

Groveland Board of Selectmen
Meeting Minutes
December 14, 2015

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

Absent: Selectman Daniel MacDonald

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

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

RESIDENT/PUBLIC COMMENTS:

Bill Daley (7 Hemlock Lane) asked the status of The Pines. He felt no one is overseeing the project, there is no accountability, and thinks there should be a community development department in place to manage it. Chair Dunn agreed we need someone to oversee it and suggested he form a committee and come back to the board.

Dan Stewart (Groveland Youth Softball Director) asked if they were on track with the CPA money that was approved to finish a second softball field, utility field irrigation and the boat dock. He asked if it was going out to bid with construction starting in the spring. Ms. Dembkoski said she has the specifications and now has to put the bid package together; she does not have a specific timeline. She asked if the lights were going to be Phase 2 because she was told the fields would have to be dug up to run the conduits and power after all the work was done. Mr. Stewart said that was his understanding. She said the Recreation Committee reached out to the Light Department who said they were putting together quotes and it would require digging up the fields. Ms. Dembkoski said there was no money in the proposal for lights and conduits; they would have to be approved at town meeting; priorities need to be determined. Mr. Stewart said lights are not a priority; the most important part is to get the field irrigated and built for both the softball and the utility field. Mr. Stewart will contact Mike Houghton from the Recreation Committee who put the specs together. Chair Dunn thought maybe the Light Department could donate the conduits and we could put them and the lights in at a later date. Ms. Dembkoski said the Light Department material costs are \$70K-\$80K.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#16-25 in the amount of \$141,719.63; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-23A in the amount of \$26,089.12; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-25 in the amount of \$430,845.41; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Before proceeding with appointments, Chair Dunn thanked all involved with the dedication of the boat ramp to the Callahan family. He also thanked those who put together a house lighting contest for the town and said positive comments were received.

Selectman Watson made a motion to appoint Susan Nakanishi to the position of Adult Services and Outreach Coordinator at the Langley Adams Library effective December 21, 2015 pending a successful CORI certification; Selectman D'Amore seconded; voted 4-0-0.

Selectman Watson made a motion to appoint Bethany Silva to fill the vacant seat on the Recreation Committee through June 30, 2016; Selectman Wood seconded; voted 4-0-0.

DISCUSSION AND POSSIBLE VOTE:

Fire Truck Continued Discussion – Chair Dunn would like to put it to vote tonight. He said all parties did their due diligence and his option was to let the taxpayers make the decision. Selectman D’Amore met with the Chief and the Truck Committee; the current truck is potentially dangerous in some fashion. The town authorized borrowing, but did not relate the revenue source or a series of cuts. Asking the taxpayers at town meeting to rescind the borrowing authority opens up two ways to buy a truck: debt exclusion or capital exclusion. Selectman Watson wanted to bring it to a vote. He said according to Robert’s Rules of Order it must be dealt with; he called the question and made a motion to move the question. Chair Dunn said we are here to discuss financing only. Selectman D’Amore explained the debt exclusion over 20 years and provided figures. Chair Dunn said at the end the truck will cost \$300K more over a twenty year period. Selectman D’Amore provided approximate capital exclusion figures for one year. He said the board should rescind the borrowing authority voted at town meeting and present it two ways on the ballot. Chair Dunn said he feels we should put the two options on the ballot. Selectman D’Amore said we discussed concepts, had no specifics about whether it would be debt or capital exclusion; we now have the numbers. Ms. Dembkoski said we need to make two motions to have a ballot question in the spring election for two votes: (1) a capital expenditure, or (2) a debt exclusion; it would have to be ratified by town meeting. If the town passes it at the ballot, the town has to ratify it; if the town meeting does not pass it and the election passes it, a special town meeting has to be held to ratify it. It does require both a ballot and town meeting to approve. Numbers cannot be put on the ballot because you cannot borrow the money until it passes; as it gets closer we can show true estimates. Kurt Ruchala (16 Union Street) said the truck is a demo and will more than likely be gone in three months; if we want a similar truck we can go to the town for more money. Chair Dunn will not go back to the town for more money; he does not think it would be fair public relations. Selectman D’Amore asked if we can offer a non-binding letter stating we will purchase it if we get it approved in the spring. Chief Lay did not know, but said they are a little uncomfortable continuing to build to our specs. He asked Ms. Dembkoski about the leasing options. She said the lease purchase for a maximum of ten years is an annual payment of \$87K (not including interest); the payment for borrowing a ten year debt exclusion is \$75K; she does not know if we can do a debt exclusion lease. Chair Dunn said we are going to do debt exclusion and the capital exclusion. Continued discussions in early March were recommended. Chair Dunn made a motion to put two options to the Annual Town Meeting and to the Town ballot. To authorize the purchase of a fire truck for \$750,000, based on the fire department’s selected specifications, by giving the voters the choice of financing by either a debt exclusion or a capital exclusion. Selectman D’Amore seconded; voted 4-0-0.

Fire Department Social Media Policy – Selectman Watson asked why the policy was not passed when it brought before the former board. Selectman D’Amore said he was hoping to get other departments to do one as well or explore having one policy for all departments; no other department came forward; it was forgotten. Ms. Dembkoski said you can’t have a blanket policy. One is needed specific to public safety because they are in situations that other town employees are not. Selectman Watson asked the Chief what was on the social media that would not be allowed under this policy and said most of the material was done by his PR guy. The Chief said this would allow him to govern what the members of the Fire Department do and how they use social media; it would not have stopped his PR firm from issuing the press release that he did and the way it was written. Selectman Watson asked if we could have two policies; one for the department and one for the PR person. Ms. Dembkoski said the board has made it clear to the Chief that they do not approve of those types of comments and the Chief understands that; the Chief said he takes responsibility for what was released; the PR person did not act on his own. The Chief said it is more intended for snapping a photo at an incident and it ending up anywhere it shouldn’t be; photos are extremely dangerous; they are not allowed; they are the property of the department; they are used for investigation and documentation; helmet cameras, video cameras and cell phone use is not allowed. Selectman Watson

thinks the Chief should look at it and tell us what would have been prevented; he also thinks it is very restrictive regarding email monitoring, private instant messaging content, etc., saying that someone's private phone is their business and not subject to being looked at. The Chief said the intent is for someone sitting at the fire station at a fire station computer and going about their business sending email, etc.; we certainly have the right to inspect those files that come out of the town building and network we monitor; it has nothing to do with personal phones or computers at home; that is not the intent of it. Chair Dunn asked why he didn't implement it himself. He said he thought it made good sense to come to the board and tell them that he plans to implement it. Chair Dunn said he has the right to implement it. The Chief thanked the board for the support.

VOTES OF THE BOARD:

Selectman Watson made a motion to approve the November 16, 2015 Meeting Minutes; Selectman D'Amore seconded; voted 3-0-1. Selectman Wood abstained.

Selectman Wood made a motion to approve the following licenses: Groveland Fairways, LLC (156 Main Street), General on premise License; Cedardale Swim Club (20 Bare Hill Road), General on premise License; Tea Garden (904 Salem Street), Restaurant License; Pub 97 (935 Salem Street), Restaurant License; Nichols Village (One Nichols Way), Club License; Gerry's Variety (15 Elm Park), Package Store, Wine & Malt License; Groveland Market (1 Washington Street), Package Store All Alcohol; Rte. 97 Liquors (908-D Salem Street), Package Store All Alcohol; Nierod's, Inc. (192 Main Street) Package Store All Alcohol; Selectman Watson seconded; voted 4-0-0. Nichols Village and Gerry's Variety will be held pending receipt of their Worker's Compensation Certificates.

OLD BUSINESS (Unfinished Business):

Chair Dunn had a discussion with the Harbormaster; he is going to take care of the water's edge out to the ocean. After the first of the year, policies/procedures for a dock master or a person to take care of the land with the Police Department will be created.

Chair Dunn has been working on the Bagnall School; he has the specs for the well; the plan is being prepared to bid off of; the project is moving forward; hopefully to be ready for the spring. The Veto room is moving forward; Ms. Demboski has the revised drawings; she is working them into the bid document. Chair Dunn attended the Planning Board meeting; they voted to go back to Town Counsel to finish the Zoning Bylaw work. Ms. Demboski said Town Counsel estimated fifteen additional hours at \$2,600 to complete the work for town meeting; those funds are available in the Town Counsel budget. She recommended twenty hours in the event they run into any issues. Chair Dunn said there will be public hearings as well as more discussions between boards; there are no zoning changes. Ms. Demboski said what they have left to do is correct the internal citations; make the bylaws internally consistent without any significant revisions, assemble a table of contents and advise in summary form of subsequent issues for consideration. Selectman Wood made a motion to approve twenty hours for town Counsel; Selectman Watson seconded; voted 4-0-0.

The last discussion about land sales was to ask the realtor the cost to do a market evaluation. Ms. Demboski said it would cost approximately \$2,000 to put together a market analysis. He said if he were retained by the town he would credit the \$2,000 back as parcels were liquidated, but it was explained to him that we cannot hire him, we have to go through a public procurement process. If we choose to use his services we would have to see what the \$2,000 specifically covers, and we would also need to find the funding. Chair Dunn asked if we could start working to sell the Salem Street parcel that was worth \$60K/acre. Ms. Demboski said that one parcel is seven parcels; we need to find out what we need to do to sell it as one or break it up as several parcels. Chair Dunn thought to sell it as one parcel would be good. The second phase is to get a list of parcels to see which ones we want to give to him and have him give us

a cost to do an analysis. An email from the realtor said he would value the five lot parcels as either one or two lots and the other two properties on Salem Street as individual parcels; the other two may have been the former highway garage lots; lots 14, 15 and 16 combined could stand on their own as a desirable developable parcel for a smaller garage, office or service oriented use. Since the town will not likely have the parcels subdivided, it would make more sense to market them as a 4+ acre site. Ms. Dembkoski said she and Ms. Murphy can work with Ms. Webster to figure out what can be done with the parcel because there are multiple parcels; how to proceed; we can then we can discuss whether we want a paid market analysis. Chair Dunn said to move forward with that. The old highway department parcel has two parcels (an upper and lower); one is potentially in dispute and resources would be required to look into the title. The parcel closest to Bagnall we may want to keep for future expansion; sell the lower one only.

Chair Dunn heard that the Conservation Commission made a decision not to put the fire pits back because it was the Fire Department's decision and they did not want to be responsible for making a decision and something burning.

Selectman D'Amore said public records are available should anyone want to view the specs and photos of a lower cost option regarding the fire truck.

He also asked if the grills should be an agenda item. Chair Dunn does not think it was the right resolve and thinks the Fire Department should have the final say; it is out of our hands. He suggested signage, permitting, Boy Scouts/Highway Department making sure the leaves were cleaned up, discussed where the grills could go, etc. It sounds like they did not want to overrule the Fire Department. Selectman D'Amore suggested the Chair have a discussion with the Fire Chief. Selectman Watson wants to know what happened to that agreement that the Chairman had worked out with the Fire Department. The Conservation Commission said they have jurisdiction over that piece of property. He would like it researched with Town Counsel and an article be presented on how to take that land back from Conservation and put it back under the control of the BOS where it belongs and let the Selectmen make the decision. He said it was a total embarrassment to the Conservation Commission, the town and the BOS. He also wanted to know why the meeting was not publicized or put on cable. Ms. Dembkoski said Tracy Gilford films on Monday nights; the rest of the week there is only one videographer. The night in question there were two meetings. Selectman Watson is the liaison and will see about getting another person.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from November 23, 2015
2. Minutes from November 30, 2015
3. FY17 Budget Packages
4. Thank you letters from the Conservation Commission to Chesterton and the Highway Department

FINANCE DIRECTOR'S TIME

Ms. Dembkoski said beginning in January the American Legion will be meeting in the Fire Station meeting room. They will work with the Bagnall School should they have a function and need the space for both the seniors and American Legion.

The BOH requested that their recycle calendars go in with the January tax bill. The board had no objections.

The Community Compact signing with Lieutenant Governor Polito will take place December 15th at 11:30 a.m. at the Newbury Town Hall; all board members are welcomed to attend. She and Chair Dunn will be in attendance.

The order to proceed on the Route 97 project was received; the project will be getting underway in the near future. There is still approximately \$48K in easement payments; people have not provided the paperwork to pick it up. The legal requirements are strict; if they have mortgages, the mortgage is the rightful owner of the easement payment, so they either need the mortgage company to sign off and say the homeowner is entitled to it or turn it over to the mortgage company.

There is an issue with a licensee in town. 929 Salem Street has been operating without a license to sell used automobiles. The business owner approached the town in December 2014 asking for the paperwork, was provided with it, but never fully complied with the requirements. He came in several times, the paperwork was not fully completed, he did not provide everything; therefore, he was never given a license. We received a bond cancellation notice from his insurance company for non-payment of premiums on his used car insurance. He had been previously summoned to court on the same violation for selling cars on his property. He claims he is selling them for someone else, but regardless, they are being sold on his property without a legal license to do so. He has a license for auto body work but not a license to sell. Chair Dunn said to put him on the next agenda. Selectman Watson requested that he bring his used car record book.

Selectman MacDonald could not be here this evening but wanted to wish all the residents a Merry Christmas.

SELECTMEN'S TIME:

Selectman Watson said he and Chair Dunn attended the Washington Hall open house; they did a fantastic job and said everyone should look at it; he thanked Claire Walsh and her crew.

The next meeting will be held Monday, December 28th at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman Wood seconded; voted 4-0-0. The meeting was adjourned at 8:31 p.m.

*** Approved on January 11, 2016 by a vote of 4-0-1 with Selectman MacDonald abstaining ***