

Groveland Board of Selectmen
Meeting Minutes
December 28, 2015

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

Absent: Selectman Ed Watson

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:30 p.m.

RESIDENT/PUBLIC COMMENTS – There were no public comments tonight.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#16-27 in the amount of \$131,930.95; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-25A in the amount of \$24,282.34; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-27 in the amount of \$320,325.46; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-27C in the amount of \$708,339.92; Selectman D'Amore seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Wood made a motion to appoint James R. Morton to the position of Reserve Police Officer effective December 28, 2015 to June 30, 2016; Selectman D'Amore seconded; voted 3-0-0.

Selectman MacDonald arrived.

Selectman Wood made a motion to appoint Jan Voogd to the position of Interim Library Director at the Longley Adams Library for a period of no less than three months up to three years as allowed by the Mass Board of Library Trustees effective January 4, 2016 pending a successful CORI certification; Selectman MacDonald seconded; voted 4-0-0.

DISCUSSION AND POSSIBLE VOTE:

Council on Aging (to update on site location for possible Senior Center) – Anita Wright (Public Health Nurse and COA Board Member) expressed in an editorial form the chronology from 1995 to date for the board to better understand the issues. Proposals were presented to the BOS in 1995, 2000, 2006, 2008 and 2014. In 2006 discussions developed with the Groveland Housing Authority and the Affordable Housing Committee regarding a multi-use facility. In 2007 they were authorized to spend \$5,000 for architectural design plans for the ¾ acre lot behind the Public Safety Building and The Rivers Pines; completed plans were submitted in 2008. There are 6,381 residents; 1,860 are over age 60. In June 2015 they came to the BOS to present the MVRT extension plans for approval and consideration and discuss the urgent need for space. They toured the light building as asked; the Building Inspector submitted his findings. When she asked to be put on the 12/28 agenda, she found out that the land was promised to Affordable Housing in March of 2015 by the Selectmen; no one advocated or mentioned it to the COA. She said the board knew and gave away a ¾ acre lot for an anticipated 27 units at \$10 million and said that action was unconscionable. They are requesting the board withdraw the vote and reexamine it; rescinding the vote and

awarding it back to the COA, for which they believe was misappropriated, would rectify the problem. She offered suggestions to the board: (1) order an immediate cease and desist of any and all activities until all parties can discuss the issues and rights and seek equitable resolutions of the conflict it has caused and restore damage to relationships; (2) develop a master plan flow chart that marks the trends and actions of all development, transactions, construction and capital investment in the town and cross-referenced before making decisions; and (3) the Selectmen or an appointee undertake an immediate review and evaluation of space and office use at town hall; several contiguous offices are under-utilized and/or used as storage; the COA must have more space; possibly consider temporary manufactured offices or storage facilities. She said they are most willing to work towards a solution going forward; they are not going away.

Chair Dunn said he has tried and it has been on his agenda to find a location. He said Mr. Adams came before the board and pulled the plans off the table for the housing and elderly because of financing. Chair Dunn said he has not been involved with anything going on that parcel; he did not know it was earmarked for anything other than housing; when it was pulled back, all discussions stopped. Selectman MacDonald said we have buildings; whether or not we need to raise funds, we need a collaborative effort. He asked how they propose to get the money. Ms. Wright said the same way the fire truck is going to be funded. Lynne Stanton said they are seeking a commitment from the BOS for that parcel of land that was already allocated to them years ago in order to obtain funding. Ms. Dembkoski said when Bruce Adams withdrew she believes he withdrew from town meeting, not the location. She said the BOS did grant the land to Affordable Housing in March, but the board has the right to reconsider previous votes. Debby Webster said the Affordable Housing Committee drafted the original Affordable Housing Plan that was accepted by the state and recorded in 2004. The $\frac{3}{4}$ acre site is #2 on the list for putting 20 additional affordable housing units. In talks with the COA needing a senior center, they paid for a feasibility study in 2006 and attempted a joint effort with both affordable housing and senior center but because the way the Federal Housing Grant works, they could not put a senior center on the property; they would lose funds. There was never any further consideration for a senior center on the property (while she was on the Committee). Ms. Stanton clarified that the combination affordable housing through HUD as an expansion combination facility was talked about years ago but not possible to do a mixed use facility. She said a survey in was done in 2008. Selectman D'Amore thanked her for her presentation but would object to the part that suggested he harbored specific knowledge that that property was to be used for COA; studies were done to see if it would work. He felt that based on the amount of money that was spent on the studies he would be in favor of affordable housing for which there is a critical need in the town; we need to work on fulfilling our obligation for the state or potentially lose state aid. He would like to see alternative spaces around town hall where a 5,700 square foot building could be built. Selectman MacDonald said to get the HUD money you couldn't select the people you want in the affordable housing; we're going to be a welfare magnet in Groveland. Ms. Wright said that was in an inappropriate comment. Ms. Webster said that he was a Selectman in this town and there are a lot of people who meet the criteria of welfare; we are a blue collar hard working town and she is insulted by his comment. Selectman MacDonald said it is her prerogative. Ms. Webster said 40B has been in place since 1964. She further said if he didn't like the Commonwealth of Massachusetts' rules, we live in the United States of America, and he can always move to another state. Selectman MacDonald says he hears from his constituents that they do not want a welfare magnet here in town.

Ms. Dembkoski suggested the board invite the Affordable Housing Committee to see what they have done in the last year since they tabled the prior article and to see if they have done anything since March on that land or proposal. Ms. Wright apologized to Selectman D'Amore for offending him. She said every resident has the right, whether a board is new or not, and before a vote is taken regarding land, acquisition, etc., that some work is appreciated regarding the details that went into it; the failure to do that is what she objected to. They will meet with Affordable Housing before meeting again with the BOS. Ms. Webster suggested a non-binding question be put on the ballot. Chair Dunn said they need to come back and tell us where they want it so we can stop looking at other options. They were thanked for coming in.

150 Center Street Discussion (Bussing Property) – Selectman MacDonald said we were going to see hypothetically if some of the property was sold could it be used to pay the debt exclusion, what is the timeline on the bond, and can it be prepaid without a penalty. Ms. Dembkoski said any money made on tax exempt bonds is limited to IRS guidelines; any money made from the sale of any part of that property has to go into an escrow account to offset debt service. A paying agent would be hired; they would make the escrow payment with the funds to the appropriate party who bought the bonds; we would pay the remainder of what we have to pay. The bond is not callable any time soon. She wanted to clarify with Mike Dempsey what is acceptable with the state agency that oversees CPA funds. Mr. Dempsey said they needed Town Counsel’s opinion to see if any of the portions of the proposal that involve CPA funds would be possible to use. Ms. Dembkoski said she did not contact Town Counsel because there was confusion. Selectman MacDonald said direct use of CPA funds is not allowed, but if structured legally, Conservation restrictions can be acquired. If a holding company land trust or a non-profit corporation would purchase a parcel of land from the town, CPA would go through the process to approve it, and CPA funds could be used to pay for the affordable housing or restriction; legal opinion is needed. Mr. Dempsey said we need Town Counsel opinion on the Community Housing and Open Space portions of the proposal. Chair Dunn said Ms. Dembkoski will research the commercial part about selling it, talk to Town Counsel to see if the Essex County Greenbelt would work, and then we can see about carving it up. Selectman D’Amore said we need a legal opinion if the incidence of ownership reverts back to the town to create a charitable or non-profit organization; but it is really the town that owns it or controls directorship. Chair Dunn said hopefully we will have the answers we need for the next time we discuss this issue.

While on the subject of land, Ms. Dembkoski said the Highway Department would like to know if they can have 100’ of extra space for composting behind their building.

Because there was concern about building on the aquifer, Mr. Dempsey would like to hear from an expert on aquifers so the board can make an informed decision on whether or not is it a good idea to build community housing on top of it, is it a good idea to have commercial buildings even if they are as far away as possible from the wells, and if so, are there any other mitigating things we should use, e.g., regulations, sewers vs. septic systems, etc. Chair Dunn said the Chesterton commercial building is in the aquifer and it is one the safest commercial properties. Mr. Dempsey also said they received a \$200K grant from the National Park Service for signage. A requirement is that signs have to be put on a public street and he wants to put it at the entrance to 150 Center Street and remove the “No Trespassing” sign. Selectman MacDonald made a motion to take down the “No Trespassing” sign and put up the “Center Street Greenway” sign; Selectman Wood seconded; voted 4-0-0.

VOTES OF THE BOARD:

Selectman D’Amore made a motion to approve the November 23, 2015 and November 30, 2015 Meeting Minutes; Selectman Wood seconded; voted 3-0-1.

Selectman Wood made a motion to approve the following Common Victualler License renewals: Pentucket Regional School District (253 Main Street); Conservation Commission (201 Washington Street); Cedardale Swim & Tennis Club Groveland, Inc. (20 Bare Hill Road); Nichol’s Village (One Nichol’s Way); Ultimate Perk Coffee Co., Inc. (921 Salem Street, formerly Café 97); Robert Arakelian d/b/a Groveland Fairways (156 Main Street); J&S Restaurant Corp. d/b/a Tea Garden Restaurant (904 Salem Street); Pizza Grove, LLC (990 Salem Street); LPM Holding Co., d/b/a Epicurean Feast at Chesterton (860 Salem Street); Poth Pizza, LLC d/b/a Deleo’s Pizza (180 Main Street); Michael H. Conley d/b/a Groveland Diner (One Elm Park); Terry Clifford, T&B Clifford d/b/a Pub 97 (935 Salem Street); F&M Co., LLC d/b/a Your Place and Ours (8 Elm Park); Jeff and Maria’s Ice Cream & Food (928 Salem Street) pending receipt of applicable paperwork and requirements; Selectman D’Amore seconded; voted 4-0-0.

Ms. Dembkoski brought to the attention of the board issues with two of the Class II auto licenses and asked the board to allow her to send a letter to them reiterating what their licenses call for. Greenwood Auto Body – their license clearly states that no wrecked vehicles may be in sight; there are wrecked vehicles on the side of their property which is in violation of their permit; she wants to let them know that when they applied that stipulation was put in place. Chair Dunn said they had come before us about parking and a letter should have been sent for him to clean it up; it was; she will let him know they will start enforcement on it. Auto Repairs Etc. – their vehicles have been slowly been creeping out on the sidewalk, impeding it, which is a violation of their permit. Selectman D’Amore made a motion to approve the following Class II Used Car License renewals: South Salem St. Corp. d/b/a Price-Rite Automotive (737 Salem Street); Greenwood Auto Body, Richard Alan Greenwood (863 Salem Street); Groveland Auto Repair and Sales, Inc. (944 Salem Street); Auto Repairs Etc. (923 Salem Street) pending receipt of applicable paperwork and requirements, and letters sent as discussed; Selectman Wood seconded; voted 4-0-0.

Selectman D’Amore made a motion to approve a One-Day Liquor License for the Pentucket Education Foundation Fundraiser at Veasey Park on January 30, 2016 between the hours of 7PM and 11PM; Selectman Wood seconded; voted 4-0-0.

OLD BUSINESS (Unfinished Business):

Chair Dunn received a letter from Boy Scouts Troop 87 asking for a meeting with himself, the Fire Chief, and a family of the Boy Scouts. He asked if the board if they wanted him to have the meeting. Selectman MacDonald was in favor. Chair Dunn said he will meet with them and find out the Chief’s findings. If the findings are to put the grills back, he will have him write a letter to the Conservation Commission. Selectman MacDonald talked about Selectman Watson wanting to know what restrictions were on the property and how to remove those. Ms. Dembkoski said Ms. Murphy met with Mr. Dempsey and has information, but because it was not an agenda item, she did not want to present it tonight.

Selectman MacDonald asked the status of the Zoning Bylaws. Ms. Dembkoski said the board discussed it at the last meeting, the Chair met with the Planning Board, talked about what was needed, and the board agreed to give them fifteen additional hours to finish; Town Counsel is planning on January 9th.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from December 14, 2015
2. Letter to Edward Cordiero requesting he meet with the board to discuss the selling of used automobiles without a Class II License.

FINANCE DIRECTOR’S TIME

Ms. Dembkoski said Mr. John Lennon (Cannon Hill Road Ext.) came in after the last board meeting regarding the discussion on the volunteer party. He offered a donation of \$100 towards the party and challenges the board to make a donation towards it as well.

SELECTMEN’S TIME:

Selectman MacDonald would like the rail trail to come before the BOS to let us know what they did with the \$300K that was appropriated. Ms. Dembkoski said they were going to come to a December meeting but were not ready with their completion of the phase they are working on. She can provide Selectman MacDonald with that information since she tracks all CPA spending. The majority of the money is going to an engineer (Fay, Spofford & Thorndike). He asked if it was a fair public procurement process; it was, the criteria was ranked and evaluated. They will be asked to attend the next meeting. He also said he sees a potential conflict with the easements rights relative to the rail trail and a potential deal with the owner of

441 Main St. Ms. Dembkoski said Town Counsel is involved with the 441 Main St matter. All parties were informed that any communication must be facilitated through her so she can get Town Counsel involved before any discussions or deals take place. Any settlement has to come before the BOS so they can't agree to any kind of settlement without the board's approval.

Chair Dunn said the equipment and wood chips are in at Washington Park. The playground is set up; is open to the public; there will be a grand opening in the spring. They have not met to discuss the parking lot; \$98K will be left. The initial CPA proposal was that the Washington Park group would do in-kind donations of approximately \$20K, but their donations were going to be putting the playground together. We felt that was not in the best interest of those using the playground so they decided their donations would be in other forms such as spreading the mulch; they will donate the score board. There is some electrical work to do.

The Pines Harbormaster situation will be discussed. The Recreation Committee asked if we could make sure their CPA project is being pushed forward; they feel it is being stalled. Ms. Dembkoski is working on it. She is also working on the Veto project and said it is difficult with procurement going from one project to another because the laws are different; she prefers to complete one project before starting another. She said it is extremely busy; nothing is being held up.

Selectman D'Amore asked if there was any information on the regional school budget; no.

Ms. Dembkoski asked if the board received her email regarding Essex Agricultural Technical. The assessment is higher than they were told because they added more students; approximately \$60K will have to be found this fiscal year.

The Chair wished everyone a Happy New Year on behalf of the Board of Selectmen.

The next meeting will be held Monday, January 11, 2016 at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman Wood seconded; voted 4-0-0. The meeting was adjourned at 9:00 p.m.

***** Approved 4-0-1, Selectman Watson abstained, on January 25, 2016 *****