Commissioner vacancy effective December 1, 2015; Selectman Wood seconded; voted as follows: Selectman D’Amore yes; Selectman Wood yes; Chair Dunn yes; Selectman Watson yes; Selectman MacDonald yes; Debra Stewart (Cemetery Commission) yes; Bob Guptill (Cemetery Commission) yes.

Selectman Watson made a motion to appoint Catherine Bourque to the position of Library Assistant for up to 18.5 hour/week effective December 1, 2015 pending a successful CORI certification; Selectman D’Amore seconded; voted 5-0-0.

Selectman Wood made a motion to appoint Nicole Escobar to the position of Library Assistant for up to 18.5 hour/week effective December 1, 2015 pending a successful CORI certification; Selectman Watson seconded; voted 5-0-0.

**DISCUSSION AND POSSIBLE VOTE:**

Members of the American Legion to discuss a petition for handicap accessible space for Veterans and Seniors – Dave Tuthill (Commander of American Legion Post 248) presented a petition to say a facility is needed for seniors and veterans. There are over 1,600 seniors that have to go out of town for meals on wheels; he doesn’t think that is acceptable. The seniors meet during the day; Selectman MacDonald suggested using the Bagnall School cafeteria later in the day. Mr. Tuthill said there is no handicap facility where seniors/veterans can hold functions; Veasey Park is not handicap accessible. Chair Dunn suggested contacting the Council on Aging and the Haverhill Veteran’s Agent to see if there are any grants/funding available. The veterans meet the second Wednesday of the month from 7PM-9PM. Selectman Watson suggested using the school at night. Selectman MacDonald said he believes the agreement says we have authority over the use of that property. Ms. Demboski said we would have to make sure it is within the time the custodian is in the building; otherwise we would have to pay a custodian to be there. She told Mr. Tuthill there is meeting space in the Fire Department that is not used on Wednesday night; the Chief has no problem; it is well lit, handicap accessible, has a separate entrance, the bathrooms are all on the first floor. Mike Dempsey said according to the agreement, they can’t build anything else on the Veasey Park property. Selectman MacDonald asked about Washington Hall. Bob Guptill (Historical Society Member) said the building is opening on December 13<sup>th</sup>. It will be available to any organization or group in the town, but someone from the Historical Society will have to be present to monitor it because there is a museum on the first floor that people will have to go through. Selectman MacDonald asked why not give them the second floor; Chair Dunn said there is no kitchen; Mr. Guptill said there will be, it is not built yet. Mr. Daley said to keep in mind it is for seniors as well as veterans. Chair Dunn said they are working on a quick fix for the interim while continuing to work on getting a facility. Ms. Demboski said the COA should be involved if there is discussion of moving the seniors and should focus on the American Legion at this point. They have to talk to the Historical Society because they have the lease on Washington Hall. Before the next meeting, the COA, Historical Society and Mike Inghan (Haverhill Veteran’s Agent) will be contacted. More discussion will take place on December 14<sup>th</sup>.

Tax Classification Hearing – This is an annual event that is part of the tax rate setting process. The board decides whether to have a single tax rate or a split tax rate. The split tax rate is where commercial and industrial properties are taxed at a higher rate than residential; typically that happens in communities that have a larger business base; we are currently at 8% commercial industrial and personal property. The board met and their recommendation was to stay with the single tax rate due to the fact that we have such a small amount of commercial and industrial; we would not save much on the residential tax bill; but a greater

amount would be shifted to commercial; the tax rate would go down less than \$1; it would go up \$7 per thousand for commercial and industrial. The proposed tax rate (the Department of Revenue is the one who determines the value of the properties and provide the formula to be used) is \$15.09 per thousand (the average tax bill would \$5,464.00 for taxes alone, not CPA); that is an increase of \$298.00 on the average home. The homes went up average about \$8,500 from last year's \$352,900 was the average; \$361,400 this year. Not all homes go up; some homes went down in value. Ms. Webster said assessments are always behind the market (about 18 months). They were done 1/1/15 based on calendar year 2014 sales. Selectman D'Amore made a motion to continue with a single tax rate; Selectman Watson seconded; voted 5-0-0.

Cemetery Fee Schedule Changes – Bob Guptill (Cemetery Commission Chairman) said in reviewing and updating the operating procedures it was discovered that there was never a published fee schedule. Debra Stewart (Cemetery Commissioner) researched other towns of similar size and said we have not been charging for a number of things; they are trying to bring money into the town. They want to increase the single lot fee from \$600 to \$800; half the money goes into a sale of lot account to help sustain the cemetery; the other half goes back to the town. In addition, due to the increase of seniors in town, they are changing the exclusive 15 year rule (where you buy a lot in a cemetery if you live in town 15 years or more) to 10 years. Fees are needed maintenance; there are shrub problems; some families are no longer around. They are working on a restoration plan for the cemetery but it takes money. They are hoping the board will support the increase in fees so they will be more sustainable and not have to keep coming back to the town for money. The Building Inspector raised some concerns with the maintenance building. Selectman MacDonald asked what they need to break even. Mr. Guptill said they are municipal cemetery not a private cemetery; the only money they keep is from the sale of traditional lots and cremation lots; everything else goes into the general fund. Selectman MacDonald asked what they do with that money. Mr. Guptill said perpetual care money; 50% of each sale of every lot goes to perpetual care and the other 50% goes to the sale of lot funds which is to perpetuate which is closing in more roads, creating more lots, etc. He said they provide \$8K-\$10K each year in revenue which then comes back to them in the form of salary. They currently have approximately \$300K which is an endowment; they only withdraw the interest which Ms. Dembkoski manages. Selectman MacDonald doesn't want to raise fees if it is already profitable. Ms. Dembkoski said in the past they were operating like a self-sustaining revolving fund (but they were not legally a revolving fund). The budget they requested this year was cut because we didn't have the funds to continue to supplement them. Mr. Guptill said part-time labor is a budgetary shortfall; money is needed to make capital infrastructure improvements (front egress door, fire resistant chemical storage cabinets, installation of a fire rated door between garage and office). Selectman D'Amore made a motion to accept the Cemetery Commission's recommendation for a fee schedule as well as the criteria for qualifying to buying a lot to ten years; Selectman Watson seconded. Selectman D'Amore said we ran out of money this year and in the fall could not do any more work. Ms. Dembkoski said they exceeded their part-time wages salaries because we were unable to give them what they requested in their budget request; we made cuts in every department last year so they ended their season shorter than what they were expecting and will have to go to a special meeting in the annual town meeting and request a transfer. Selectman D'Amore said this fee schedule also accommodates the correct way of managing the cemetery financially. He agrees with Selectman MacDonald and doesn't want to see big jumps in fees and taxes, but this is different because it is self-sustaining and said we should support it. Voted 4-1-0; Selectman D'Amore for; Selectman Wood for; Chair Dunn for; Selectman Watson for; Selectman MacDonald opposed.

Center Street Discussion – Mike Dempsey (Conservation Commission) and Selectman MacDonald put together a plan regarding the potential use and payment for 150 Center Street; it was purchased last year as part of the Center Greenway. It was decided that this particular property would not be paid for with CPA funds; a debt override was approved by voters at town meeting and voted in; the first bond payment starts in June for 20 years. They thought they could use CPA funds to lessen the bond expense for the taxpayers, but the Mass CPA Coalition said they could not go back and use CPA funds to pay for the bond; CPA funds are only used for new projects. The plan addresses two things; dividing up the use of the land, and how that will help us pay for it. There are three potential CPA uses; open space, community housing, and

recreation; the police firing range is also proposed. Approximately 21 acres of the total 60 acres is allocated for open space primarily because there is a large wetland area that is being protected or it is within the endangered species habitat. The town needs some place for community housing; they carved out 8 acres for community housing. A large part (approximately 21 acres) was set aside for recreation. Ten acres was carved out for prime space along Center Street for commercial or light industrial development; it is already zoned for business. The more complicated part is the payment portion; how is the town going to benefit. One idea for community housing is to form a non-profit housing trust which would then apply to the town for CPA funds and if awarded would use the funds to buy that land for community housing from the town. They are not sure about the technicalities and would need a legal opinion on it, but it is one potential way we could use CPA funds towards paying the bond (indirectly). Open space would be similar to community housing, we would sell the land to a private land trust; they would apply to the town for CPA funds and would use those funds to do a combination purchase of the land from the town and a conservation restriction that the town would hold on the land; the town would have complete control and it would serve the purpose of not developing it and we would meet the needs and requirements of the Natural Heritage Endangered Species Program and also part of the original concept of buying the land. We would pursue recreation with a soccer group or the recreation committee; they could apply for CPA funds to build fields. The police firing range has some ability to do training capabilities for other towns and can charge some fees. We can generate money by leasing or selling commercial property, possibly \$100K/year. With advance payments, the bond could be paid off in five years rather than twenty. Ms. Dembkoski will contact bond counsel before involving town counsel; she doesn't think the bond is callable in five years. Any money made from the purchase of that land has to go to defuse the bond; it would go into a mitigation fund and we would pay an agency to disburse it each year to pay the principal and interest on the bond. Selectman MacDonald's research found that you don't have to buy the full interest in the land; you can buy a conservation restriction which is a permitted use of the CPA funds.

### **VOTES OF THE BOARD:**

Selectman Wood made a motion to approve the November 2, 2015 Meeting Minutes; Selectman Watson seconded; voted 5-0-0.

Selectman D'Amore made a motion to accept the resignation of Todd Newton from the Recreation Committee effective 11/10/2015; Selectman Watson seconded; voted 5-0-0.

Selectman D'Amore read the citation for Jack & Tressa Callaghan thanking them for their many years of dedication and volunteerism to the Town of Groveland.

### **OLD BUSINESS (Unfinished Business):**

Chair Dunn met with the realtor and discussed the Salem Street parcels; the realtor thinks it should be sold as raw land. The commercial parcel would bring approximately \$300K; the highway garage would bring approximately \$100K-\$150K. Selling public property requires using MGL Chapter 30B; properties that are valued over \$35K require us to solicit proposals; it has to go through a procurement process. The board can determine the criteria for the bid package. A bid package and notification to abutters is also needed for landlocked parcels. Ms. Dembkoski suggested not selling everything at once because there would be no future revenue to use. Ms. Murphy will inform the realtor that he cannot be the exclusive broker. Once the board identifies the properties to be looked at, they can decide what services are needed.

### **CORRESPONDENCE TO BE REVIEWED:**

1. Minutes from November 16, 2015
2. River Pines Water Quality Report
3. Letter from the Planning Board regarding the desire to hire a Town Planner

4. PRSD Snow Monitoring and Communications with Towns
5. Social Media posts about and by members of the Groveland Fire Department
6. Town Counsel's opinion regarding M.G.L. Ch. 48 §42, 42A, 43 and 44
7. Email from Chief Lay answering questions about command vehicle

**FINANCE DIRECTOR'S TIME**

The board agreed to meet in Executive Session with Town Counsel to go over all open litigation on Wednesday, January 13<sup>th</sup> at 6:00 p.m.

The board authorizes the spending for Town Counsel (TC). The Planning Board is rewriting the Zoning Bylaw and is looking to utilize more time with TC. In October, 26 hours were used (approximately \$4,000). Ms. Dembkoski recommended setting a number of hours TC can be used and revisit it when they are reached. There is a meeting next week with Town Counsel, a member of Zoning, Planning, this board and the Building Inspector. The plan was to submit the reorganization of the existing bylaw and in subsequent articles at the same town meeting focus on content, but so many hours were spent on the reorganization, they wanted to make sure that was successfully passed. The document that TC has been using is a document that was already rewritten by a previous attorney; he is not using the current bylaw. A decision has to be made for what is going to town meeting; are we going to look at content changes or looking at just the reorganization. It will be time consuming for someone, but if TC does it, it will be expensive. Selectman D'Amore suggested eight hours/month for three month and then reevaluate. Chair Dunn authorized eight hours for two weeks; he will attend the meeting on the 8<sup>th</sup>, find out the progress, and will report back on how many hours are needed.

Community Compact – The Lieutenant Governor wants the board to attend the official signing in Newbury on December 15<sup>th</sup>. When Governor Baker came into office, he made a promise that he would spend more time and resources and give it to municipalities. He created the Community Compact which is a voluntary mutual agreement between cities, towns and the state. You choose best practices you would like to see come into the town and they will provide the resources and hopefully funds to get them accomplished. Ms. Dembkoski selected Information Technology, Financial Management and Regional Shared Services; all have been identified and the proposals accepted. If the Chair cannot attend, the board will have to vote another member to take his place.

**SELECTMEN'S TIME:**

Selectman D'Amore spoke briefly on the Fire Department's Social Media Policy; he encouraged the members to read it in detail. It is on the agenda for the next meeting.

Selectman Watson asked for an update on the Veto. Ms. Dembkoski said a family member of the architect took ill. Mr. Mund said he was going to have the revised drawings before Thanksgiving. Ms. Dembkoski told him he had until the end of the month; she has not heard from him; she will follow up.

Chair Dunn asked if she had any update regarding the Harbormaster or Cable Committee; she has not had time to put information together for the Harbormaster. Selectman Watson said the Cable Committee met and they are in the process of researching job descriptions from area towns.

The next regular meeting will be held Monday, December 14<sup>th</sup> at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman Wood seconded; voted 5-0-0. The meeting was adjourned at 10:00 p.m.

\*\*\*\* Unanimously Approved on December 28, 2015 \*\*\*\*